LAWS—NEW JERSEY
1984

New Jersey State Library

ACTS

OF THE

First Annual Session

OF THE

Two Hundred and First Legislature

OF THE

STATE OF NEW JERSEY

AND

Thirtieth Under the New Constitution

New Jersey State Library

1984

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

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† Sworn in 9/20/84.

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LAWS

ACTS

ENACTED BY THE

First Annual Session

OF THE

Two Hundred and First Legislature

CHAPTER 1

AN ACT concerning automobile insurance, amending P. L. 1944, c. 27, and amending and supplementing P. L. 1983, c. 65.

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

C. 17:29A-37.1 Flat charges.

1. (New section) a. All flat charges (also referred to as flat capitation fees or policy constants but not including premiums for uninsured motorist or towing coverage, or flattened tax and expense fees implemented pursuant to section 8 of P. L. 1983, c. 65 (C. 17:29A–37), adopted by order of the Commissioner of Insurance for use by all filers, as defined in section 1 of P. L. 1944, c. 27 (C. 17:29A–1), writing private passenger automobile insurance in the voluntary and residual markets, which are collected on a per car and per coverage basis on automobile insurance policies issued or renewed in the voluntary or residual market with an effective date of January 1, 1984 or thereafter, shall be paid to the New Jersey Automobile Full Insurance Underwriting Association for use for association purposes. All moneys collected from the flat charges shall be certified to by the filers, including servicing carriers of the association, and transferred, net of a pro rata portion of any producer commissions and all premium taxes payable thereon, and company expenses or servicing carrier compensation deductible therefrom, to the association in accordance with the provisions of this subsection and the association's plan of operation. No other expenses shall be payable to or deductible from the flat charges

transferable to the association in accordance with the provisions of this subsection, and no servicing carrier shall be entitled to any servicing carrier compensation from moneys collected from flat charges on voluntary market policies and transferable to the association.

Flat charges collected under this subsection shall be transferred to the association within 10 days of the close of the month of receipt by the insurer or servicing carrier. In the case of policy premiums paid in accordance with a payment plan or other installment basis, the insurer shall, within 10 days of the close of the month of receipt of payment, transfer to the association a proportionate share of the total flat charges on the policy, based on the payment schedule or amount of payment received.

b. Flat charges collected on any automobile insurance policy written in the voluntary or residual market with an effective date prior to January 1, 1984, the policy term of which, however, extends into 1984, shall be retained by the insurer or filer; except that if a policy subject to this subsection has been canceled for reasons other than nonpayment of premium, the insurer or filer shall retain only that portion of the flat charges earned on the policy up to the date of cancellation and shall return any unearned remainder to the policyholder in the same manner as other unearned premiums.

Flat charges shall not be deemed to include any moneys collected from any residual market equalization charge levied pursuant to section 20 of P. L. 1983, c. 65 (C. 17:30E–8).

Flat charges collected in accordance with subsection a. of this section shall be considered in determining taxable premiums in accordance with P. L. 1945, c. 132 (C. 54:18A–1 et seq.), but shall not be considered in determining excess profits in accordance with section 2 of P. L. 1983, c. 357 (C. 17:29A–5.3).

2. Section 6 of P. L. 1983, c. 65 (C. 17:29A–35) is amended to read as follows:

C. 17:29A-35 Merit rating plan.

6. a. A merit rating accident surcharge system for private passenger automobiles may be used both in the voluntary market and by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P. L. 1983, c. 65 (C. 17:30E–4). No surcharges for damage to any property shall be imposed on or after the operative date of this act, unless there is an accident within a three year period immediately preceding the

effective date of coverage which results in payment by the insurer of at least a $300.00 property damage liability claim or any payment by the insurer of a bodily injury claim arising out of a collision of a private passenger automobile with a pedestrian. All moneys collected under this subsection shall be retained by the insurer assessing the surcharge. Accident surcharges shall be imposed for a three year period and shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

b. There is created a New Jersey Merit Rating Plan which shall apply to all drivers and shall include, but not be limited to the following provisions:

(1) (a) Plan surcharges shall be levied, beginning on or after January 1, 1984, by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three year period, beginning on or after January 1, 1983, six or more motor vehicle points as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions for which surcharges are levied under paragraph (2) of this subsection; except that the allowance for a reduction of points in Title 39 of the Revised Statutes shall not apply for the purpose of determining surcharges under this paragraph. Surcharges shall be levied for each year in which the driver possesses six or more points. Surcharges assessed pursuant to this paragraph shall be not less than $100.00 for six points, and not less than $25.00 for each additional point. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of subsection d. of this section and P. L. 1983, c. 65 (C. 17:29A–33 et al.), and may, pursuant to regulation, permit the deferral of all or part of any surcharges authorized by this subsection until the end of the policy term of an automobile insurance policy with an effective date prior to January 1, 1984, upon presentation of appropriate evidence that an insured has already paid an equivalent surcharge arising from the same motor vehicle violation or conviction.

(b) (Deleted by amendment, P. L. 1984, c. 1.)

(2) Plan surcharges shall be levied for convictions under R. S. 39:4–50 or section 2 of P. L. 1981, c. 512 (C. 39:4–50.4a), or for offenses of a substantially similar nature committed in other jurisdictions, for violations occurring on or after January 1, 1983. Surcharges under this paragraph shall be levied annually for a three year period, and shall be not less than $1,000.00 per year for each of the first two convictions, and not less than $1,500.00 per year

for the third conviction occurring within a three year period. If a driver is convicted under both R. S. 39:4–50 and section 2 of P. L. 1981, c. 512 (C. 39:4–50.4a) for offenses arising out of the same incident, the driver shall be assessed only one surcharge for the two offenses. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of subsection d. of this section and P. L. 1983, c. 65 (C. 17:29A–33 et al.), and may, pursuant to regulation, permit the deferral of all or any part of these surcharges as provided in paragraph (1) (a) of this subsection.

If, upon written notification from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the Division of Motor Vehicles; except that upon satisfactory showing of indigency, the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed six months.

All moneys collectible under this subsection shall be billed and collected by the Division of Motor Vehicles. Of the moneys collected, 80% shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association, and 20% shall be retained, for administrative expenses, by the Division of Motor Vehicles and turned over to the State Treasury for deposit in a special account to be used by the Division of Motor Vehicles, as may be necessary, to modernize its operations and improve its effectiveness and efficiency in order to discharge its statutory obligations. Any moneys in the special account at the end of a fiscal year shall be transferred to the General Fund for use for general State purposes. Moneys shall be appropriated annually to the special account.

(3) In addition to any other authority provided in P. L. 1983, c. 65 (C. 17:29A–33 et al.), the commissioner, after consultation with the Director of the Division of Motor Vehicles, is specifically authorized (a) to increase the dollar amount of the surcharges for motor vehicle violations or convictions, (b) to impose, in accordance with paragraph (1) (a) of this subsection, surcharges for motor vehicle violations or convictions for which motor vehicle points are not assessed under Title 39 of the Revised Statutes, or (c) to reduce the number of points for which surcharges may be assessed below the level provided in paragraph (1) (a) of this subsection, except that the dollar amount of all surcharges levied

under the New Jersey Merit Rating Plan shall be uniform on a Statewide basis for each filer, without regard to classification or territory.

c. No motor vehicle violation surcharges shall be levied on an automobile insurance policy issued or renewed on or after January 1, 1984, except in accordance with the New Jersey Merit Rating Plan, and all surcharges levied thereunder shall be assessed, collected and distributed in accordance with subsection b. of this section.

d. The dollar amount of all motor vehicle conviction surcharges shall be at least equivalent to the differential between the rates charged to insureds as promulgated by the rating bureau which files rates for the greatest number of insurers in the voluntary private passenger automobile insurance market in this State and the Supplement I rates in use as of December 31, 1982 by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1), and the amount collectible under the motor vehicle conviction surcharge system in use by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1 et seq.) prior to the implementation of this act; except that in the first year of operation of the New Jersey Automobile Full Insurance Underwriting Association, the dollar amount of all motor vehicle surcharges shall be sufficient to eliminate the need for imposition of a residual market equalization charge authorized under section 20 of P. L. 1983, c. 65 (C. 17:30E–8).

e. The Commissioner of Insurance and the Director of the Division of Motor Vehicles, as may be appropriate, shall adopt any rules and regulations necessary or appropriate to effectuate the purposes of this section.

3. Section 20 of P. L. 1983, c. 65 (C. 17:30E–8) is amended to read as follows:

C. 17:30E-8 Sources of income.

20. a. The association shall derive income from the following sources for the payment of expenses, losses, and the provision of adequate, actuarially sound reserves for unpaid losses and loss adjustment expenses, including incurred but not reported losses, in connection with association business: (1) net premiums earned; (2) income generated from any association accident surcharge system permitted or required by law; (3) that percentage of surcharges collected by the Division of Motor Vehicles and deposited with the association pursuant to subsection b. of section 6 of the "New

Jersey Automobile Insurance Reform Act of 1982" (P. L. 1983, c. 65; C. 17:29A–35); (4) income collected by members of the association and by the association from the residual market equalization charge or flat charges (also referred to as capitation fees or policy constants, but not including premiums for uninsured motorist or towing coverage, or flattened tax and expense fees implemented pursuant to section 8 of P. L. 1983, c. 65 (C. 17:29A–37)) levied on a per car and per coverage basis; and (5) income from investment of moneys collected pursuant to paragraphs (1), (2), (3) and (4) of this subsection. Residual market equalization charges collected on behalf of the association shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation. No producer commissions or premium taxes shall be paid on, or company expenses or servicing carrier compensation deducted from, the residual market equalization charge. All premiums received by servicing carriers on behalf of the association, net of commissions paid, net of all premium taxes, and servicing carrier compensation, shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation.

All claims and claim expense payments paid on association business shall be disbursed by the servicing carriers or the association through drafts drawn on association funds in accordance with the plan of operation. Servicing carriers, as agents of the association, shall have no individual liability on claims or policies written by the association.

b. At least annually, the board shall file its experience with the commissioner, which experience shall include the projected income, expenses, losses and reserve requirements of the association for the ensuing year, any adjustment in previously established reserves for unpaid losses and loss adjustment expenses necessary to make such reserves adequate and actuarially sound, and the initial filing shall include the experience of the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1). Except in the case of the initial or other filing applicable to the first year of operation of the association, the board shall include in its filing with the commissioner, for his approval, a computation of the residual market equalization charge per insured vehicle to be collected by each member from its voluntary insureds, exclusive of principal operators 65 years of age or older, and by each servicing carrier

from association insureds, exclusive of principal operators 65 years of age or older, to offset the anticipated losses of the association.

At the end of the first 12 months of the operation of the association and at least annually thereafter, the board shall also include in its filing with the commissioner a review of the previous year's experience, setting forth the income, losses, and reserve requirements, including any adjustment in previously established reserves for unpaid losses and loss adjustment expenses necessary to make such reserves adequate and actuarially sound, and expenses of the association during the previous year. If a profit is found by the commissioner to have been realized, such amount shall reduce the residual market equalization charge levied on policyholders pursuant to subsection d. of this section. If a loss is found by the commissioner to have occurred, such amount shall increase the charge levied on policyholders pursuant to subsection d. of this section. The filing shall be accompanied by such statistics and other information as the commissioner may deem necessary. The commissioner shall, within 60 days of such filing, approve or disapprove the filing. Failure to act within 60 days shall be deemed approval of the filing, except that the running of the 60-day period shall be tolled by a request for additional information by the commissioner or until the association notifies the commissioner that it will not provide such additional information, together with the reason for not supplying the information. Failure to comply with a reasonable request for information may be a ground for disapproving all or part of the filing. If the commissioner disapproves all or part of the filing, he shall state the reasons for such disapproval, and indicate such portion of the filing he approves. Such disapproval shall be subject to review by the Appellate Division of the Superior Court.

c. The residual market equalization charge last approved by the commissioner shall continue to apply while the application for the revised charge is being processed by the commissioner pursuant to this section.

d. The residual market equalization charge per insured vehicle shall be collected following the effective date of such approval, by the insurer from its policyholders, exclusive of principal operators 65 years of age or older, on a uniform net direct car year of liability exposure basis and a net direct car year of physical damage exposure basis. Any insurer or rating organization making a residual market equalization charge pursuant to this subsection shall, 15

days prior to the date of the implementation of the proposed rate adjustment, make an informational filing with the commissioner, documenting compliance with the established method of distributing such residual market equalization charge.

e. Any insurer licensed to transact automobile insurance after the effective date of this act shall become a member of the association upon receiving such license and the determination of any such insurer's participation in the association shall be made as of the date of such membership in the same manner as for all other members of the association.

f. For purposes of this section and any other applicable provision of law, the residual market equalization charge shall not be considered insurance premium unless otherwise specifically provided therein.

4. Section 2 of P. L. 1983, c. 65 (C. 17:29A–34) is amended to read as follows:

C. 17:29A-34 Intent, purpose.

2. It is the intent and purpose of this act:

a. To require each insurer to apply on a flat and uniform fee basis per insured automobile Statewide its miscellaneous taxes, licenses, fees and at least 90% of its general expenses and acquisition, field supervision, and collection expense portions of the premium, excluding commissions.

b. To require that each insurer flatten the tax portion of the automobile insurance premium paid pursuant to P. L. 1945, c. 132 (C. 54:18A–1 et seq.) and certain assessments made pursuant to sections 4, 6 and 7 of P. L. 1952, c. 174 (C. 39:6–64, 39:6–66 and 39:6–67) on a flat uniform fee basis per insured automobile Statewide.

c. To establish the New Jersey Merit Rating Plan for convictions for motor vehicle violations and an accident surcharge system for motor vehicles, based on criteria set forth in this act.

d. To require that automobile insurance rates charged any insured shall not exceed certain average rates, as determined in the act.

e. To provide that every senior citizen will receive the benefit of at least a 5% rate reduction as a result of this act.

f. (Deleted by amendment, P. L. 1984, c. 1.)

g. To establish a time guideline to assist in speeding the rate review process for all property and casualty lines, including auto-

mobile insurance, and to provide that a filing shall be deemed approved unless disapproved by the commissioner within the specified time.

h. To provide for higher deductibles on collision and comprehensive coverage, an increase in uninsured motorist coverage, and underinsured motorist coverage for private passenger automobile insurance.

i. To provide the funds necessary to modernize the operations and improve the effectiveness and efficiency of the Division of Motor Vehicles so as to permit the division to discharge its statutory obligations relating to the automobile insurance system.

j. To provide by the enactment of all these reforms that automobile insurance will be affordable, available, and more equitable to the motorists of this State, and, in conjunction therewith, to create a study commission to evaluate the automobile insurance market and issue a report and its recommendation thereon within three years of the operative date of this act.

5. Section 14 of P. L. 1944, c. 27 (C. 17:29A–14) is amended to read as follows:

C. 17:29A-14 Change in rates; hearing.

14. a. With regard to all property and casualty lines, a filer may, from time to time, alter, supplement, or amend its rates, rating-systems, or any part thereof, by filing with the commissioner copies of such alterations, supplements, or amendments, together with a statement of the reason or reasons for such alteration, supplement, or amendment, in a manner and with such information as may be required by the commissioner. If such alteration, supplement or amendment shall have the effect of increasing or decreasing rates, the commissioner shall determine whether the rates as altered thereby are reasonable, adequate, and not unfairly discriminatory. If the commissioner shall determine that the rates as so altered are not unreasonably high, or inadequate, or unfairly discriminatory, he shall make an order approving them. If he shall find that the rates as altered are unreasonable, inadequate, or unfairly discriminatory, he shall issue an order disapproving such alteration, supplement or amendment.

b. (Deleted by amendment, P. L. 1984, c. 1.)

c. If an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may,

or upon the request of the filer or the Public Advocate shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself or by the Office of Administrative Law, created by P. L. 1978, c. 67 (C. 52:14F–1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held. The hearing shall be held on consecutive working days. If the hearing is conducted by an administrative law judge, the administrative law judge shall submit his findings and recommendations to the commissioner within 30 days of the close of the hearing. A decision shall be rendered by the commissioner not later than 60 days from the close of the hearing. A filing shall be deemed to be approved unless rejected or modified by the commissioner within the time period provided herein.

(2) The commissioner, or the Director of the Office of Administrative Law, as appropriate, shall notify all interested parties, including the Public Advocate on behalf of insurance consumers, of the date set for commencement of the hearing, on the date of the filing of the request for a hearing, or within 10 days of the decision that a hearing is to be held.

(3) The insurer or rating organization making a filing on which a hearing is held shall bear the costs of the hearing.

(4) The commissioner may promulgate rules and regulations (a) to establish standards for the submission of proposed filings, amendments, additions, deletions and alterations to the rating system of filers, which may include forms to be submitted by each filer; and (b) making such other provisions as he deems necessary for effective implementation of this act, except that all requests for information shall be limited to the kinds of detail required by the commissioner under section 5 of P. L. 1944, c. 27 (C. 17:29A–5).

d. (Deleted by amendment, P. L. 1984, c. 1.)

6. Section 18 of P. L. 1983, c. 65 (C. 17:30E–6) is amended to read as follows:

C. 17:30E-6 Plan of operation.

18. a. Within 90 days after the organizational meeting, unless after the sixtieth day, but not later than the seventieth day, following the organizational meeting, the commissioner for good cause grants an additional period not to exceed 30 days, the board shall file with the commissioner for his approval a proposed plan of

operation, consistent with the provisions of this act, which shall provide for the prompt and efficient provision of automobile insurance to qualified applicants. The plan of operation shall provide for, among other matters, methods and means for the collection, investment and disbursement of funds; methods and standards for the establishment of adequate, actuarially sound reserves for unpaid losses, including provision for incurred but not reported losses; reasonable and adequate commissions to producers; protection of the interests of producers of record without a contractual relationship with a voluntary market member company; procedures and methods for issuing policies on behalf of the association; the method for determining and means of assessing the liability of an insurer which ceases to transact automobile insurance in this State with respect to business transacted prior to the effective date of its termination of membership; minimum requirements for the selection and performance of servicing carriers; minimum requirements for the performance of producers; reasonable and adequate compensation of such servicing carriers; procedures for matching producers with servicing carriers; the methods and procedures for notifying directors of the time and place of board meetings; and the phasing out of the plan for the providing and apportionment of automobile insurance pursuant to section 1 of P. L. 1970, c. 215 (C. 17:29D–1), in a manner which will minimize the shifting of insureds among carriers, except that nothing herein shall be interpreted to affect the provisions of P. L. 1968, c. 158 (C. 17:29C–6 et seq.).

b. The plan of operation adopted by the board shall be submitted to the commissioner for his review and approval. If the commissioner approves the proposed plan, he shall certify such approval to the directors and said plan shall take effect on the date certified by the commissioner. 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 recommendations or 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 or if the directors do not submit 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 on the date certified by the commissioner.

c. The directors of the association may amend the plan of operation at any time, subject to approval by the commissioner.

d. The commissioner shall annually review the plan of operation and, not later than April 1, 1985 and not later than April 1 of each year thereafter, shall approve or amend the plan of operation; and any amendments to the plan adopted by the commissioner pursuant to the annual review shall be binding on the board as of the effective date of the amendments. The commissioner may review the plan of operation at any other time, and may propose amendments to the board. If the board does not adopt amendments acceptable to the commissioner within 30 days, the commissioner may certify amendments and their effective date to the board.

e. Any order of the commissioner with respect to the plan of operation, or any amendment thereto, shall be subject to review by the Appellate Division of the Superior Court.

7. This act shall take effect immediately and shall be retroactive to January 1, 1984.

Approved January 26, 1984.

CHAPTER 2

AN ACT concerning the acquisition of control of public utilities, and supplementing Title 48 of the Revised Statutes.

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

C. 48:2-51.1 Acquisition of control.

1. No person shall acquire or seek to acquire control of a public utility directly or indirectly through the medium of an affiliated or parent corporation or organization, or through the purchase of shares, the election of a board of directors, the acquisition of proxies to vote for the election of directors, or through any other manner, without requesting and receiving the written approval of the Board

of Public Utilities. Any agreement reached, or any other action taken, in violation of this act shall be void. In considering a request for approval of an acquisition of control, the board shall evaluate the impact of the acquisition on competition, on the rates of ratepayers affected by the acquisition of control, on the employees of the affected public utility or utilities, and on the provision of safe and adequate utility service at just and reasonable rates. The board shall accompany its decision on a request for approval of an acquisition of control with a written report detailing the basis for its decision, including findings of fact and conclusions of law.

2. This act shall take effect immediately.

Approved February 1, 1984.

CHAPTER 3

AN ACT concerning county and municipal budgets for the 1984 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for 1984 shall be as follows:

a. The governing body shall introduce and approve the annual budget:

(1) In the case of a county, not later than March 2 of the fiscal year; and

(2) In the case of a municipality, not later than March 16 of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 30, and in the case of a municipality not later than April 24 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of

taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1984 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than May 7 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 7 of the fiscal year, the board shall immediately notify the director of that failure.

c. Immediately upon receipt of the director's certificate and in any event on or before May 14 of the fiscal year, the county board of taxation 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 has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 14 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 14 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1984 shall be extended from April 10 to May 15.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 15 due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk and tax collector of the affected municipality.

4. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1984 budget, shall, by resolution, adopted prior to March 1, 1984, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4–19, to provide for the period between

February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1984 budget. The total of the appropriations so made shall not exceed 1/12 of the total of the appropriations made for all purposes in the budget for the 1983 fiscal year, excluding, in both instances, appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

5. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4–45.3a) to the contrary, any referendum conducted during the 1984 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 28, or Tuesday, March 27, 1984, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4–5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4–6 at least 12 days prior to the referendum date.

6. Notwithstanding the provisions of N. J. S. 40A:4–27 or of any other law to the contrary, a local unit may anticipate as a miscellaneous revenue in its 1984 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to March 15, 1984.

7. Notwithstanding the provisions of section 3–16 of P. L. 1950, c. 210 (C. 40:69A–46), the mayor shall submit to the council his recommended 1984 budget on or before February 17, 1984.

8. Notwithstanding the provisions of section 9–17 of P. L. 1950, c. 210 (C. 40:69A–97), the municipal manager shall submit to the council his recommended 1984 budget on or before February 17, 1984.

9. This act shall take effect immediately, shall be retroactive to January 1, 1984 and shall expire December 31, 1984.

Approved February 6, 1984.

CHAPTER 4

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs and supplementing chapter 4 of Title 39 of the Revised Statutes and amending P. L. 1983, c. 444 and P. L. 1983, c. 531.

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

C. 39:4-50.8 Drunk Driving Enforcement Fund.

1. (New section) Upon a conviction of a violation of R. S. 39:4–50, the court shall collect from the defendant a surcharge of $100.00 in addition to and independently of any fine imposed on that defendant. The court shall forward the surcharge to the Director of the Division of Motor Vehicles who shall deposit $95.00 of the surcharge into a "Drunk Driving Enforcement Fund" (hereinafter referred to as the "fund"). This fund shall be used to establish a Statewide drunk driving enforcement program to be supervised by the director. The remaining $5.00 of each surcharge shall be deposited by the director into a separate fund for administrative expenses.

A municipality shall be entitled to periodic grants from the "Drunk Driving Enforcement Fund" in amounts representing its proportionate contribution to the fund. A municipality shall be deemed to have contributed to the fund the portion of the surcharge allocated to the fund, collected pursuant to this section if the violation of R. S. 39:4–50 occurred within the municipality and the arrest resulting in conviction was made by the member of a municipal police force. The grants from the fund shall be used by the municipality to increase enforcement of R. S. 39:4–50 by subsidizing additional law enforcement patrols and through other measures approved by the director. The Division of State Police, interstate law enforcement agencies and county law enforcement agencies shall be entitled to periodic grants from the fund in amounts representing their proportionate contribution to the fund. The Division of State Police or county or interstate law enforcement agency shall be deemed to have contributed to the fund the portion of the surcharge allocated to the fund collected pursuant to this section if the arrest resulting in a conviction was made by a member of the Division of State Police or county or interstate law

enforcement agency. The grants from the fund shall be used by the Division of State Police or county or interstate law enforcement agency to increase enforcement of R. S. 39:4–50 by subsidizing additional law enforcement patrols and through other measures approved by the director.

The surcharge described herein shall not be considered a fine, penalty or forfeiture to be distributed pursuant to R. S. 39:5–41.

The director shall promulgate rules and regulations in order to effectuate the purposes of this section.

2. Section 3 of P. L. 1983, c. 444 is amended to read as follows:

3. The act shall take effect on the two hundred and seventieth day following enactment but shall remain inoperative until the enactment into law of Assembly Bill No. 828 of 1984, now pending before the Legislature.

3. Section 7 of P. L. 1983, c. 531 is amended to read as follows:

7. This act shall take effect immediately but shall remain inoperative until the following bill, now pending before the Legislature as Assembly Bill No. 828 of 1984 is enacted into law and no monies shall be deposited in the Alcohol Education, Rehabilitation and Enforcement Fund created in section 3 of this act during the fiscal year ending June 30, 1984 in excess of an amount equal to the amount of additional revenue realized in that fiscal year as a result of the increase in the tax rate imposed in section 1 of this act. This act shall apply to alcoholic beverages delivered to retail licensees on and after the first day of the second month following enactment even though rendered under a contract entered into prior to that date.

4. This act shall take effect immediately.

Approved February 9, 1984.

CHAPTER 5

AN ACT concerning State administration, implementation and enforcement of environmental laws, rules, regulations and orders, and amending P. L. 1970, c. 33.

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

1. Section 12 of P. L. 1970, c. 33 (C. 13:1D–9) is amended to read as follows:

C. 13:1D-9 Additional powers.

12. The department shall formulate comprehensive policies for the conservation of the natural resources of the State, the promotion of environmental protection and the prevention of pollution of the environment of the State. The department shall in addition to the powers and duties vested in it by this act or by any other law have the power to:

a. Conduct and supervise research programs for the purpose of determining the causes, effects and hazards to the environment and its ecology;

b. Conduct and supervise Statewide programs of education, including the preparation and distribution of information relating to conservation, environmental protection and ecology;

c. Require the registration of persons engaged in operations which may result in pollution of the environment and the filing of reports by them containing such information as the department may prescribe to be filed relative to pollution of the environment, all in accordance with applicable codes, rules or regulations established by the department;

d. Enter and inspect any building or place for the purpose of investigating an actual or suspected source of pollution of the environment and ascertaining compliance or noncompliance with any codes, rules and regulations of the department. Any information relating to secret processes concerning methods of manufacture or production, obtained in the course of such inspection, investigation or determination, shall be kept confidential, except this information shall be available to the department for use, when relevant, in any administrative or judicial proceedings undertaken to administer, implement, and enforce State environmental laws, but shall

remain subject only to those confidentiality protections otherwise afforded by federal law and by the specific State environmental laws and regulations that the department is administering, implementing and enforcing in that particular case or instance. In addition, this information shall be available upon request to the United States Government for use in administering, implementing, and enforcing federal environmental laws, but shall remain subject to the confidentiality protection afforded by federal law. If samples are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing pollution of the environment;

e. Receive or initiate complaints of pollution of the environment, including thermal pollution, hold hearings in connection therewith and institute legal proceedings for the prevention of pollution of the environment and abatement of nuisances in connection therewith and shall have the authority to seek and obtain injunctive relief and the recovery of fines and penalties in summary proceedings in the Superior Court;

f. Prepare, administer and supervise Statewide, regional and local programs of conservation and environmental protection, giving due regard for the ecology of the varied areas of the State and the relationship thereof to the environment, and in connection therewith prepare and make available to appropriate agencies in the State technical information concerning conservation and environmental protection, cooperate with the Commissioner of Health in the preparation and distribution of environmental protection and health bulletins for the purpose of educating the public, and cooperate with the Commissioner of Health in the preparation of a program of environmental protection;

g. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection in accordance with a unified Statewide plan which shall be formulated, approved and supervised by the department. In reviewing such plans and programs and in determining conditions under which such plans may be approved, the department shall give due consideration to the development of a comprehensive ecological and environmental plan in order to be assured insofar as is practicable that all proposed plans and programs shall conform to reasonably contemplated conservation and environmental protection plans for the State and the varied areas thereof;

h. Administer or supervise programs of conservation and environmental protection, prescribe the minimum qualifications of

all persons engaged in official environmental protection work, and encourage and aid in coordinating local environmental protection services;

i. Establish and maintain adequate bacteriological, radiological and chemical laboratories with such expert assistance and such facilities as are necessary for routine examinations and analyses, and for original investigations and research in matters affecting the environment and ecology;

j. Administer or supervise a program of industrial planning for environmental protection; encourage industrial plants in the State to undertake environmental and ecological engineering programs; and cooperate with the State Departments of Health, Labor, and Commerce and Economic Development in formulating rules and regulations concerning industrial sanitary conditions;

k. Supervise sanitary engineering facilities and projects within the State, authority for which is now or may hereafter be vested by law in the department, and shall, in the exercise of such supervision, make and enforce rules and regulations concerning plans and specifications, or either, for the construction, improvement, alteration or operation of all public water supplies, all public bathing places, landfill operations and of sewerage systems and disposal plants for treatment of sewage, wastes and other deleterious matter, liquid, solid or gaseous, require all such plans or specifications, or either, to be first approved by it before any work thereunder shall be commenced, inspect all such projects during the progress thereof and enforce compliance with such approved plans and specifications;

l. Undertake programs of research and development for the purpose of determining the most efficient, sanitary and economical ways of collecting, disposing or utilizing of solid waste;

m. Construct and operate, on an experimental basis, incinerators or other facilities for the disposal of solid waste, provide the various municipalities and counties of this State, the Board of Public Utilities, and the Division of Local Government Services in the Department of Community Affairs with statistical data on costs and methods of solid waste collection, disposal and utilization;

n. Enforce the State air pollution, water pollution, conservation, environmental protection, waste and refuse disposal laws, rules and regulations, including the making and signing of a complaint and summons for their violation by serving the summons upon the violator and thereafter filing the complaint promptly with a court having jurisdiction;

o. Acquire by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection or disposal of solid waste;

p. Purchase, operate and maintain, pursuant to the provisions of this act, any facility, site, laboratory, equipment or machinery necessary to the performance of its duties pursuant to this act;

q. 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;

r. With the approval of the Governor, cooperate with, apply for, receive and expend funds from the federal government, the State government, or any county or municipal government or from any public or private sources for any of the objects of this act;

s. Make annual and such other reports as it may deem proper to the Governor and the Legislature, evaluating the demonstrations conducted during each calendar year;

t. Keep complete and accurate minutes of all hearings held before the commissioner or any member of the department 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;

u. Require any person subject to a lawful order of the department, which provides for a period of time during which such person subject to the order is permitted to correct a violation, to post a performance bond or other security with the department in such form and amount as shall be determined by the department. Such bond need not be for the full amount of the estimated cost to correct the violation but may be in such amount as will tend to insure good faith compliance with said order. The department shall not require such a bond or security from any public body, agency or authority. In the event of a failure to meet the schedule prescribed by the department, the sum named in the bond or other security shall be forfeited unless the department shall find that the failure is excusable in whole or in part for good cause shown, in which case the department shall determine what amount of said bond or security, if any, is a reasonable forfeiture under the circumstances. Any amount so forfeited shall be utilized by the department for the correction of the violation or violations, or for any other action required to insure compliance with the order.

2. This act shall take effect immediately.

Approved February 22, 1984.

CHAPTER 6

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. The following additional amount is appropriated from the General Fund for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

14-4885	Shellfish and Marine Fisheries Management	$60,000

Special Purpose:
Shell Fisheries Enforcement ..... ($60,000)

2. This act shall take effect immediately and be retroactive to July 1, 1983.

Approved February 22, 1984.

CHAPTER 7

AN ACT to amend the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39), as said short title was amended by P. L. 1975, c. 326.

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

1. Section 3 of P. L. 1970, c. 39 (C. 13:1E–3) is amended to read as follows:

C. 13:1E-3 Definitions.

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

a. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a disposal site or to a resource recovery facility.

c. "Disposal" means the storage, treatment, utilization, processing, resource recovery of, or the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water, so that the solid or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

d. "Solid waste management" includes all activities related to the collection and disposal of solid waste by any person engaging in such process.

e. "Council" means the Advisory Council on Solid Waste Management.

f. "Department" means the State Department of Environmental Protection.

g. "Commissioner" means the Commissioner of Environmental Protection in the State Department of Environmental Protection.

h. "Solid waste facilities" mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of this or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

i. "Public authority" means any solid waste management authority created pursuant to the "solid waste management authorities law," P. L. 1968, c. 249 (C. 40:66A–32 et seq.); municipal utility authority created pursuant to the "municipal and county utilities authorities law," P. L. 1957, c. 183 (C. 40:14B–1 et

seq.); incinerator authority created pursuant to the "incinerator authorities law," P. L. 1948, c. 348 (C. 40:66A–1 et seq.); county improvement authority created pursuant to the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A–44 et seq.), or any other public body corporate and politic created for solid waste management purposes in any county or municipality, pursuant to the provisions of any law.

j. "Hackensack Meadowlands District" means the area within the jurisdiction of the Hackensack Meadowlands Development Commission created pursuant to the provisions of the "Hackensack Meadowlands Reclamation and Development Act," P. L. 1968, c. 404 (C. 13:17–1 et seq.).

k. "Hackensack Commission" means the Hackensack Meadowlands Development Commission created pursuant to the provisions of the "Hackensack Meadowlands Reclamation and Development Act," P. L. 1968, c. 404 (C. 13:17–1 et seq.).

l. "Existing solid waste facility" means that portion of an active solid waste facility which, on the effective date of this act, possesses a valid approved registration from the department.

m. "New solid waste facility" means any solid waste facility or portion thereof which does not qualify as an existing solid waste facility.

n. "Public sewage treatment plant" means any structure or structures required to be approved by the department pursuant to P. L. 1977, c. 224 (C. 58:12A–1 et seq.) or P. L. 1977, c. 74 (C. 58:10A–1 et seq.), by means of which domestic wastes are subjected to any artificial process in order to remove or so alter constituents as to render the waste less offensive or dangerous to the public health, comfort or property of any of the inhabitants of this State, before the discharge of the plant effluent into any of the waters of this State; this definition includes plants for the treatment of industrial wastes, as well as a combination of domestic and industrial wastes.

o. "Resource recovery" means the collection, separation, recycling and recovery of metals, glass, paper and other materials for reuse or for energy production.

p. "Recycling facility" means any solid waste facility utilized to separate or process solid waste into marketable materials.

2. This act shall take effect immediately.

Approved February 22, 1984.

CHAPTER 8

AN ACT concerning boards of education of county vocational-technical schools and amending P. L. 1983, c. 396.

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

1. Section 1 of P. L. 1983, c. 396 (C. 18A:54–16.8) is amended to read as follows:

C. 18A:54-16.8 5-member board.

1. Notwithstanding any contrary provisions of chapter 54 of Title 18A of the New Jersey Statutes, in all counties of the third class with a population greater than 110,000 but less than 125,000 as of the latest federal decennial census the board of education of the county vocational-technical school shall consist of five members to be appointed by the appointing authority of the county.

2. Section 2 of P. L. 1983, c. 396 (C. 18A:54–16.9) is amended to read as follows:

C. 18A:54-16.9 4-year terms.

2. The board members elected pursuant to section 1 of P. L. 1977, c. 30 (C. 18A:54–16.1), for the school year preceding the year in which this act takes effect shall remain in office until their successors are appointed and qualified which shall occur no later than December 31, 1983. In making the first appointments to a board one person shall be appointed to serve for one year, one person for two years, one for three years and two for four years; thereafter, members shall serve for terms of four years. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made.

3. This act shall take effect immediately.

Approved February 22, 1984.

CHAPTER 9

AN ACT concerning elections, and amending R. S. 19:45—6.

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

1. R. S. 19:45–6 is amended to read as follows:

Compensation of board members.

19:45–6. The compensation of each member of the district boards for all services performed by them under the provisions of this Title shall be as follows:

In all counties, for all services rendered including the counting of the votes, and in counties wherein voting machines are used, the tabulation of the votes registered on the voting machines, and the delivery of the returns, registry binders, ballot boxes and keys for the voting machines to the proper election officials, $50.00 each time the primary election, the general election or any special election is held under this Title; provided, however, that in counties wherein voting machines are used no compensation shall be paid for any services rendered at any special election held at the same time as any primary or general election.

Such compensation shall be in lieu of all other fees and payments.

Compensation due each member shall be paid within 30 days but not within 20 days after each election; provided, however, that no compensation shall be paid to any member of any such district board who may have been removed from office or application for the removal of whom is pending under the provisions of R. S. 19:6–4.

2. This act shall take effect immediately.

Approved February 22, 1984.

CHAPTER 10

AN ACT concerning the filling of certain municipal vacancies in certain circumstances.

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

1. Notwithstanding the provisions of any other law to the contrary, in the event a vacancy shall occur in the membership of the governing body of a municipality which holds regular municipal elections, as the result of the filing of a written resignation with the municipal clerk by a member of the governing body subsequent to January 1, 1984, but prior to March 1, 1984, and the municipality is not scheduled to hold a regular municipal election during 1984, the vacancy may be filled as hereinafter provided.

2. Upon notification by the municipal clerk that a written resignation has been filed by a member of the governing body, the governing body may, by resolution, fix the date for a special election to fill the vacancy. The date fixed for a special election pursuant to the provisions of this act shall be not less than 60 days nor more than 120 days from the date on which the written resignation was filed by the member of the governing body with the municipal clerk.

3. Unless otherwise provided in this act, a special election held pursuant to the provisions of this act shall be conducted pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P. L. 1981, c. 379 (C. 40:45–5 et seq.).

4. This act shall take effect immediately and shall expire July 1, 1984.

Approved March 1, 1984.

CHAPTER 11

AN ACT appropriating funds from the Correctional Facilities Construction Fund for the construction of a prison and concerning the awarding of contracts therefor and employment of personnel at the prison.

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

1. There is appropriated to the Department of Corrections from the Correctional Facilities Construction Fund created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $80,000,000.00 for the following construction project:

Construction of a 1,000 bed medium security prison in Newark ..... $80,000,000.00.

2. The architectural designs, plans and specifications for the medium security prison proposed for the city of Camden shall be used, to the maximum extent feasible, as prototype designs, plans and specifications for the 1,000 bed medium security prison.

The Department of Corrections shall advise the Subcommittee on Transfers of the Joint Appropriations Committee of the need for modification of these designs, plans and specifications, in writing, prior to the expenditure of funds for the purpose of that modification.

3. There is also appropriated from the fund such items as may be necessary to meet any expense incurred by the issuing officials under P. L. 1982, c. 120 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

4. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized to approve expenditures for predesign program planning and other related costs for the capital project authorized under this act.

5. In order to provide flexibility in administering the provisions of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Account-

ing in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the Correctional Facilities Construction Fund. The transfers shall be made in a manner consistent with section 27 of P. L. 1982, c. 120.

6. It shall be a condition of any contract awarded by the Division of Building and Construction in the Department of the Treasury, pursuant to R. S. 52:32–2, for the construction of the medium security prison, that the contractor shall agree to make opportunities available for participation in the performance of the contract by small business concerns owned or controlled by socially and economically disadvantaged individuals in accordance with a subcontracting plan approved by the Director of the Division of Building and Construction. Such subcontracting plan shall be submitted with any bid for a construction contract and shall include: a. assurances by the contractor that he will undertake good faith efforts to utilize small business concerns owned or controlled by socially and economically disadvantaged individuals in subcontracting arrangements for work representing at least 10% of the contract price, b. the name of the individual or individuals that will administer the subcontracting program, c. the efforts that will be taken to ensure that small business concerns owned or controlled by socially and economically disadvantaged individuals will have a fair and equitable opportunity to compete for contracts, d. assurances that timely compliance reports on the progress of the plan will be submitted to the Division of Building and Construction, and e. any other pertinent information as may be required to be included.

A small business concern owned or controlled by socially and economically disadvantaged individuals, as used herein, shall have the same definition as provided in section 8 (d) of the federal "Small Business Act," Pub. L. 85-536 (15 U.S.C. § 637 (d)).

7. Notwithstanding any provision of law relating to required residency for State employees in Title 11 of the Revised Statutes, the appointing authority of the medium security prison constructed with funds appropriated by this act located in a municipality with a population of more than 320,000 but less than 340,000 according to the latest federal decennial census shall appoint to positions of employment with the prison only residents of the municipality in which the prison is located, provided that:

a. The residents permanently appointed possess at least the minimum qualifications required by Civil Service specifications for

the available positions, have lived in the municipality for at least six months prior to their appointments, and have complied with any other applicable requirements of Title 11 of the Revised Statutes; and

b. A sufficient number of qualified residents exists for permanent appointment to available positions.

8. The appointing authority shall establish a working test period and job training program for each resident appointed under the provisions of this act. The working test period and job training program shall conform to the criteria and standards used by the Department of Civil Service and shall provide at least the minimum qualifications required by Civil Service specifications for each available position.

9. If the appointing authority of the medium security prison determines, after ample advertising, that an insufficient number of qualified residents exists for appointment to the available positions, the appointing authority shall take such action as is necessary pursuant to Title 11 of the Revised Statutes to fill those positions.

10. This act shall take effect immediately.

Approved March 6, 1984.

CHAPTER 12

AN ACT concerning petitions of nomination and amending R. S. 19:13–4, R. S. 19:13–9, and R. S. 19:23–7.

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

1. R. S. 19:13–4 is amended to read as follows:

Contents of petition.

19:13–4. Contents of petition. Such petition shall set forth the names, places of residence and post-office addresses of the candidates for the offices to be filled, the title of the office for which each candidate is named, that the petitioners are legally qualified to vote for such candidates and pledge themselves to support and vote for the persons named in such petition and that they have not signed any other petition of nomination for the primary or for the general election for such office.

In the case of a petition or petitions nominating electors of president and vice president of the United States, the names of the candidates for president and vice president for whom such electors are to vote may be included in the petition or petitions, but the petition or petitions shall not include the names of any candidates for president or vice president who have been nominated at a convention of a political party, as defined by this title.

The petition shall also state in not more than three words the designation of the party or principles which the candidates therein named represent, but such designation shall not contain the designation name, derivative, or any part thereof as a noun or an adjective of any political party entitled to participate in the primary election.

The petition shall also include the request that the names of the candidates and their designations of party or principles be printed upon the ballots to be used at the ensuing general election.

No such petition shall undertake to nominate any candidate who has accepted the nomination for the primary for such position.

Any form of a petition of nomination, other than petitions for federal office, which is provided to candidates by the Secretary of State, the county clerk, or the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of the 'New Jersey Campaign Contributions and Expenditures Reporting Act.' For further information, please call (insert phone number of the Election Law Enforcement Commission)."

2. R. S. 19:13–9 is amended to read as follows:

Filing of petitions.

19:13–9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed before 4:00 p.m. of the fortieth day next preceding the day of the holding of the primary election for the general election in this Title provided. All petitions when filed shall be open under proper regulations for public inspection.

The officer or officers shall transmit to the Election Law Enforcement Commission the names of all candidates nominated by petition and any other information required by the commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

3. R. S. 19:23–7 is amended to read as follows:

Signers; certificates of candidates.

19:23–7. Each such petition shall set forth that the signers thereof are qualified voters of the State, congressional district, county, or county election district, municipality, ward or election district, as the case may be, in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that at the last general election preceding the execution of the petition they voted for a majority of the candidates of such political party, and that they intend to affiliate with that political party at the ensuing election; that they indorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their political party as the candidate or candidates for such nomination. The petition shall further state the residence and post-office address of each person so indorsed, and shall certify that the person or persons so indorsed is or are legally qualified under the laws of this State to be nominated, and is or are a member or members of the political party named in the petition.

Accompanying the petition, each person indorsed therein shall file a certificate, stating that he is qualified for the office mentioned in the petition, that he is a member of the political party named therein, that he consents to stand as a candidate for nomination at the ensuing primary election of such political party, and that, if nominated, he consents to accept the nomination, to which shall be annexed the oath of allegiance prescribed in R. S. 41:1–1, duly taken and subscribed by him before an officer authorized to take oaths in this State.

Any form of a petition of nomination, other than petitions for federal office, which is provided to candidates by the Secretary of State, the county clerk, or the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of the 'New Jersey Campaign Contributions and Expenditures Reporting Act.' For further information, please call (insert phone number of the Election Law Enforcement Commission)."

4. This act shall take effect immediately.

Approved March 6, 1984.

CHAPTER 13

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon determination by the Director of the Division of Budget and Accounting that federal moneys to support a receivable are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

44 Hazardous and Toxic Pollution Control

23-4910 Hazardous Waste		$400,000
Personal Services:		
Salaries and wages	($195,412)	
Employee Benefits	(37,149)	
Materials and Supplies	(8,764)	
Services Other Than Personal	(67,835)	
Additions, Improvements and Equipment	(90,840)	

45 Recreational Resource Management

12-4875 Parks Management		$88,800
Services Other Than Personal	($88,800)	
Total Appropriation, Department of Environmental Protection		$488,800

2. This act shall take effect immediately.

Approved March 6, 1984.

CHAPTER 14

AN ACT concerning collectively negotiated agreements in county welfare agencies and supplementing chapter 7 of Title 44 of the Revised Statutes.

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

C. 44:7-6.1 County agency authority.

1. Notwithstanding the provisions of R. S. 44:7–6 or P. L. 1950, c. 166 (C. 30:4B–1 et seq.), a county welfare agency has complete authority to establish wages and terms and conditions of employment for its employees through collective negotiation with an authorized employee organization. The agreement between the county welfare agency and authorized employee organization is binding on both parties and is not subject to approval by the Commissioner of Human Services or his designee, except as provided in sections 2 and 3 of this act.

C. 44:7-6.2 Compliance with federal law.

2. a. If the Commissioner of Human Services determines that (1) a provision in an agreement between a county welfare agency and an authorized employee organization is not in compliance with federal law, and (2) continued receipt of federal funds is thereby endangered, then the commissioner shall so advise the county welfare agency and authorized employee organization in writing and specify the federal law with which the agreement is not in compliance and the reason why it is not in compliance.

b. If the commissioner is notified by the federal government that the State's administration of a federal assistance program does not appear to be in compliance with federal law because of a provision in a negotiated agreement between a county welfare agency and an authorized employee organization, the commissioner shall so notify the county welfare agency and authorized employee organization in writing.

c. When the commissioner notifies a county welfare agency and authorized employee organization pursuant to this section, the commissioner shall provide the county welfare agency and authorized employee organization with (1) an opportunity to meet with him to determine if the commissioner's finding is correct and (2) an opportunity to conform voluntarily to any change found by the

commissioner to be necessary in order to be in compliance with federal law.

d. If the commissioner subsequently makes a final determination that the county welfare agency's and authorized employee organization's negotiated agreement is not in compliance with federal law, he shall exercise the authority provided to him in R. S. 44:7–6 over wages and terms and conditions of employment in that county welfare agency only to the extent necessary to ensure that the agreement is in compliance with federal law.

C. 44:7-6.3 Consultation.

3. If the federal government initiates an action or notifies the Commissioner of Human Services of any action it may take that affects any wages or term and condition of employment in a county welfare agency, the commissioner shall consult with the county welfare agency and authorized employee organization which potentially may be affected with regard to the position on the federal action that the commissioner takes.

4. Nothing in this act shall be construed to prohibit the Commissioner of Human Services from establishing minimum compensation schedules for each class of positions in a county welfare agency.

5. This act shall take effect immediately.

Approved March 8, 1984.

CHAPTER 15

A SUPPLEMENT to "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. In addition to the exceptions from the limitations on final appropriations in local budgets permitted under section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3), there shall be excepted from those limitations the total amount of the accrued liability a municipality

is required to pay during the 1984 local budget year into the "Police and Firemen's Retirement System of New Jersey" (P. L. 1944, c. 255; C. 43:16A–1 et seq.) as the result of a referendum held pursuant to the provisions of P. L. 1945, c. 148 (C. 43:16A–26 et seq.) and approved by the voters of the municipality.

2. This act shall take effect immediately, shall be retroactive to January 1, 1984 and shall expire December 31, 1984.

Approved March 8, 1984.

CHAPTER 16

AN ACT concerning the allocation, certification and election of delegates and alternates to the 1984 Republican National Convention.

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

1. Notwithstanding any provision of Title 19, Elections, of the Revised Statutes or rules of the Republican National Committee to the contrary, the Secretary of State shall certify to the several county clerks and county boards of elections that the 22 delegates-at-large and 22 alternates-at-large allocated by the Republican National Committee for election to the 1984 Republican National Convention from New Jersey shall be chosen as follows: a. eight delegates-at-large and eight alternates-at-large to be elected by the voters of the party throughout the State, b. one delegate-at-large and one alternate-at-large to be elected by the voters of the party in each of the 14 New Jersey Congressional districts and c. of the 42 district delegates and alternates allocated to New Jersey, three delegates and alternates to be elected by the voters of the party in each of the 14 Congressional districts.

2. This act shall take effect immediately.

Approved March 8, 1984.

CHAPTER 17

AN ACT making an appropriation for the support of the New Jersey State Opera and the New Jersey State Ballet.

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

1. The sum of $100,000.00 is appropriated from the General Fund to the Department of State, New Jersey State Council on the Arts, for payment to the New Jersey State Opera in support of its operating or capital budget as deemed appropriate by the Trustees and Governors of that organization.

2. The sum of $25,000.00 is appropriated from the General Fund to the Department of State, New Jersey State Council on the Arts, for payment to the New Jersey State Ballet in support of its operating or capital budget as deemed appropriate by the Trustees and Governors of that organization.

3. This act shall take effect immediately.

Approved March 12, 1984.

CHAPTER 18

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated by P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF EDUCATION

34 Educational Support Services—State Aid

36-5120	Pupil Transportation Services	$13,500,000

State Aid:
Transportation Aid ..... ($13,500,000)

2. The amount of State aid allocated to each district for pupil transportation for the 1984-85 school year shall not be less than an amount equal to 85% of each district's full entitlement pursuant to N. J. S. 18A:58–7.

3. The Department of Education shall certify any additional amounts of transportation aid provided under this act to local boards of education no later than March 15, 1984.

4. Any regional school board currently receiving State aid for pupil transportation for the first or second year in which it transported pupils shall receive State aid payments for pupil transportation in an amount equal to its full entitlement pursuant to N. J. S. 18A:58–7.

5. This act shall take effect July 1, 1984.

Approved March 20, 1984.

CHAPTER 19

AN ACT to authorize the city of Bordentown, in the county of Burlington, to make permanent the appointment of Frederick O. Brown to the police department of the city of Bordentown.

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the city of Bordentown, in the county of Burlington, is authorized to make permanent the appointment of Frederick O. Brown to the police department of the city of Borden-

town in the classified civil service, notwithstanding his age is greater than the maximum age limit for the appointment thereto set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act, if there is paid into the retirement system in a manner which the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Bordentown for the purpose of adopting it.

Approved March 20, 1984.

CHAPTER 20

AN ACT to amend and supplement the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291) and repealing P. L. 1980, c. 142.

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

1. Section 3 of P. L. 1975, c. 291 (C. 40:55D–3) is amended to read as follows:

C. 40:55D-3 Definitions.

3. For the purposes of this act, unless the context clearly indicates a different meaning:

The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.

"Administrative officer" means the clerk of the municipality, unless a different municipal official or officials are designated by ordinance or statute.

"Applicant" means a developer submitting an application for development.

"Application for development" means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional

use, zoning variance or direction for the issuance of a permit pursuant to section 25 or section 27 of this act.

"Approving authority" means the planning board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of this act.

"Board of adjustment" means the board established pursuant to section 56 of this act.

"Building" means a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Capital improvement" means a governmental acquisition of real property or major construction project.

"Circulation" means systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

"Common open space" means an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

"Conditional use" means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance, and upon the issuance of an authorization therefor by the planning board.

"Conventional" means development other than planned development.

"County master plan" means a composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to R. S. 40:27–2 and R. S. 40:27–4.

"County planning board" means the county planning board, as defined in section 1 of P. L. 1968, c. 285 (C. 40:27–6.1), of the county in which the land or development is located.

2. Section 3.1 of P. L. 1975, c. 291 (C. 40:55D–4) is amended to read as follows:

C. 40:55D-4 Additional definitions.

3.1. "Days" means calendar days.

"Density" means the permitted number of dwelling units per gross area of land to be developed.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alterations, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this act.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this act.

"Division" means the Division of State and Regional Planning in the Department of Community Affairs.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

"Environmental commission" means a municipal advisory body created pursuant to P. L. 1968, c. 245 (C. 40:56A–1 et seq.).

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

''Final approval'' means the official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

"Floor area ratio" means the sum of the area of all floors of buildings or structures compared to the total area of the site.

''Governing body'' means the chief legislative body of the municipality. In municipalities having a board of public works, ''governing body'' means such board.

''Historic site'' means any building, structure, area or property that is significant in the history, architecture, archeology or culture of this State, its communities or the nation and has been so designated pursuant to this act.

"Interested party" means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act.

''Land'' includes improvements and fixtures on, above or below the surface.

''Lot'' means a designated parcel, tract or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit.

3. Section 5 of P. L. 1975, c. 291 (C. 40:55D–9) is amended to read as follows:

C. 40:55D-9 Meetings; municipal agency.

5. Meetings; municipal agency. a. Every municipal agency shall by its rules fix the time and place for holding its regular meetings for business authorized to be conducted by such agency. Regular meetings of the municipal agency shall be scheduled not less than once a month and shall be held as scheduled unless canceled for lack of applications for development to process. The municipal agency may provide for special meetings, at the call of the chair-

man, or on the request of any two of its members, which shall be held on notice to its members and the public in accordance with municipal regulations. No action shall be taken at any meeting without a quorum being present. All actions shall be taken by a majority vote of the members of the municipal agency present at the meeting, except as otherwise required by sections 23, 25, 49, 50, and subsections 8e., 17a., 17b. and 57d. of this act. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of section 25 or subsection 57d. of this act shall be deemed an action denying the application. Nothing herein shall be construed to contravene any act providing for procedures for governing bodies.

b. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with municipal regulations. An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular or special meeting within the meaning of this act.

c. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the municipal agency and of the persons appearing by attorney, the action taken by the municipal agency, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the administrative officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use.

4. Section 6 of P. L. 1975, c. 291 (C. 40:55D–10) is amended to read as follows:

C. 40:55D-10 Hearings.

6. Hearings. a. The municipal agency shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan.

b. The municipal agency shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing, during normal business hours in the office of the administrative officer. The applicant may

produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P. L. 1953, c. 38 (C. 2A:67A–1 et seq.) shall apply.

d. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

f. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense; provided that the governing body may provide by ordinance for the municipality to assume the expense of any transcripts necessary for appeal to the governing body, pursuant to section 8 of this act, of decisions by the zoning board of adjustment pursuant to subsection 57d. of this act, up to a maximum amount as specified by the ordinance.

The municipal agency, in furnishing a transcript of the proceedings to an interested party at his expense, shall not charge such interested party more than the maximum permitted in N. J. S. 2A:11–15. Said transcript shall be certified in writing by the transcriber to be accurate.

g. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

(1) A resolution adopted at a meeting held within the time period provided in the act for action by the municipal agency on the application for development; or

(2) A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to section 5 of the act (C. 40:55D–9) (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by subsections h. and i. of this section (C. 40:55D–10). If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

h. A copy of the decision shall be mailed by the municipal agency within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge, and to all who request a copy of the decision, for a reasonable fee. A copy of the decision shall also be filed by the municipal agency in the office of the administrative officer. The administrative officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours.

i. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained in this act shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first

publication of the decision, whether arranged by the municipality or the applicant.

C. 40:55D-10.3 Application for development.

5. (New section) An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency, when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period, unless: a. the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and b. the municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipal agency may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

6. Section 8 of P. L. 1975, c. 291 (C. 40:55D–17) is amended to read as follows:

C. 40:55D-17 Appeal to the governing body; time; notice; modification; stay of proceedings.

8. Appeal to the governing body; time; notice; modification; stay of proceedings.

a. Any interested party may appeal to the governing body any final decision of a board of adjustment approving an application for development pursuant to subsection 57d. of this act, if so permitted by ordinance. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to sub-

section 6i. In the case of any board established pursuant to article 10 of this act, the governing body of the municipality in which the land is situated shall be the "governing body" for purposes of this section. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal, specifying the grounds therefor and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the planning board or board of adjustment.

b. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection 6h. and to the board from which the appeal is taken, at least 10 days prior to the date of the meeting. The parties may submit oral and written arguments on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to subsection 6f.

c. The appellant shall, (1) within five days of service of the notice of the appeal pursuant to subsection a. hereof, arrange for a transcript pursuant to subsection f. of section 6 of this act (C. 40:55D–10) for use by the governing body and pay a deposit of $50.00 or the estimated cost of such transcript, whichever is less, or (2) within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the municipal clerk; otherwise, the appeal may be dismissed for failure to prosecute.

The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to subsection i. of section 6 of this act (C. 40:55D–10), unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the board.

d. The governing body may reverse, remand, or affirm with or without the imposition of conditions the final decision of the board of adjustment approving a variance pursuant to subsection d. of section 57 of P. L. 1975, c. 291 (C. 40:55D–70). The review shall be made on the record made before the board of adjustment.

e. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse,

remand, or affirm with or without conditions any final action of the board of adjustment.

f. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board from whom the appeal is taken and on good cause shown.

g. The governing body shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.

h. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

7. Section 17 of P. L. 1975, c. 291 (C. 40:55D–26) is amended to read as follows:

C. 40:55D-26 Referral powers.

17. Referral powers. a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including recommendations concerning the proposed development regulation, revision or amendment. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recom-

mendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. Failure of the planning board to transmit its report within the 35-day period provided herein shall relieve the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the planning board.

b. The governing body may by ordinance provide for the reference of any matter or class of matters to the planning board before final action thereon by a municipal body or municipal officer having final authority thereon, except for any matter under the jurisdiction of the board of adjustment. Whenever the planning board shall have made a recommendation regarding a matter authorized by this act to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such other body.

8. Section 34 of P. L. 1975, c. 291 (C. 40:55D–46) is amended to read as follows:

C. 40:55D-46 Procedure for preliminary site plan approval.

34. Procedure for preliminary site plan approval. a. An ordinance requiring site plan review and approval shall require that the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient.

b. If the planning board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval.

c. Upon the submission to the administrative officer of a completed application for a site plan which involves 10 acres of land or less, and 10 dwelling units or less, the planning board shall grant or deny preliminary approval within 45 days of the date of such

submission or within such further time as may be consented to by the developer. Upon the submission of a completed application for a site plan which involves more than 10 acres, or more than 10 dwelling units, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval of the site plan.

9. Section 36 of P. L. 1975, c. 291 (C. 40:55D–48) is amended to read as follows:

C. 40:55D-48 Procedure for preliminary major subdivision approval.

36. Procedure for preliminary major subdivision approval. a. An ordinance requiring subdivision approval by the planning board shall require that the developer submit to the administrative officer a plat and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary approval have been met; provided that minor subdivisions pursuant to section 35 of this act shall not be subject to this section. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval.

b. If the planning board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed subdivision complies with the ordinance and this act, grant preliminary approval to the subdivision.

c. Upon the submission to the administrative officer of a completed application for a subdivision of 10 or fewer lots, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a completed application for a subdivision of more than 10 lots, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval to the subdivision.

10. Section 47 of P. L. 1975, c. 291 (C. 40:55D–60) is amended to read as follows:

C. 40:55D-60 Planning board review in lieu of board of adjustment.

47. Planning board review in lieu of board of adjustment. Whenever the proposed development requires approval pursuant to this act of a subdivision, site plan or conditional use, but not a variance pursuant to subsection d. of section 57 of this act (C. 40:55D–70), the planning board shall have the power to grant to the same extent and subject to the same restrictions as the board of adjustment:

a. Variances pursuant to subsection 57c. of this act;

b. Direction pursuant to section 25 of this act for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 of this act; and

c. Direction pursuant to section 27 of this act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.

The developer may elect to submit a separate application requesting approval of the variance or direction for the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction for the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the planning board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

11. Section 48 of P. L. 1975, c. 291 (C. 40:55D–61) is amended to read as follows:

C. 40:55D-61 Time periods.

48. Time periods. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to section 47 of this act, the planning board shall grant or deny approval of the application within 120 days after submission by a developer of a completed application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direc-

tion for issuance of a permit. The period for granting or denying and subsequent approval shall be as otherwise provided in this act. Failure of the planning board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

12. Section 57 of P. L. 1975, c. 291 (C. 40:55D–70) is amended to read as follows:

C. 40:55D-70 Powers.

57. Powers. The board of adjustment shall have the power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance;

b. Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act;

c. (1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regula-

tion so as to relieve such difficulties or hardship; (2) where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act; provided, however, that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in conjunction with which the planning board has power to review a request for a variance pursuant to subsection 47a. of this act; and

d. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to section 54 of P. L. 1975, c. 291 (C. 40:55D–67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in section 3.1 of P. L. 1975, c. 291 (C. 40:55D–4), (5) an increase in the permitted density as defined in section 3.1 of P. L. 1975, c. 291 (C. 40:55D–4), except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or two-thirds of the full authorized membership, in the case of a regional board, pursuant to article 10 of this act.

No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. In respect to any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983," P. L. 1983, c. 260 (C. 6:1–80 et seq.), no variance or other relief may be granted under the terms of this section, permitting the creation or establishment of a nonconforming use which would be prohibited under the standards promulgated pursuant to that act, except upon issuance of a permit by the Commissioner of Transportation.

An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

13. Section 63 of P. L. 1975, c. 291 (C. 40:55D–76) is amended to read as follows:

C. 40:55D-76 Other powers.

63. Other powers. a. Sections 59 through 62 of this article shall apply to the power of the board of adjustment to:

(1) Direct issuance of a permit pursuant to section 25 of this act for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 of this act; or

(2) Direct issuance of a permit pursuant to section 27 of this act for a building or structure not related to a street.

b. The board of adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the planning board, subdivision or site plan approval pursuant to article 6 of this act or conditional use approval pursuant to section 54 of this act, whenever the proposed development requires approval by the board of adjustment of a variance pursuant to subsection d. of section 57 of this act (C. 40:55D–70). The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the board of adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance. The number of votes of board members required to grant any such subsequent approval shall be as otherwise provided in this act for the approval in question, and the special vote pursuant to the aforesaid subsection d. of section 57 shall not be required.

c. Whenever an application for development requests relief pursuant to subsection b. of this section, the board of adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a completed application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects

to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this act. Failure of the board of adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the board of adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal board of adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time.

An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

14. (New section) Any application for development submitted before the effective date of this amendatory and supplementary act to a municipal agency pursuant to lawful authority may be continued at the option of the applicant, and the municipal agency shall have every power which it possessed before the effective date of this amendatory and supplementary act in regard to any such application.

Repealer.

15. P. L. 1980, c. 142 (C. 40:55D–73.1) is repealed.

16. This act shall take effect on the first day of the fourth month following its enactment.

Approved March 22, 1984.

CHAPTER 21

AN ACT concerning judges of the Superior Court in certain counties, amending N. J. S. 2A:2–1 and P. L. 1983, c. 405.

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

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

Superior Court judges.

2A:2–1. a. The Superior Court shall consist of not less than 329 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. (1) The Superior Court shall at all times consist of the following number of judges of each county who at the time of their appointment and reappointment were residents of that county:

Atlantic	7
Bergen	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	26
Gloucester	8
Hudson	16
Hunterdon	2
Mercer	8
Middlesex	16
Monmouth	12
Morris	11
Ocean	10
Passaic	14
Salem	2
Somerset	5
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the

counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. Section 11 of P. L. 1983, c. 405 (C. 2A:2–1.3) is amended to read as follows:

C. 2A:2-1.3 County responsibility for salaries.

11. a. Each county shall be responsible for 50% of the cost of the salary of the judges of the juvenile and domestic relations courts or family court and county district courts transferred pursuant to this act until December 31, 1984.

b. In any county where the required number of judges set forth in N. J. S. 2A:2–1b. is increased after March 26, 1984, and the number of judges assigned to the Superior Court to that county is thereby increased, the county shall be responsible for funding 100% of the cost of the salary of any judge who has been assigned in the first year following the date of increase; 75% in the second year; 50% in the third year; 25% in the fourth year; and in the fifth year, the State shall be responsible for the entire cost of the salary of any judge so assigned.

c. In any county where the required number of judges set forth in N. J. S. 2A:2–1b. is increased after December 31, 1983 but before March 27, 1984, and the number of judges assigned to the Superior Court to that county is thereby increased, the county shall be responsible for funding 50% of the cost of the salary of any judge so assigned until December 31, 1984.

3. This act shall take effect immediately.

Approved March 26, 1984.

CHAPTER 22

A SUPPLEMENT to "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. Notwithstanding the provisions of subsection g. of section 4 of P. L. 1975, c. 68 (C. 40A:4–45.4), each county is authorized, for the purpose of determining its expenditure limitations and expenditure exceptions, in the 1984 local budget year, to appropriate that portion of the county tax levy which represents funding to participate in any federal or State aid program, the amounts received or to be received from federal, State or other funds in reimbursement for local expenditures, and that expenditure of local funds made to support those aid programs and those programs which are supported by such reimbursement, even though those funds were not expended for the purpose of providing matching funds under a statutory formula, as an exception to the limits imposed on increases in the county tax levy by the provisions of P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.).

2. This act shall take effect immediately, shall be retroactive to January 1, 1984 and shall expire on December 31, 1984.

Approved March 26, 1984.

CHAPTER 23

A SUPPLEMENT to "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. As used in this supplementary act, "qualified municipality" means any municipality with population greater than 20,000, according to the most recent federal decennial census, which is situated in a county of the third class, and which certified to the Director of the Division of Local Government Services in the Department of Community Affairs, prior to the adoption of its 1984 municipal budget, a. that there exist overexpenditures and overcommitments of funds from any local fiscal year preceding 1984 for which deferred charges have not been appropriated prior to 1984; and b. that the overexpenditures and overcommitments exceed in total 25% the municipality's 1983 tax levy for support of the municipal budget.

2. The provisions of any law to the contrary notwithstanding, any qualified municipality is authorized to appropriate any deferred charges which consist of overexpenditures or overcommitments of funds during any local budget year previous to 1984, as an exception to the limits imposed on increases in final appropriations pursuant to P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.).

3. Any deferred charges consisting of overexpenditures or overcommitments of funds during any local budget year previous to 1984, which have not been appropriated in 1984 pursuant to the provisions of law and this supplementary act, may be appropriated in 1985 in the manner authorized in section 2 of this supplementary act only with the prior written consent of the Director of the Division of Local Government Services in the Department of Community Affairs.

4. The Director of the Division of Local Government Services in the Department of Community Affairs shall monitor the execution of the budget of any qualified municipality utilizing the provisions of this supplementary act, to ensure that funds appropriated for the purposes specified in section 2 of this supplementary act are lawfully and properly disbursed.

5. This act shall take effect immediately, shall be retroactive to January 1, 1984, shall apply to the 1984 and 1985 local budget years, and shall expire on December 31, 1985.

Approved March 26, 1984.

CHAPTER 24

AN ACT concerning unemployment compensation, establishing the Unemployment Compensation Interest Repayment Fund in the Department of Labor for certain purposes, amending various sections of statutory law, supplementing chapter 21 of Title 43 of the Revised Statutes and repealing section 1 of P. L. 1940, c. 193.

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:

Unemployment benefits.

43:21–3. (a) Payment of benefits. All benefits shall be promptly paid from the fund 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 lower multiple of $1.00 if not already a multiple thereof.

(c) Weekly benefit rate.

(1) With respect to an individual whose benefit year commences after September 30, 1984, his weekly benefit rate under each determination shall be 60% of his average weekly wage, subject to a maximum of 56 ⅔% 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; provided, however, that such individual's weekly benefit rate shall be computed to the next lower multiple of $1.00 if not already a multiple thereof.

(2) Dependency benefits.

(A) With respect to an individual whose benefit year commences after September 30, 1984, the individual's weekly benefit rate as determined in paragraph (1) of this subsection (c) will be increased by 7% for the first dependent and 4% each for the next two dependents (up to a maximum of three dependents), computed to the next lower multiple of $1.00 if not already a multiple thereof, except that the maximum weekly benefit rate payable for an individual claiming dependency benefits shall not exceed the maximum amount determined under paragraph (1) of this subsection (c).

(B) For the purposes of this paragraph (2), a dependent is defined as an individual's unemployed spouse or an unemployed unmarried child (including a stepchild or a legally adopted child) under the age of 19 or an unemployed unmarried child, who is attending an educational institution as defined in subsection (y) of R. S. 43:21–19 on a full-time basis and is under the age of 22. If

an individual's spouse is employed during the week the individual files an initial claim for benefits, this paragraph (2) shall not apply. If both spouses establish a claim for benefits in accordance with the provisions of this chapter (R. S. 43:21–1 et seq.), only one shall be entitled to dependency benefits provided in this paragraph (2).

(C) Any determination establishing dependency benefits under this paragraph (2) shall remain fixed for the duration of the individual's benefit year and shall not be increased or decreased unless it is determined by the division that the individual wrongfully claimed dependency benefits as a result of false or fraudulent representation.

(D) Notwithstanding the provisions of any other law, the division shall use every available administrative means to insure that dependency benefits are paid only to individuals who meet the requirements of this paragraph (2). These administrative actions may include, but shall not be limited to, the following:

(i) All married individuals claiming dependents under this paragraph (2) shall be required to provide the social security number of the individual's spouse. If the individual indicates that the spouse is unemployed, the division shall match the social security number of the spouse against available wage records to determine whether earnings were reported on the last quarterly earnings report filed by employers under R. S. 43:21–14 of this chapter. If earnings were reported, the division shall contact in writing the last employer to determine whether the spouse is currently employed.

(ii) Where a child is claimed as a dependent by an individual under this paragraph (2), the individual shall be required to provide to the division the most recent federal income tax return filed by the individual to assist the division in verifying the claim.

(3) For the purposes of this subsection (c), the "Statewide average weekly remuneration paid to workers by employers" shall be computed and determined by the Commissioner of Labor 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) (A) With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1975 and prior to July 1, 1986, 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 lower multiple of $1.00 if not already a multiple thereof.

(B) (i) With respect to an individual for whom benefits shall be payable for benefit years commencing on or after July 1, 1986, as provided in this section, the individual shall be entitled to receive a total amount of benefits equal to three-quarters of the individual's base weeks with all employers in the base year multiplied by the individual's weekly benefit rate; but the amount of benefits thus resulting under that determination shall be adjusted to the next lower multiple of $1.00 if not already a multiple thereof.

(ii) Except that benefits paid to an individual for benefit years commencing on or after July 1, 1986 shall be charged against the accounts of the individual's base year employers in the following manner: Each week of benefits paid to an eligible individual shall be charged against each base year employer's account in the same proportion that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during the base year.

(iii) Wages earned during a base year, which had previously been used to establish a benefit year commencing prior to July 1, 1986, may also be used to establish benefit years commencing on or after July 1, 1986 but prior to October 1, 1987. No employer's account shall be charged for any benefits payable based on base year wages which may be used to establish entitlement under the provisions of this subparagraph (iii).

(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) (Deleted by amendment, P. L. 1984, c. 24.)

2. R. S. 43:21–4 is amended to read as follows:

Benefit eligibility conditions.

43:21–4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) The individual has filed a claim at an unemployment insurance claims office and thereafter continues to report at an employment service office or unemployment insurance claims office, as directed by the division in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided that no such regulation shall conflict with subsection (a) of R. S. 43:21–3.

(b) The individual has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21–6.

(c) (1) The individual is able to work, and is available for work, and has demonstrated to be actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section.

(2) The director may modify the requirement of actively seeking work if such modification of this requirement is warranted by economic conditions.

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

(4) Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because the individual is attending a training program approved for the individual by the division to enhance the individual's employment opportunities

or because the individual failed or refused to accept work while attending such program.

(5) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance before a court in response to a summons for service on a jury.

(d) The individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under the temporary disability benefits law;

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21–5.

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21–19, the individual has established at least 20 base weeks as defined in subsection (t) of R. S. 43:21–19, or, in those instances in which the individual has not established 20 base weeks, the individual has earned $2,200.00 for benefit years commencing prior to October 1, 1984; and for benefit years commencing on or after October 1, 1984, the individual has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under R. S. 43:21–3(c), raised to the next higher multiple of $100.00 if not already a multiple thereof or more in the individual's base year.

(f) (1) The individual has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21–1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished

notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21–3 (d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual," as defined in R. S. 43:21–27 (b); provided further that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist, optometrist, podiatrist or chiropractor;

(B) (Deleted by amendment, P. L. 1980, c. 90.)

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a crime of the first, second or third degree;

(D) For any week with respect to which or a part of which the individual has received or is seeking benefits under any unemployment compensation or disability benefit law of any other state or of the United States; provided that if the appropriate agency of such other state or of the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which the individual has received or is seeking disability benefits under the temporary disability benefits law;

(F) For any period of disability commencing while such individual is a "covered individual," as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21–19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that, notwithstanding any other provisions of the Unemployment Compensation Law:

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to weeks of unemployment beginning after September 3, 1982, on the basis of service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this paragraph (2) and the individual was not offered an opportunity to perform these services for the educational institution for the second of any academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess;

(4) With respect to any services described in paragraphs (1) and (2) above, benefits shall not be paid as specified in paragraphs (1), (2), and (3) above to any individual who performed those services in an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or govern-

mental entity which is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sports seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such sessions (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for purpose of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act); provided that any modifications of the provisions of section 3304 (a) (14) of the federal Unemployment Tax Act, as provided by Public Law 94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or

more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

3. R. S. 43:21–5 is amended to read as follows:

Disqualifications.

43:21–5. An individual shall be disqualified for benefits:

(a) For the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual becomes reemployed and works four weeks in employment, which may include employment for the federal government, and has earned in employment at least six times the individual's weekly benefit rate, as determined in each case.

(b) For the week in which the individual has been suspended or discharged for misconduct connected with the work, and for the five weeks which immediately follow that week (in addition to the waiting period), as determined in each case. In the event the discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration, this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which the individual is subsequently compensated by the employer.

If the discharge was for gross misconduct connected with the work because of the commission of an act punishable as a crime of the first, second, third or fourth degree under the "New Jersey Code of Criminal Justice," N. J. S. 2C:1–1 et seq., the individual shall be disqualified in accordance with the disqualification prescribed in subsection (a) of this section and no benefit rights shall accrue to any individual based upon wages from that employer for services rendered prior to the day upon which the individual was discharged.

The director shall insure that any appeal of a determination holding the individual disqualified for gross misconduct in connection with the work shall be expeditiously processed by the appeal tribunal.

(c) If it is found that the individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when it is offered, or to return to the individual's customary self-

employment (if any) when so directed by the director. The disqualification shall continue for the week in which the failure occurred and for the three weeks which immediately follow that week (in addition to the waiting period), as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to health, safety and morals, the individual's physical fitness and prior training, experience and prior earnings, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that this unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which the individual is or was last employed. No disqualification under this subsection shall apply if it is shown that:

(1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case in which (1) or (2) above applies, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each department shall, for

the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

(e) For any week with respect to which the individual is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided that if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of one year from the date of the discovery by the division of the illegal receipt or attempted receipt of benefits contrary to the provisions of this chapter, as the result of any false or fraudulent representation; provided that any disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and provided further that a conviction in the courts of this State arising out of the illegal receipt or attempted receipt of these benefits in any proceeding instituted against the individual under the provisions of this chapter or any other law of this State shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R. S. 43:21–16, or to enforce any other law, where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from these funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

(h) (1) Notwithstanding any other provisions of this chapter (R. S. 43:21–1 et seq.), no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236 (a) (1) of the Trade Act of 1974, P. L. 93-618, 19 U. S. C. § 2296, nor shall the individual be denied benefits by reason of leaving work to enter this training, provided the work left is not suitable employment, or because of the application to

any week in training of provisions in this chapter (R. S. 43:21–1 et seq.) or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

(2) For purposes of this subsection (h), the term "suitable" employment means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974, P. L. 93-618, 19 U. S. C. § 2102 et seq.), and wages for this work at not less than 80% of the individual's average weekly wage, as determined for the purposes of the Trade Act of 1974.

(i) For benefit years commencing after June 30, 1984, for any week in which the individual is a student in full attendance at, or on vacation from, an educational institution, as defined in subsection (y) of R. S. 43:21–19; except that this subsection shall not apply to any individual attending a training program approved by the division to enhance the individual's employment opportunities, as defined under subsection (c) of R. S. 43:21–4; nor shall this subsection apply to any individual who, during the individual's base year, earned sufficient wages, as defined under subsection (e) of R. S. 43:21–4, while attending an educational institution during periods other than established and customary vacation periods or holiday recesses at the educational institution, to establish a claim for benefits. For purposes of this subsection, an individual shall be treated as a full-time student for any period:

(1) During which the individual is enrolled as a full-time student at an educational institution, or

(2) Which is between academic years or terms, if the individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term.

4. R. S. 43:21–6 is amended to read as follows:

Claim for benefits.

43:21–6. Claim for benefits.

(a) Filing. Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such places

as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed a printed copy of benefit instructions. Both the aforesaid notices and instructions shall be supplied by the division to employers without cost to them.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsections 4 (f) and 5 (d) of this chapter.

If any employer or employing unit fails to respond to the request for information within 10 days after the mailing of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to the employer to whom the determination relates, and the ratio of benefits chargeable to the employer's account for benefit years commencing on or after July 1, 1986, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer

failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination, as hereinafter provided, by any employer other than the first chargeable base year employer or for benefit years commencing on or after July 1, 1986, that employer from whom the individual was most recently separated, then such appeal shall be limited in scope to include only one or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued; or

(C) The refusal of suitable work offered by the chargeable employer filing the appeal;

(D) Gross misconduct as provided in subsection (b) of R. S. 43:21–5.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of section 43:21–3 of this Title.

Unless the claimant or any interested party, within seven calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith, except for such determinations

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as may be altered in benefit amounts or duration as provided in this paragraph. Benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R. S. 43:21–5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal, the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid, if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953 and prior to benefit years commencing on or after July 1, 1986.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling $30.00 or more but in each of which there was no single employer from whom he earned as much as $100.00, then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last date of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the course of the benefit year, in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless within 10 days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under section 43:21–16(d) of this chapter (R. S. 43:21–1 et seq.), the director with the approval of the Commissioner of Labor shall establish impartial appeal tribunals consisting of a salaried body of examiners under the supervision of a Chief Appeals Examiner, all of whom shall be appointed pursuant to the provisions of Title 11 of the Revised Statutes, Civil Service and other applicable statutes.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of sub-

section (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under section 43:21–16 (d) of this chapter (R. S. 43:21–1 et seq.) shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R. S. 43:21–1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Unemployment and Temporary Disability Insurance and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney, who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid, unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account

had such notice been given. Any determination hereunder by the director shall be subject to court review.

5. R. S. 43:21–7 is amended to read as follows:

Contributions.

43:21–7. Contributions. Employers other than governmental entities, whose benefit financing provisions are set forth in section 4 of P. L. 1971, c. 346 (C. 43:21–7.3), and those nonprofit organizations liable for payment in lieu of contributions on the basis set forth in section 3 of P. L. 1971, c. 346 (C. 43:21–7.2), shall pay to the controller for the Unemployment Compensation Fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers, consistent with the provisions of the Unemployment Compensation Law and the Temporary Disability Benefits Law.

(a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21–1 et seq.), with respect to having individuals in his employ during such calendar year, at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the controller for the fund, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, 2⅞% of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer, as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first $4,800.00 paid during calendar year 1975, for services performed either within or without this State; provided that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor

employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to the first $4,800.00 paid during calendar year 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b), shall be established and promulgated by the Commissioner of Labor on or before September 1 of the preceding year and shall be 28 times the Statewide average weekly remuneration paid to workers by employers, as determined under R. S. 43:21–3 (c), raised to the next higher multiple of $100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of section 3306 of the federal Unemployment Tax Act, Chapter 23 of the Internal Revenue Code of 1954, the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the federal Unemployment Tax Act for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21–1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into

the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, either a copy of the benefit check or other form of notification shall be promptly sent to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base year, base week wages paid to the claimant by that employer, then such employer shall have canceled from his account such excess benefit charges as specified above.

Each employer shall be furnished an annual summary statement of benefits charged to his account.

(2) Regulations may be prescribed for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) No employer's rate shall be lower than 5.4% unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (26 U. S. C. § 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

(4) Employer Reserve Ratio. (A) Each employer's rate shall be 2$^{8}/_{10}$%, except as otherwise provided in the following provisions. No employer's rate for the 12 months commencing July 1 of any calendar year shall be other than 2$^{8}/_{10}$%, unless as of the preceding January 31 such employer shall have paid contributions with respect to wages paid in each of the three calendar years immediately

preceding such year, in which case such employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) 2$\frac{5}{10}$%, if such excess equals or exceeds 4%, but less than 5%, of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21–19 of this Title);

(2) 2$\frac{7}{10}$%, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) 1$\frac{9}{10}$%, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) 1$\frac{6}{10}$%, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) 1$\frac{3}{10}$%, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) $\frac{7}{10}$ of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11% of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 4%, if such excess is less than 10% of his average annual payroll;

(2) 4$\frac{3}{10}$%, if such excess equals or exceeds 10%, but is less than 20%, of his average annual payroll;

(3) 4$\frac{6}{10}$%, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates. If no contributions were paid on wages for employment in any calendar year used in determining the average annual payroll of an employer eligible for an assigned rate under this paragraph (4), the employer's rate shall be specially assigned as follows: (i) if the reserve balance in its account is positive, its assigned rate shall be the highest rate in effect for

positive balance accounts for that period, or 5.4%, whichever is higher, and (ii) if the reserve balance in its account is negative, its assigned rate shall be the highest rate in effect for deficit accounts for that period.

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c) for experience rating periods through June 30, 1986.

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds 2½% but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{6}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than 2½% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i) $\frac{6}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3), (4) (A) or (4) (B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of $\frac{1}{10}$% if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{6}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection. For the period commencing July 1, 1984 and ending June 30, 1986, the contribution rate for each employer liable to pay contributions

under R. S. 43:21-7 shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than 12½% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 12½% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 6/10 of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%.

(C) The "balance" in the unemployment trust fund, as the term is used in subparagraphs (A) and (B) above, shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (42 U. S. C. § 1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of Unemployment Compensation Law.

(D) Prior to July 1 of each calendar year the controller shall determine the Unemployment Trust Fund Reserve Ratio, which shall be calculated by dividing the balance of the unemployment trust fund as of the prior March 31 by total taxable wages reported to the controller by all employers as of March 31 with respect to their employment during the last calendar year.

(E) With respect to experience rating years beginning on or after July 1, 1986, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust

Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph 4 of this subsection (R. S. 43:21–7 (c) (4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE
FUND RESERVE RATIO[1]

Employer Reserve Ratio[2]	10.00% and Over A	7.00% to 9.99% B	4.00% to 6.99% C	2.50% to 3.99% D	2.49% and Under E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
– 0.00% to – 2.99%	3.4	4.3	5.1	5.6	6.1
– 3.00% to – 5.99%	3.4	4.3	5.1	5.7	6.2
– 6.00% to – 8.99%	3.5	4.4	5.2	5.8	6.3
– 9.00% to –11.99%	3.5	4.5	5.3	5.9	6.4
–12.00% to –14.99%	3.6	4.6	5.4	6.0	6.5
–15.00% to –19.99%	3.6	4.6	5.5	6.1	6.6
–20.00% to –24.99%	3.7	4.7	5.6	6.2	6.7
–25.00% to –29.99%	3.7	4.8	5.6	6.3	6.8
–30.00% to –34.99%	3.8	4.8	5.7	6.3	6.9
–35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

[1]Fund balance as of March 31 as a percentage of taxable wages in the prior calendar year.

[2]Employer Reserve Ratio (Contributions minus benefits as a percentage of employer's taxable wages).

(F) With respect to experience rating years beginning on or after July 1, 1986, if the balance of the unemployment trust fund as of the prior March 31 is negative, the contribution rate for each employer liable to pay contributions, as computed under subparagraph E of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of $\frac{1}{10}$% if not already a multiple thereof.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer, including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the controller for not to exceed an additional 60 days; provided that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or $5.00, whichever is greater, not to exceed $50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the controller shall transfer the employment experience of the predecessor employer to the successor in interest, including

credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulation, if it is determined that the employment experience of the predecessor employer with respect to the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice protesting the transfer of the employment experience of the predecessor employer.

(B) An employer who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The transfer of employment experience may be allowed pursuant to regulation only if it is found that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization,

trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R. S. 43:21–1 et seq.).

(d) Contributions of workers, transfers to temporary disability benefit fund.

(1) (A) For periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer, which occurs on and after January 1, 1975, after such employer has satisfied the conditions set forth in subsection (h) of section 43:21–19 of this Title with respect to becoming an employer; provided, however, that such contributions shall be at the rate of ½ of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or any governmental entity or instrumentality which is an employer as defined under R. S. 43:21–19(h) (5), or is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21–31).

(B) Effective January 1, 1978 there shall be no contributions by workers in the employ of any governmental or nongovernmental employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the Temporary Disability Benefits Law (C. 43:21–37 et seq.), and in that case contributions shall be at the rate of ½ of 1%, except that commencing July 1, 1986, workers in the employ of any nongovernmental employer electing or required to make payments in lieu of contributions shall be required to make contributions to the fund at the same rate prescribed for workers of other nongovernmental employers.

(C) Notwithstanding the above provisions of this paragraph (1), on or after July 1, 1986, each worker shall contribute to the fund 1.125% of wages paid with respect to his employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under R. S. 43:21–19 (h) (6), regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection R. S. 43:21–19(h) of this Title with respect to becoming an employer. Contributions, however, shall be at the rate of 0.625% while the worker is covered by an

approved private plan under the Temporary Disability Benefits Law or while the worker is exempt under section 7 of that law (C. 43:21–31) or any other provision of that law; provided that such contributions shall be at the rate of 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the Temporary Disability Benefits Law, except that, while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21–31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, the contributions to the fund shall be 0.125%.

(D) Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division or controller may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the controller in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21–14 of this Title, such contributions shall be treated as employer's contributions required from him.

(E) As used in this chapter (R. S. 43:21–1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) (Deleted by amendment, P. L. 1984, c. 24.)

(B) (Deleted by amendment, P. L. 1984, c. 24.)

(C) With respect to wages paid on and after January 1, 1975, there shall be deposited in and credited to the State Disability Benefits Fund, as established by law, one-half of all worker contributions received by the controller upon which the rate of contribution is 1%.

(D) All worker contributions received by the controller from all employers electing or required to make payments in lieu of contributions, upon which the rate of contribution is ½ of 1%, except the

State of New Jersey or any other governmental entity or instrumentality defined as an employer under R. S. 43:21–19(h) (5), unless the State of New Jersey or such other governmental entity or instrumentality is a "covered employer," as defined in R. S. 43:21–27.

(E) Notwithstanding the above with respect to wages on or after July 1, 1986, there shall be deposited in and credited to the State Disability Benefits Fund 4/9 of all worker contributions received by the controller upon which the rate of contribution is 1.125% and 4/5 of the contributions received by the controller upon which the rate of contribution is 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the Temporary Disability Benefits Law.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law (C. 43:21–33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to ½ of 1% of the "wages" determined in accordance with the provisions of R. S. 43:21–7(b) (3) during the calendar years beginning on or after January 1, 1976, the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the Temporary Disability Benefits Law, such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with re-

spect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund, as provided in subparagraph (B) of paragraph (2) of this subsection. The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R. S. 43:21–14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the State Disability Benefits Fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R. S. 43:21–1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R. S. 43:21–1 et seq.), or to cease to be an employer subject to this chapter (R. S. 43:21–1 et seq.), pursuant to the provisions of section 43:21–8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the controller as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State Disability Benefits Fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c)

of this section, contribute ½ of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in section 3 of the Temporary Disability Benefits Law (C. 43:21–27 (a)), except that the rate for the State of New Jersey shall be ⅒ of 1% for the calendar year 1980 and for the first six months of 1981. Prior to July 1, 1981 and prior to July 1 each year thereafter, the controller shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in combination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than ⅒ of 1%. Such contributions shall become due and be paid by the employer to the controller for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contributions required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State Disability Benefits Fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in

his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the Temporary Disability Benefits Law on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed, if out of employment.

(C) The controller may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the controller shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be ½ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the three calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than $500.00, such preliminary rate shall be as follows:

(i) 2/10 of 1% if such excess over $500.00 exceeds 1% but is less than 1¼% of his average annual payroll (as defined in this chapter (R. S. 43:21–1 et seq.));

(ii) 15/100 of 1% if such excess over $500.00 equals or exceeds 1¼% but is less than 1½% of his average annual payroll;

(iii) 1/10 of 1% if such excess over $500.00 equals or exceeds 1½% of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than $500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than $500.00, the preliminary rate shall be ¼ of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than $500.00, such preliminary rate shall be as follows:

(i) $^{35}/_{100}$ of 1% if such excess over $500.00 is less than ¼ of 1% of his average annual payroll;

(ii) $^{45}/_{100}$ of 1% if such excess over $500.00 equals or exceeds ¼ of 1% but is less than ½ of 1% of his average annual payroll;

(iii) $^{55}/_{100}$ of 1% if such excess over $500.00 equals or exceeds ½ of 1% but is less than ¾ of 1% of his average annual payroll;

(iv) $^{65}/_{100}$ of 1% if such excess over $500.00 equals or exceeds ¾ of 1% but is less than 1% of his average annual payroll;

(v) $^{75}/_{100}$ of 1% if such excess over $500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than $^1/_{10}$ of 1% of wages or increased by more than $^2/_{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the controller shall determine the amount of the State Disability Benefits Fund as of December 31 of the preceding calendar year, increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in preceding calendar year. If such amount exceeds the net amount withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law, P. L. 1948, c. 110 (C. 43:21–47) plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section 22 of said law (C. 43:21–46)), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State Disability Benefits Fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The controller shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (E) (1) of this subsection equals or exceeds 1¼%, the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

(ii) If the percentage determined in accordance with paragraph (E) (1) of this subsection equals or exceeds 3/4 of 1% and is less than 1¼ of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (E) (1) of this subsection is less than 3/4 of 1%, but in excess of 1/4 of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between 3/4 of 1% and such percentage taken to the nearest 5/100 of 1%; provided, however, that no such final rate shall be more than 1/4 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than 1/2 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than 3/4 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (E) (1) of this subsection is equal to or less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, 7/10 of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof. Notwithstanding any other provision of law or any determination made by the controller with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

6. Section 3 of P. L. 1971, c. 346 (C. 43:21–7.2) is amended to read as follows:

C. 43:21-7.2 Nonprofit organizations.

3. Nonprofit organizations. (a) Notwithstanding any other provisions of the Unemployment Compensation Law, for payments of contributions by employers, benefits paid to individuals in the employ of nonprofit organizations, as described in section 501 (c) (3) of the Internal Revenue Code and which are exempt from income tax under section 501 (a) of the Internal Revenue Code, shall be financed in accordance with the following provisions:

(1) Any nonprofit organization which is, or becomes, subject to the Unemployment Compensation Law on or after January 1, 1972, shall pay contributions under the provisions of R. S. 43:21–7, unless it elects in accordance with this paragraph to pay to the unemployment fund an amount equal to the amount of regular benefits and ½ of the extended benefits paid that are attributable to base year service in the employ of such nonprofit organization during the effective period of such election;

(2) Any nonprofit organization which is, or becomes, subject to the Unemployment Compensation Law on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than two calendar years beginning with January 1, 1972, provided it files a written notice of its election within the 120-day period immediately following such date or within a like period immediately following the enactment of this act, whichever occurs later;

(3) Any nonprofit organization which becomes subject to the Unemployment Compensation Law after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than two calendar years beginning with the date on which such subjectivity begins, by filing a written notice of its election not later than 120 days immediately following the date of such subjectivity or not later than 30 days from the date such organization is notified of its subjectivity, whichever is later;

(4) Any nonprofit organization which makes an election in accordance with paragraph (2) or paragraph (3) shall be liable for payments in lieu of contributions on benefits paid that are attributable to base year service in the employ of such organization during the effective period of the election. Any nonprofit organization may file a written notice terminating its election not later than February 1 of any year with respect to which the termination is to become effective;

(5) Any nonprofit organization which has been paying contributions under the Unemployment Compensation Law for a period

subsequent to January 1, 1972, may change to a reimbursable basis by filing not later than February 1 of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that calendar year or the next calendar year;

(6) For good cause the period within which a notice of election or a notice of termination must be filed may be extended and a retroactive election may be permitted;

(7) If an election for payments in lieu of contributions is terminated by a nonprofit organization or canceled, the nonprofit organization shall remain liable for payments in lieu of contributions with respect to all benefits paid, based on base year wages earned in the employ of such nonprofit organization during the effective period of the election;

(8) In accordance with such regulations as may be prescribed, such nonprofit organization shall be notified of any determination which may be made of the effective date and the termination date of any such election and such determination shall be subject to reconsideration, appeal and review; and

(9) As of the effective date of the termination of an election to make payments in lieu of contributions, a nonprofit organization shall become liable to pay unemployment insurance contributions on taxable wages paid to its employees subsequent to the termination. Its contribution rate beginning with the first July 1 in the period following the termination of an election shall be assigned in accordance with the provisions of R. S. 43:21–7, except that:

(A) The benefit charges to its account which are attributable to base year services in the employ of such nonprofit organization during the effective period of its election to make payments in lieu of contributions shall not be included in the total benefit charges to its account in the calculation of its reserve balance for determining its rate under R. S. 43:21–7(c);

(B) Its average annual payroll shall be determined without inclusion of any of the wages paid in any calendar year during which its election to make payments in lieu of contributions was effective for any part of the calendar year;

(C) The period during which the election to make payments in lieu of contributions was effective shall not be included in calculating the period of eligibility for modification of its rate under R. S. 43:21–7 (c) (3);

(D) For the period from the date of the termination of its election to the July 1 following termination, the nonprofit organization shall be assigned a rate of 1% for contributions under the Unemployment Compensation Law.

(b) Reimbursement payments. At the end of each calendar month, or at the end of any other period as determined by the controller, the controller shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of any extended benefits paid during such month or other prescribed period that are attributable to base year service of individuals in the employ of such organization during the effective period of the election, and the provisions of the Unemployment Compensation Law (R. S. 43:21–1 et seq.), and the amendments and supplements thereto, shall be applicable with respect to the payment of claims for benefits and the charging thereof; provided, however, that no employer who elects to make payments in lieu of contributions shall be relieved of any charges for benefits paid to his workers by reason of R. S. 43:21–6(b)(1), R. S. 43:21–7(c)(1), or section 6 of chapter 324 of the Laws of 1970 (C. 43:21–24.12, Extended Benefits Law).

(c) Payment of any bill rendered under subsection (b) above shall be made not later than 30 days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subsection (e).

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(e) The amount of any payment required under subsection (b) from any nonprofit organization, as specified in any bill from the controller, shall be conclusive on the organization, unless, not later than 15 days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an application for redetermination by the controller, setting forth the grounds for such application. The controller shall promptly review and reconsider the amount specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization, unless, not later than 15 days after the redetermination was mailed to its last known address or otherwise

delivered to it, the organization files an appeal to the controller, setting forth the grounds for an appeal. Proceedings on appeal to the controller from the amount of a bill rendered under this subsection or a redemption of such amount shall be in accordance with the rules and regulations of the controller.

(f) Any organization failing to file a timely report or to make a timely payment of the amount in lieu of contributions due hereunder shall be subject to the same interest, penalties, remedies and methods of enforcement that apply to contributions and reports due under the provisions of the Unemployment Compensation Law.

(g) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under this section, the controller may terminate such organization's election to make payments in lieu of contributions as of January 1 immediately following, and such termination shall be effective for at least two calendar years and until all payments due the division have been satisfied.

(h) Provision for bond or other security. In the discretion of the controller, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required, within 30 days after the effective date of its election, to execute and file with the controller a surety bond approved by the controller or it may elect instead to deposit with the controller money or securities approved by the controller. The amount of the bond or deposit shall be determined by the controller and shall not exceed the amount derived by multiplying the organization's taxable wages for the preceding calendar year, or the organization's estimated taxable wages for the ensuing year, whichever is the greater, by the maximum unemployment insurance contribution rate in effect at the beginning of the calendar year for which the bond or deposit is required; provided, however, that any organization which is a self-insurer and is exempt from insuring workers' compensation liability under the Workers' Compensation Law shall, so long as such exemption remains in effect, be exempt from the surety bond and security deposit requirements of this subsection; and any other organization which shall satisfy the controller as to its financial ability to meet the cost of benefits provided under the Unemployment Compensation Law and the Temporary Disability Benefits Law may, upon application, be exempted from such requirements by written order of the controller, which order shall be revocable at any time.

(1) Bond. The amount of any bond deposited under this subsection shall require adjustments as the controller deems appro-

priate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 30 days after notice of the required adjustment was mailed or otherwise delivered to it. Failure of any organization covered by such bond to pay the full amount of payment in lieu of contributions when due, together with any applicable interest and penalties, shall render the surety liable on said bond to the extent of said bond, as though the surety was such organization.

(2) Deposit of money or securities. Any deposit of money or securities in accordance with this subsection shall be retained by the controller in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The controller may deduct from any money deposited under this subsection by a nonprofit organization, or sell the securities it has so deposited, to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties. The controller shall require the organization within 30 days following any deduction from a money deposit or sale of deposited securities under the provisions of this subsection to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The controller may at any time review the adequacy of the deposit made by any organization. If, as a result of such review, the controller determines that an adjustment is necessary, it shall require the organization to make an additional deposit within 30 days of written notice of the controller's determination or shall return to it such portion as the controller no longer considers necessary, as deemed appropriate. Disposition of income from securities held in escrow shall be governed by applicable State law.

(3) Authority to terminate elections. If any nonprofit organization fails to file a bond or make a deposit, or to increase or make whole the amount of a previously made bond or deposit, as provided under this subsection, the controller may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for no less than 24 calendar months, beginning with the first quarter in which such termination becomes effective, provided the controller may extend for good cause the applicable filing, deposit or adjustment period by not more than 90 days.

(i) Group accounts. Two or more employers that have become liable for payments in lieu of contributions may file a joint application for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to services in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purpose of this subsection. Upon approval of the application, a group account shall be established for such employers, effective as of the beginning of the calendar quarter in which the application is received or the next calendar quarter, as appropriate, and the group's representative shall be notified of the effective date of the account. Such account shall remain in effect for not less than two calendar years and thereafter until terminated or upon application by the group. Regulations may be prescribed as necessary with respect to applications for establishment, maintenance, and termination of group accounts authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of the group, and the time and manner of such payments.

7. R. S. 43:21–9 is amended to read as follows:

Unemployment compensation fund.

43:21–9. (a) Establishment and control. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the Department of Labor exclusively for the purpose of this chapter (R. S. 43:21–1 et seq.). This fund shall consist of: (1) all contributions and payments in lieu of contributions collected under this chapter (R. S. 43:21–1 et seq.); (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; (4) all earnings on such property or securities; (5) all moneys credited to this State's account in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. § 1103), as amended; and (6) all moneys received for the fund from any other source. All moneys in this fund shall be mingled and undivided.

(b) Accounts and deposits. The Treasurer of the State of New Jersey shall be ex officio the treasurer and custodian of the fund and shall administer such fund in accordance with the directions of the department and shall issue his warrants upon it in accor-

dance with such regulations as the department shall prescribe. He shall maintain within the fund three separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the department, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to subsection (f) of section 43:21–14 of this Title may be paid from the clearing account upon warrants issued by the treasurer under the direction of the controller. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act (42 U. S. C. § 1104), as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the controller, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the controller and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) Withdrawals from the unemployment trust fund.

(1) Benefit payments. Moneys requisitioned from this State's account in the unemployment trust fund shall be used solely for the payment of benefits and in accordance with regulations prescribed by the division, except that money credited to this State's account pursuant to section 903 of the Social Security Act (42 U. S. C. § 1103), as amended, may be used for the payment of expenses for the administration of this chapter (R. S. 43:21–1 et seq.), as provided in paragraph (2) of this subsection. The controller shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account, and the payment of

benefits shall be made solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants for the payment of benefits shall be issued by and bear only the signature of the Commissioner of Labor or his duly authorized agent for that purpose. All warrants for the payment of refunds shall be issued by the treasurer and bear the signature of the treasurer and the countersignature of the commissioner or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the department, shall be deposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

(2) Administrative use. Moneys credited to the account of this State by the Secretary of the Treasury of the United States in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. § 1103), as amended, may be requisitioned and used for the payment of expenses for the administration of the Unemployment Compensation Law (R. S. 43:21–1 et seq.), pursuant to a specific appropriation by the Legislature, provided that the expenses are incurred and the moneys are requisitioned after the enactment of an appropriation law which:

(A) specifies the purposes for which such moneys are appropriated and the amounts appropriated therefor;

(B) limits the period within which such moneys may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(C) limits the moneys which may be obligated during a 12-month period beginning on July 1 and ending on the next June 30 to a sum which does not exceed the amount by which the aggregate of the moneys credited to the account of this State pursuant to section 903 of the Social Security Act (42 U. S. C. § 1103), as amended, during the same 12-month period and the 34 preceding 12-month periods, exceeds the aggregate of moneys obligated for the payment of expenses incurred for the

administration of this chapter (R. S. 43:21–1 et seq.) and the moneys paid out for benefits, which is charged against the moneys credited to the account of this State during such 35 12-month periods.

Moneys credited to this State's account in the unemployment trust fund under section 903 of the Social Security Act (42 U. S. C. § 1103), as amended, which are obligated for the payment of expenses for the administration of this chapter (R. S. 43:21–1 et seq.) or paid out for benefits, shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no moneys obligated for the payment of expenses for the administration of this chapter (R. S. 43:21–1 et seq.) during a 12-month period specified herein may be charged against any amount credited during such a 12-month period earlier than the thirty-fourth preceding such period.

Money appropriated as provided herein for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and upon requisition shall be deposited in the unemployment compensation administration fund from which such payments shall be made. Money so deposited shall, until expended, remain a part of the unemployment compensation fund. If such money will not be expended, it shall be returned promptly to the Secretary of the Treasury of the United States for credit to this State's account in the unemployment trust fund. The controller shall maintain a separate record of the credits, appropriation, obligation and expenditure of the money credited to the account of this State in the unemployment trust fund pursuant to section 903 of the Social Security Act (42 U. S. C. § 1103), as amended.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b) and (c) to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein

belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit and release such moneys, properties or securities in a manner approved by the department, in accordance with the provisions of this chapter; provided that such moneys shall be invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States of America and of the State of New Jersey; and provided, further, that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the department.

8. R. S. 43:21–11 is amended to read as follows:

Duties, powers of Department of Labor.

43:21–11. (a) Duties and powers of the Department of Labor. The department shall have power and authority to adopt, amend, or rescind such rules and regulations, require such reports, make such investigations, and take such other action as it deems necessary or suitable to administer this chapter; provided that the Commissioner of Labor may delegate such power and authority, subject to his ultimate supervision and control. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the department shall prescribe. The department shall determine its own organization and methods of procedure, in accordance with the provisions of this chapter. Whenever the department believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto.

(b) Regulations and general and special rules. General and special rules may be adopted, amended, or rescinded by the department. General rules shall become effective 10 days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective 10 days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the depart-

ment and shall become effective in the manner and at the time prescribed by the department.

(c) Publication. The department shall cause to be printed for distribution to the public the text of this chapter, the department's regulations and general rules, its annual reports to the Governor, and any other material the department deems relevant and suitable and shall furnish the same to any person upon application therefor.

(d) Personnel. Subject to other provisions of this chapter, the department is authorized to appoint (subject to the provisions of Title 11, Civil Service), fix the compensation, and prescribe the duties and power of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under R. S. 43:21–1 et seq. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis from lists of eligible persons prepared by the Civil Service Commission, in accordance with the provisions of Title 11, Civil Service, except that any attorney, now or hereafter in office or position of legal assistant for the department, shall be placed in the exempt class of the civil service and thereafter shall not be subject to removal except for cause and then only in accordance with the provisions of Title 11, Civil Service; provided, however, that nothing herein shall be construed to apply to any attorney designated as special counsel in accordance with the provisions of sections 43:21–6, subsection (h), and 43:21–17. The division shall not employ or pay any person who is an officer or committee member of any political party organization. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this chapter, and may in his discretion bond any person handling moneys or signing checks hereunder.

(e) Employment Security Council. There shall be within the department an Employment Security Council, as established and constituted under the Department of Labor and Industry Act of 1948 (P. L. 1948, c. 446; C. 34:1A–1 et seq.).

(f) Employment stabilization. The department, with the advice and aid of the Employment Security Council, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public

works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible, and to these ends to carry on and publish the results of investigations and research studies.

(g) Records and reports. Each employing unit shall keep true and accurate employment records, containing such information as may be prescribed. Such records shall be open to inspection and be subject to being copied by the director of the division and the controller or their authorized representatives at any reasonable time. The department may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which are deemed necessary for the effective administration of this chapter. Under such rules and regulations as may be adopted by the department, reports relative to wages and separation from employment may be required from any employer or employing unit at the time such employer or employing unit suspends business operations in this State, or from any employer or employing unit which fails to cooperate in submitting promptly the wage and employment data which may be required under paragraph (2) of subsection (b) of section 43:21–6 of this Title. If the nature of such suspension is temporary or in the nature of a transfer, then the employer or employing unit may be excused from furnishing such a termination report upon assurances that proper arrangements have been made to supply any information which may be required under paragraph (2) of subsection (b) of section 43:21–6 of this Title. The department may require from any employer or employing unit reports relative to wages and separation in such manner and at such time as may be necessary for the effective administration of this chapter.

All records, reports and other information obtained from employers and employees under this chapter, except to the extent necessary for the proper administration of this chapter, shall be confidential and shall not be published or open to public inspection other than to public employees in the performance of their public duties, and shall not be subject to subpena or admissible in evidence in any civil action or proceeding other than one arising under this chapter, but any claimant at a hearing before an appeal tribunal, the division or the board of review shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any officer or employee of the department who violates any provision of this section shall be lia-

ble to a fine of $200.00, to be rocovered in a civil action in the name of the division, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund.

(h) Oaths and witnesses. In the discharge of the duties imposed by this chapter, the controller, the appeal tribunal and any duly authorized representative or member of the division, the director or any deputy director thereof or member of the board of review shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of this chapter. Witnesses subpenaed pursuant to this section shall in the discretion of the department be allowed fees at a rate to be fixed by it. Such fees shall be deemed a part of the expense of administering this chapter.

(i) Subpenas. In case of contumacy by or refusal to obey a subpena issued to any person, any court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department or its duly authorized representative, or the board of review, shall have jurisdiction to issue to such person an order requiring such person to appear before the board of review or a member thereof, the department or its duly authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpena of the division or of the board of review shall be punished by a fine of not more than $200.00 or by imprisonment for not longer than 60 days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(j) Protection against self-incrimination. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the department or the board of review or in obedience to the subpena of a member of the department or the board of review or a member

thereof, or any duly authorized representative thereof in any cause or proceeding before the department, the board of review or a member thereof, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(k) State-Federal cooperation. In the administration of this chapter the department shall cooperate to the fullest extent, consistent with the provisions of this chapter, with the United States Department of Labor to secure to this State and its citizens all advantages available under the provisions of the Social Security Act (42 U. S. C. § 301 et seq.), as amended, the Federal Unemployment Tax Act (26 U. S. C. § 3301 et seq.), as amended, and the Wagner-Peyser Act (29 U. S. C. § 49 et seq.), as amended; shall make such reports, in such form and containing such information as the United States Secretary of Labor may from time to time require; and shall comply with such provisions as the United States Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the United States Secretary of Labor governing the expenditure of such sums as may be allotted and paid to this State under any of such federal acts.

Upon request therefor, the department shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

The department is authorized to make such investigations and exercise such of the other powers provided herein with respect to the administration of this chapter and to transmit such information and make available such services and facilities to the agency

charged with the administration of any State or federal unemployment insurance or public employment service law as it deems necessary or appropriate to facilitate the administration of such law and to accept and utilize information, services and facilities made available to this State by such agency.

9. R. S. 43:21–14 is amended to read as follows:

Periodic contribution reports.

43:21–14. (a) (1) In addition to such reports as may be required under the provisions of subsection (g) of section 43:21–11 of this chapter (R. S. 43:21–1 et seq.), every employer shall file with the controller periodical contribution reports on such forms and at such times as the controller shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter (R. S. 43:21–1 et seq.), and at the time of filing each contribution report shall pay the contributions required by this chapter (R. S. 43:21–1 et seq.), for the period covered by such report. The controller may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the controller, on or before the last day for the filing thereof shall pay a penalty of $5.00 for each day of delinquency until and including the fifth day following such last day and for any period of delinquency after such fifth day, a penalty of $5.00 a day or 20% of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser; if there be no liability for contributions for the period covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of $5.00 a day for each day of delinquency in filing or $25.00, whichever is the lesser; provided, however, that when it is shown to the satisfaction of the controller that the failure to file any such report was not the result of fraud or an intentional disregard of this chapter (R. S. 43:21–1 et seq.), or the regulations promulgated hereunder, the controller, in his discretion, may remit or abate any unpaid penalties heretofore or hereafter imposed under this section. On or before October 1 of each year, the controller shall submit to the Commissioner of Labor a report covering the 12-month period ending on the preceding June 30, and showing the names and addresses of all employers for whom the controller remitted or abated any penalties, or ratified any remission or abatement of penalties, and the amount of such penalties with respect to each employer. Any employer who shall fail to pay

the contributions due for any period, on or before the date they are required by the controller to be paid, shall pay interest on the amount thereof from such date until the date of payment thereof at the rate of 1% a month through June 30, 1981 and at the rate of 1¼% a month after June 30, 1981. Upon the written request of any employer or employing unit, filed with the controller on or before the due date of any report or contribution payment, the controller, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution with interest at the applicable rate; provided no such extension shall exceed 30 days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the federal Social Security Act for the year in which said period occurs.

(2) (A) For the calendar quarter commencing July 1, 1984 and each successive quarter thereafter, each employer shall file a report with the controller within 30 days after the end of each quarter in a form and manner prescribed by the controller, listing the name, social security number and wages paid to each employee and the number of base weeks (as defined in subsection (t) of R. S. 43:21–19) worked by the employee during the calendar quarter.

(B) Any employer who fails without reasonable cause to comply with the reporting requirements of this paragraph (2) shall be liable for a penalty in the following amount for each employee with respect to whom the employer is required to file a report but who is not included in the report or for whom the required information is not accurately reported for each employee required to be included, whether or not the employee is included:

(i) For the first failure for one quarter in any eight consecutive quarters, $5.00 for each employee;

(ii) For the second failure for any quarter in any eight consecutive quarters, $10.00 for each employee; and

(iii) For the third failure for any quarter in any eight consecutive quarters, and for any failure in any eight consecutive quarters, which failure is subsequent to the third failure, $25.00 for each employee.

(C) Information reported by employers as requested by this paragraph (2) shall be used by the Department of Labor for the purpose of determining eligibility for benefits of individuals in accordance with the provisions of R. S. 43:21–1 et seq. Notwith-

standing the provisions of subsection (g) of R. S. 43:21–11, the Department of Labor is hereby authorized to provide the Department of Human Services with information reported by employers as required by this paragraph (2). For each fiscal year, the Director of the Division of Budget and Accounting of the Department of the Treasury shall charge the appropriate account of the Department of Human Services in amounts sufficient to reimburse the Department of Labor for the cost of providing information under this subparagraph (C).

(D) For the purpose of administering the provisions of this paragraph (2), all appropriations, files, books, papers, records, equipment and other property, and employees currently assigned to the Division of Taxation for the implementation of the "Wage Reporting Act," P. L. 1980, c. 48 (C. 54:1–55 et seq.) shall be transferred to the Department of Labor as of September 1, 1984 in accordance with the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

(b) The contributions, penalties, and interest due from any employer under the provisions of this chapter (R. S. 43:21–1 et seq.), from the time they shall be due, shall be a personal debt of the employer to the State of New Jersey, recoverable in any court of competent jurisdiction in a civil action in the name of the State of New Jersey; provided, however, that except in the event of fraud, no employer shall be liable for contributions or penalties unless contribution reports have been filed or assessments have been made in accordance with subsection (c) or (d) of this section before four years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21–1 et seq.), nor shall any employer be required to pay interest on any such contribution unless contribution reports were filed or assessments made within such four-year period; provided further that if such contribution reports were filed or assessments made within the four-year period, no civil action shall be instituted, nor shall any certificate be issued to the Clerk of the Superior Court under subsection (e) of this section, except in the event of fraud, after six years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21–1 et seq.), or July 1, 1958, whichever is later. Payments received from an employer on account of any debt incurred under the provisions of this chapter (R. S. 43:21–1 et seq.) may be applied by the controller on account of the contribution liability of the employer and then to

interest and penalties, and any balance remaining shall be recoverable by the controller from the employer. Upon application therefor, the controller shall furnish interested persons and entities certificates of indebtedness covering employers, employing units and others for contributions, penalties and interest, for each of which certificates the controller shall charge and collect a fee of $2.00 per name, no such certificate to be issued, however, for a fee of less than $10.00. All fees so collected shall be paid into the unemployment compensation administration fund.

(c) If any employer shall fail to make any report as required by the rules and regulations of the division pursuant to the provisions of this chapter (R. S. 43:21–1 et seq.), the controller may make an estimate of the liability of such employer from any information it may obtain, and, according to such estimate so made, assess such employer for the contributions, penalties, and interest due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

(d) After a report is filed under the provisions of this chapter (R. S. 43:21–1 et seq.) and the rules and regulations thereof, the controller shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment of the contributions due from such employer, the controller shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

(e) As an additional remedy, the controller may issue to the Clerk of the Superior Court of New Jersey a certificate stating the amount of the employer's indebtedness under this chapter (R. S. 43:21–1 et seq.) and describing the liability, and thereupon the clerk shall immediately enter upon his record of docketed judgments such certificate or an abstract thereof and duly index the same. Any such certificate or abstract heretofore or hereafter docketed, from the time of docketing shall have the same force and effect as a judgment obtained in the Superior Court of New Jersey, and the controller shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment in a civil action upon contract in said court. Such debt, from the time of docketing thereof, shall be a lien on and bind the lands, tenements and hereditaments of the debtor.

The Clerk of the Superior Court shall be entitled to receive for docketing such certificate $0.50, and for a certified transcript of such docket, $0.50. If the amount set forth in said certificate as a debt shall be modified or reversed upon review, as hereinafter provided, the Clerk of the Superior Court shall, when an order of modification or reversal is filed, enter in the margin of the docket opposite the entry of the judgment, the word "modified" or "reversed," as the case may be, and the date of such modification or reversal.

The employer, or any other party having an interest in the property upon which the debt is a lien, may deposit the amount claimed in the certificate with the Clerk of the Superior Court of New Jersey, together with an additional 10% of the amount thereof, or $100.00, whichever amount is the greater, to cover interest and the costs of court, or in lieu of depositing the amount in cash, may give a bond to the State of New Jersey in double the amount claimed in the certificate, and file the same with the Clerk of the Superior Court. Said bond shall have such surety and shall be approved in the manner required by the Rules of the Supreme Court.

After the deposit of said money or the filing of said bond, the employer or any other party having an interest in the said property, may, after exhausting all administrative remedies, secure judicial review of the legality or validity of the indebtedness or the amount thereof, and the said deposit of cash shall be as security for and the bond shall be conditioned to prosecute the judicial review with effect.

Upon the deposit of said money or the filing of the said bond with the Clerk of the Superior Court, all proceedings on such judgment shall be stayed until the final determination of the cause, and the moneys so deposited shall be subject to the lien of the indebtedness and costs and interest thereon, and the lands, tenements, and hereditaments of said debtor shall forthwith be discharged from the lien of the State of New Jersey and no execution shall issue against the same by virtue of said judgment.

Notwithstanding the provisions of subsections (a) through (c) of this section, the Department of Labor may with the concurrence of the State Treasurer, when all reasonable efforts to collect amounts owed have been exhausted, or to avoid litigation, reduce any liability for contributions, penalties and interest, provided no

portion of those amounts represents contributions made by an employee pursuant to subsection (d) of R. S. 43:21–7.

(f) If, not later than two years after the calendar year in which any moneys were erroneously paid to or collected by the controller, whether such payments were voluntarily or involuntarily made or made under mistake of law or of fact, an employer, employing unit, or employee who has paid such moneys shall make application for an adjustment thereof, the said moneys shall, upon order of the controller, be either credited or refunded, without interest, from the appropriate fund. For like cause and within the same period, credit or refund may be so made on the initiative of the controller.

(g) All interest and penalties collected pursuant to this section shall be paid into a special fund to be known as the unemployment compensation auxiliary fund; all moneys in this special fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be expended, under legislative appropriation, for the purpose of aiding in defraying the cost of the administration of this chapter (R. S. 43:21–1 et seq.); for the repayment of any interest bearing advances made from the federal unemployment account pursuant to the provisions of section 1202 (b) of the Social Security Act, 42 U. S. C. § 1322, and for essential and necessary expenditures in connection with programs designed to stimulate employment, as determined by the Commissioner of Labor. The Treasurer of the State shall be ex officio the treasurer and custodian of this special fund and, subject to legislative appropriation, shall administer the fund in accordance with the directions of the controller. Any balances in this fund shall not lapse at any time, but shall be continuously available, subject to legislative appropriation, to the controller for expenditure. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation auxiliary fund in an amount to be fixed by the division, the premiums for such bond to be paid from the moneys in the said special fund.

10. R. S. 43:21–16 is amended to read as follows:

Violations.

43:21–16. (a) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase or attempts to obtain or increase any benefit or other payment under this chapter (R. S. 43:21–1 et seq.),

or under an employment security law of any other state or of the federal government, either for himself or for any other person, shall be liable to a fine of $20.00 for each offense, or 25% of the amount fraudulently obtained, whichever is greater, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey or as provided in subsection (e) of section 43:21–14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R. S. 43:21–1 et seq.).

(b) (1) An employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this chapter (R. S. 43:21–1 et seq.), or under an employment security law of any other state or of the federal government, or who willfully fails or refuses to furnish any reports required hereunder (except for such reports as may be required under paragraph 43:21–6(b) of this Title) or to produce or permit the inspection or copying of records, as required hereunder, shall be liable to a fine of $100.00, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey or as provided in subsection (e) of section 43:21–14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. Any penalties imposed by this paragraph shall be in addition to those otherwise prescribed in this chapter (R. S. 43:21–1 et seq.).

Any employing unit or any officer or agent of an employing unit or any other person who fails to submit any report required under paragraph 43:21–6 (b) of this Title shall be subject to a penalty of $25.00 for the first report not submitted within 10 days after the mailing of a request for such report, and an additional $25.00

penalty may be assessed for the next 10-day period, which may elapse after the end of the initial 10-day period and before the report is filed; provided that when such report or reports are not filed within the prescribed time but it is shown to the satisfaction of the director that the failure was due to a reasonable cause, no such penalty shall be imposed. Any penalties imposed by this paragraph shall be recovered as provided in subsection (e) of section 43:21–14 of this Title, and when recovered shall be paid to the unemployment compensation auxiliary fund for the use of said fund.

(c) Any person who shall willfully violate any provision of this chapter (R. S. 43:21–1 et seq.) or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter (R. S. 43:21–1 et seq.), and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of $50.00, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey or as provided in subsection (e) of section 43:21–14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each day such violation continues shall be deemed to be a separate offense.

(d) When it is determined by a representative or representatives designated by the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey that any person, whether (i) by reason of the nondisclosure or misrepresentation by him or by another of a material fact (whether or not such nondisclosure or misrepresentation was knowing or fraudulent), or (ii) for any other reason, has received any sum as benefits under this chapter (R. S. 43:21–1 et seq.) while any conditions for the receipt of benefits imposed by this chapter (R. S. 43:21–1 et seq.) were not fulfilled in his case, or while he was disqualified from receiving benefits, or while otherwise not entitled to receive such sum as benefits, such person, unless the director (with the concurrence of the controller) directs otherwise by regulation, shall be liable to repay those benefits in full. The sum shall be deducted from any future benefits payable to the individual under this chapter (R. S. 43:21–1 et seq.) or shall be paid by the individual to the division for the unemployment compensation fund, and such sum shall be collectible in the manner provided for by law, including, but not limited to, the filing of a certificate of debt with the

Clerk of the Superior Court of New Jersey; provided, however, that, except in the event of fraud, no person shall be liable for any such refunds or deductions against future benefits unless so notified before four years have elapsed from the time the benefits in question were paid. Such person shall be promptly notified of the determination and the reasons therefor. Unless such person, within seven calendar days after the delivery of such determination, or within 10 calendar days after such notification was mailed to his last-known address, files an appeal from such determination, such determination shall be final.

(e) Any employing unit or any officer or agent of an employing unit, employer or person failing to remit, when payable, any employer contributions, or worker contributions (if withheld or deducted), or the amount of such worker contributions (if not withheld or deducted), or filing or causing to be filed with the controller or the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey, any false or fraudulent report or statement, and any person who aids or abets an employing unit, employer, or any person in the preparation or filing of any false or fraudulent report or statement with intent to defraud the State of New Jersey or an employment security agency of any other state or of the federal government, or with intent to evade the payment of any contributions, interest or penalties, or any part thereof, which shall be due under the provisions of this chapter (R. S. 43:21–1 et seq.), shall be liable for each offense upon conviction before any court of competent jurisdiction, to a fine not to exceed $1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R. S. 43:21–1 et seq.).

(f) Any employing unit or any officer or agent of an employing unit or any other person who aids and abets any person to obtain any sum of benefits under this chapter to which he is not entitled, or a larger amount as benefits than that to which he is justly entitled, shall be liable for each offense upon conviction before any court of competent jurisdiction, to a fine not to exceed $1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties im-

posed by this subsection shall be in addition to those otherwise prescribed in this chapter (R. S. 43:21–1 et seq.).

(g) There shall be created in the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey an investigative staff for the purpose of investigating violations referred to in this section and enforcing the provisions thereof.

11. R. S. 43:21–17 is amended to read as follows:

Representation by attorney.

43:21–17. (a) In any civil action to enforce the provisions of this chapter, the Commissioner of Labor and the State may be represented by any qualified attorney, who is a regular salaried employee of the Department of Labor or is designated by it for this purpose, or, at the commissioner's request, by the Attorney General.

(b) In any administrative proceeding before the Division of Unemployment and Temporary Disability Insurance of the Department of Labor, the board of review or the appeal tribunal, the claimant or the employer may appear pro se or employ an attorney or a nonattorney to represent him.

12. R. S. 43:21–19 is amended to read as follows:

Definitions.

43:21–19. Definitions. As used in this chapter (R. S. 43:21–1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior three to five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of

paragraph (3) of subsection (e) of section 43:21–7 of this Title means the average of the annual payrolls of any employer on which he paid contributions to the State Disability Benefits Fund for the last three or five preceding calendar years, whichever average is higher; provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R. S. 43:21–1 et seq.), with respect to his unemployment.

(c) "Base year" with respect to benefit years commencing on or after January 1, 1953, shall mean the 52 calendar weeks ending with the second week immediately preceding an individual's benefit year. "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of section 43:21–6 of this Title shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of section 43:21–4 of this Title.

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R. S. 43:21–1 et seq.), shall be deemed to be performed by the division.

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor, established by the 1982 Reorganization Plan of the Department of Labor.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R. S. 43:21–7.

"Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P. L. 1971, c. 346 (C. 43:21–7.2 and 43:21–7.3).

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R. S. 43:21–1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R. S. 43:21–1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R. S. 43:21–1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R. S. 43:21–19 (i) (1) (B) (i) is performed after December 31, 1971; and as defined in R. S. 43:21–19 (i) (1) (B) (ii) is performed after December 31, 1977;

(6) Any employing unit for which service in employment as defined in R. S. 43:21–19 (i) (1) (C) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of the Unemployment Compensation Law for full tax credit against the tax imposed by the federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R. S. 43:21–1 et seq.);

(8) (Deleted by amendment; P. L. 1977, c. 307.)

(9) (Deleted by amendment; P. L. 1977, c. 307.)

(10) (Deleted by amendment; P. L. 1977, c. 307.)

(11) Any employing unit subject to the provisions of the federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section;

(12) Any employing unit for which agricultural labor in employment as defined in R. S. 43:21–19 (i) (1) (I) is performed after December 31, 1977;

(13) Any employing unit for which domestic service in employment as defined in R. S. 43:21–19 (i) (1) (J) is performed after December 31, 1977;

(14) Any employing unit which, having become an employer under the Unemployment Compensation Law (R. S. 43:21–1 et seq.), has not under R. S. 43:21–8 ceased to be an employer; or for the effective period of its election pursuant to R. S. 43:21–8, any other employing unit which has elected to become fully subject to this chapter (R. S. 43:21–1 et seq.).

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the federal Unemployment Tax Act, solely by reason of section 3306 (c) (8) of that act, if such service is not excluded from "employment" under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in section 19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official;

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(cc) as a member of the State National Guard or Air National Guard;

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week; or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;

(v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof; or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in

Canada and in the case of the Virgin Islands, after December 31, 1971 and prior to January 1 of the year following the year in which the U. S. Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than the service which is deemed employment under the provisions of paragraph 43:21–19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State; or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the Unemployment Compensation Law (R. S. 43:21–1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State;

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R. S. 43:21–19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under the Unemployment Compensation Law (R. S. 43:21–1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R. S. 43:21–19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U. S. Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1954 an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands.

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) as of January 1 of such year; or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(ii) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a valid certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. 97-470 (29 U. S. C. § 1801 et seq.) or P. L. 1971, c. 192 (C. 34:8A–7 et seq.); or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other

mechanized equipment, which is provided by such crew leader; and

(bb) if such individual is not an employee of such other person for whom services were performed.

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual; and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity.

(iv) For the purposes of subparagraph (I) (i), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity;

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them; and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity.

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part

of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.).

(5) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) unless and until it is shown to the satisfaction of the division that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) Provided that such services are also exempt under the federal Unemployment Tax Act, as amended, or that contributions

with respect to such services are not required to be paid into a state unemployment fund as a condition for a tax offset credit against the tax imposed by the federal Unemployment Tax Act, as amended, the term "employment" shall not include:

(A) Agricultural labor performed prior to January 1, 1978; and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) as of January 1 of such calendar year; or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time;

(B) Domestic service in a private home performed prior to January 1, 1978; and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R. S. 43:21–19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the federal Unemployment Tax Act, as amended, except as provided in R. S. 43:21–19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the Unemployment Compensation Law, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code (26 U. S. C. § 3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R. S. 43:21–14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, if the

compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theatre, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than $1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organization Immunities Act (22 U. S. C. § 288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R. S. 43:21–21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State; and service performed as an intern in the employ of a hospital by an individual who

has completed a four-year course in a medical school approved pursuant to the law of this State;

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis.

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment; but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) (Deleted by amendment, P. L. 1984, c. 24.)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) "Unemployment."

(1) An individual shall be deemed "unemployed" for any week during which he is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation.

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or $5.00, whichever is the larger.

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by resolution otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R. S. 43:21–1 et seq.), from which administrative expenses under this chapter (R. S. 43:21–1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment. If a worker receives gratuities regularly in the course of his employment from others than his employer, his "wages" shall also include the gratuities so recieved, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in paragraph 1-a of c. 322 of the laws of 1938, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.' "

(t) "Base week" for a benefit year commencing prior to October 1, 1984, means any calendar week of an individual's base year during which he earned in employment from an employer remuneration equal to not less than $30.00. "Base week" for a benefit year commencing on or after October 1, 1984 and prior to October 1, 1985 means any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration equal to not less than 15% of the Statewide average weekly remuneration defined in subsection (c) of R. S. 43:21–3,

which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

"Base week" for a benefit year commencing on or after October 1, 1985 means any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration equal to not less than 20% of the Statewide average weekly remuneration defined in subsection (c) of R. S. 43:21–3, which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof; provided if in any calendar week an individual is in employment with more than one employer, he may in such calendar week establish a base week with respect to each such employer from whom the individual earns remuneration equal to not less than the amount defined in this subsection (t) during such week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

For the purpose of computing the average weekly wage, the monetary alternative in subsection (e) of R. S. 43:21–4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year. For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year; provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52.

(v) "Initial determination" means, subject to the provisions of R. S. 43:21–6 (b) (2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year. For benefit years commencing prior to July 1, 1986, subject to the provisions of R. S. 43:21–3

(d) (3), if an individual has been in employment in his base year with more than one employer, no benefits shall be paid to that individual under any successive initial determination until his benefit rights have been exhausted under the next preceding initial determination.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed services in employment in the base year.

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education):

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s);

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school; and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(2) "Institution of higher education" means an educational institution which:

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) Is legally authorized in this State to provide a program of education beyond high school;

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

13. Section 16 of P. L. 1948, c. 446 (C. 34:1A–16) is amended to read as follows:

C. 34:1A-16 Employment Security Council.

16. There shall be within the Department of Labor an Employment Security Council, which shall consist of nine members, not more than five of whom shall be of the same political affiliation. Three of the nine members of the council shall be persons who by reason of vocation, employment or affiliation, may fairly be regarded as representative of employers, three shall be persons who by reason of vocation, employment or affiliation, may fairly be regarded as representative of employees, and three shall represent the general public. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified.

Each Governor shall designate one of the members of the council representing the general public as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired terms only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

14. Section 17 of P. L. 1948, c. 446 (C. 34:1A–17) is amended to read as follows:

C. 34:1A-17 Duties of council.

17. The Employment Security Council shall:

(a) Consult and advise with the Commissioner of Labor or his

designated representative with respect to the administration and operation of the unemployment compensation law and the temporary disability benefits law;

(b) Review the operation and effect of the unemployment compensation law and the temporary disability benefits law in their several parts, and to that end hold hearings with respect thereto as it may deem necessary or desirable; and

(c) Report to the Governor and the Legislature annually and at such other times as it may deem in the public interest with respect to its findings and conclusions.

The commissioner shall, insofar as practicable, consult the council on all matters of major policies and procedures involved in or connected with the administration of the unemployment compensation law and the temporary disability benefits law and he shall inform the council of the action taken in connection with such matters.

The council shall have access to all files and records of the division and may require any officer or employee thereof to provide such information as it may deem necessary in the performance of its functions.

15. Section 1 of P. L. 1980, c. 13 (C. 43:21–5a) is amended to read as follows:

C. 43:21-5a Reduction by pension amount.

1. The amount of benefits payable to an individual for any week which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such individual shall be reduced, but not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week; provided that such reduced weekly benefit rate shall be computed to the next lower multiple of $1.00 if not already a multiple thereof and that any such reduction in the weekly benefit rate shall reduce the maximum total benefits of the individual during the benefit year; provided further that, if the provisions of the federal Unemployment Tax Act permit, the Commissioner of Labor may prescribe in regulations which are consistent with the federal Unemployment Tax Act either or both of the following:

a. The requirements of this section shall only apply in the case

of a pension, retirement or retired pay, annuity, or other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer as determined under the chapter to which this act is a supplement;

b. The amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment.

C. 43:21-14.3 Interest repayment fund.

16. (New section) a. The Unemployment Compensation Interest Repayment Fund is established in the Department of Labor and shall be used solely for the purpose of paying interest due on any advances made from the federal unemployment account under Title XII of the Social Security Act (42 U. S. C. § 1321 et seq.). All moneys deposited in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury.

b. On or before June 30 of each year the Commissioner of Labor shall review the status of any interest bearing advances made from the federal unemployment account to determine the interest amount (if any) to be repaid to the United States Treasury by September 30 of that calendar year, pursuant to the provisions of section 1202(b) of the Social Security Act, 42 U. S. C. § 1322. If it is determined that interest shall be paid to the United States Treasury, the Commissioner of Labor shall first determine whether there are sufficient moneys in the unemployment compensation auxiliary fund, as established in subsection (g) of R. S. 43:21–14, to repay the entire interest amount due on September 30 of that calendar year. If it is determined that there are sufficient moneys in the unemployment compensation auxiliary fund to repay the entire amount, no special assessment on employers shall be made. If, however, it is determined that there are insufficient moneys in the unemployment compensation auxiliary fund to repay the entire interest amount due on September 30 of that calendar year, a special assessment shall be made against all employers, except governmental entities or instrumentalities defined as employers under R. S. 43:21–19 (h)(5) and nonprofit organizations defined as employers under R. S. 43:21–19(h)(6).

c. In the event that it shall be necessary to make a special assessment, the commissioner shall establish the ratio of the amount of

interest determined under subsection b. of this section to 95% of the total employer contributions payable for unemployment insurance on taxable wages paid during the preceding calendar year by all employers subject to this interest assessment. This ratio shall be calculated to five significant figures and rounded upward to the next highest ten thousandth. The assessment against each employer shall be in an amount equal to its unemployment contributions payable on the total taxable wages it paid during the preceding calendar year multiplied by the ratio established herein but in no event shall any assessment be less than $5.00. This special assessment shall be mailed by the controller to all affected employers on or before July 31 and shall be due 30 days from that date. This assessment shall be collectible by the controller in the same manner as provided for employer contributions under chapter 21 of Title 43 of the Revised Statutes.

d. All moneys received by the controller under this special assessment shall be deposited in the Unemployment Compensation Interest Repayment Fund. After all known interest charges have been paid, any remaining moneys in the fund may be transferred to the unemployment compensation auxiliary fund at the discretion of the Commissioner of Labor.

17. Section 4 of P. L. 1971, c. 346 (C. 43:21–7.3) is amended to read as follows:

C. 43:21-7.3 Governmental entities.

4. (a) Notwithstanding any other provisions of the Unemployment Compensation Law for the payment of contributions, benefits paid to individuals based upon wages earned in the employ of any governmental entity or instrumentality which is an employer defined under R. S. 43:21–19(h)(5) shall, to the extent that such benefits are chargeable to the account of such governmental entity or instrumentality in accordance with the provisions of R. S. 43:21–1 et seq., be financed by payments in lieu of contributions.

(b) Any governmental entity or instrumentality may, as an alternative to financing benefits by payments in lieu of contributions, elect to pay contributions beginning with the date on which its subjectivity begins by filing written notice of its election with the department no later than 120 days after such subjectivity begins, provided that such election shall be effective for at least two full calendar years; or it may elect to pay contributions for a period of not less than two calendar years beginning January 1 of any year if written notice of such election is filed with the

department not later than February 1 of such year; provided, further, that such governmental entity or instrumentality shall remain liable for payments in lieu of contributions with respect to all benefits paid based on base year wages earned in the employ of such entity or instrumentality in the period during which it financed its benefits by payments in lieu of contributions.

(c) Any governmental entity or instrumentality may terminate its election to pay contributions as of January 1 of any year by filing written notice not later than February 1 of any year with respect to which termination is to become effective. It may not revert to a contributions method of financing for at least two full calendar years after such termination.

(d) Any governmental entity or instrumentality electing the option for contributions financing shall report and pay contributions in accordance with the provisions of R. S. 43:21–7, except that, notwithstanding the provisions of that section, the contribution rate for such governmental entity or instrumentality shall be 1% for the entire calendar year 1978 and the contribution rate for any subsequent calendar years shall be the rate established for governmental entities or instrumentalities under subsection (e) of this section.

(e) On or before September 1 of each year, the Commissioner of Labor shall review the composite benefit cost experience of all governmental entities and instrumentalities electing to pay contributions and, on the basis of that experience, establish the contribution rate for the next following calendar year which can be expected to yield sufficient revenue in combination with worker contributions to equal or exceed the projected costs for that calendar year.

(f) Any covered governmental entity or instrumentality electing to pay contributions shall each year appropriate, out of its general funds, moneys to pay the projected costs of benefits at the rate determined under subsection (e) of this section. These funds shall be held in a trust fund maintained by the governmental entity for this purpose. Any surplus remaining in this trust fund may be retained in reserve for payment of benefit costs for subsequent years either by contributions or payments in lieu of contributions.

(g) Any governmental entity or instrumentality electing to finance benefit costs with payments in lieu of contributions shall pay into the fund an amount equal to all benefit costs for which it is liable pursuant to the provisions of the Unemployment Compensation Law. Each subject governmental entity or instrumen-

tality shall require payments from its workers in the same manner and amount as prescribed under R. S. 43:21–7(d) for governmental entities and instrumentalities financing their benefit costs with contributions. No such payment shall be used for a purpose other than to meet the benefits liability of such governmental entity or instrumentality. In addition, each subject governmental entity or instrumentality shall appropriate out of its general funds sufficient moneys which, in addition to any worker payments it requires, are necessary to pay its annual benefit costs estimated on the basis of its past benefit cost experience; provided that for its first year of coverage, its benefit costs shall be deemed to require an appropriation equal to 1% of the projected total of its taxable wages for the year. These appropriated moneys and worker payments shall be held in a trust fund maintained by the governmental entity or instrumentality for this purpose. Any surplus remaining in this trust fund shall be retained in reserve for payment of benefit costs in subsequent years. If a governmental entity or instrumentality requires its workers to make payments as authorized herein, such workers shall not be subject to the contributions required in R. S. 43:21–7(d).

(h) Notwithstanding the provisions of the above subsection (g), commencing July 1, 1986 worker contributions to the unemployment trust fund with respect to wages paid by any governmental entity or instrumentality electing or required to make payments in lieu of contributions, including the State of New Jersey, shall be made in accordance with the provisions of R. S. 43:21–7 (d) (1) (C) and, in addition, each governmental entity or instrumentality electing or required to make payments in lieu of contributions shall require payments from its workers at the rate of 0.50% of wages paid, which amounts are to be held in the trust fund maintained by the governmental entity or instrumentality for payment of benefit costs.

18. Section 23 of P. L. 1948, c. 110 (C. 43:21–47) is amended to read as follows:

C. 43:21-47 Withdrawal from Federal Treasury.

23. Withdrawal from Federal Treasury.

(a) The State Treasurer is hereby authorized and directed to requisition and withdraw on or before December 31, 1948, the sum of $50,000,000.00 from the amount of worker contributions heretofore accumulated in the State unemployment compensation fund and deposited in and credited to the account of this State in the

unemployment trust fund of the United States of America, established and maintained pursuant to section 904 of the Social Security Act, as amended (42 U. S. C. § 1104), and to deposit such sums in the State disability benefits fund, established under the Temporary Disability Benefits Law. The State Treasurer is further authorized and empowered to make such requisitions or withdrawals in accordance with such regulations relating thereto as may be prescribed by the United States Secretary of the Treasury. No portion of the amount requisitioned or withdrawn from the Federal Treasury shall be expended for the purpose of administering the Temporary Disability Benefits Law.

(b) The State Treasurer is hereby authorized and directed to requisition and withdraw within 90 days of this enactment, an additional sum of $50,000,000.00 from the amount of worker contributions heretofore accumulated in the State unemployment compensation fund and deposited in and credited to the account of this State in the unemployment trust fund of the United States of America, established and maintained pursuant to section 904 of the Social Security Act, as amended (42 U. S. C. § 1104), and to deposit such sums in the State disability benefits fund, established under the Temporary Disability Benefits Law. The State Treasurer is further authorized and empowered to make such requisitions or withdrawals in accordance with such regulations relating thereto as may be prescribed by the United States Secretary of the Treasury. If the balance in the State disability benefits fund as of December 31 of any calendar year, increased by the contributions credited thereto on or before, or as of January 31 immediately thereafter is in excess of $75,000,000.00, the excess shall be withdrawn from the State disability benefits fund and deposited to the account of this State in the unemployment trust fund until the entire $50,000,000.00 requisitioned and withdrawn under this subsection (b) has been returned and deposited to the account of this State in the unemployment trust fund pursuant to the provisions of this subsection (b) and subsection (c) hereof. Such repayment to the unemployment trust fund shall be considered in determining contribution rates by employers to the State disability benefits fund under R. S. 43:21–7(c). No portion of the amount requisitioned or withdrawn from the Federal Treasury shall be expended for the purpose of administering the Temporary Disability Benefits Law.

(c) The State Treasurer shall transfer from the State disability benefits fund to the clearing account of the unemployment com-

pensation fund, as established under R. S. 43:21–9, the sum of $25,000,000.00. Such transfer may be made at such times and in such installments as the State Treasurer may deem proper, except that the total sum shall have been transferred by no later than April 30, 1971. Amounts transferred to the clearing account of the unemployment compensation fund under this subsection shall be clear immediately and shall be deposited with the Secretary of the Treasury of the United States of America in accordance with the provisions of R. S. 43:21–9(b).

(d) The State Treasurer is hereby authorized and directed to requisition and withdraw on or before December 31, 1985 a minimum of $50,000,000.00, at the discretion of the Commissioner of Labor, from the State disability benefits fund established under section 22 of P. L. 1948, c. 110 (C. 43:21–46) and to deposit such sum in the clearing account of the State unemployment compensation fund established under R. S. 43:21–9. The amount transferred under this subsection (d) shall be cleared immediately and shall be deposited with the Secretary of the Treasury of the United States of America, in accordance with the provisions of R. S. 43:21–9(b).

19. Section 16 of P. L. 1948, c. 110 (C. 43:21–40) is amended to read as follows:

C. 43:21-40 Disability benefits.

16. With respect to periods of disability commencing on or after July 1, 1961, an individual's weekly benefit amount shall be determined and computed by the division on the same basis as the weekly benefit rate is determined and computed pursuant to section 43:21–3 (c) of the Revised Statutes, except that for periods of disability commencing on or after October 1, 1984, an individual's weekly benefit rate 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; provided, however that such individual's benefit rate shall be computed to the next higher multiple of $1.00 if not already a multiple thereof. The amount of the benefits for each day of disability for which benefits are payable shall be one-seventh of the corresponding weekly benefit amount; provided that the total benefits for a fractional part of a week shall be computed to the next higher multiple of $1.00 if not already a multiple thereof.

20. (New section) The Department of Labor, under the direction of the Governor's Commission on Unemployment Insurance created

by Executive Order No. 45 of 1983, shall review the "Temporary Disability Benefits Law," P. L. 1948, c. 110 (C. 43:21–25 et seq.), to conform the benefit levels and eligibility criteria of that law to those in the "unemployment compensation law," R. S. 43:21–1 et seq., and shall report their findings to the Labor, Industry and Professions Committee of the Senate and the Labor Committee of the General Assembly within 30 days of the effective date of this section.

Repealer.

21. Section 1 of P. L. 1940, c. 193 (C. 43:21–5.1) is repealed.

22. This act shall take effect on October 1, 1984, except that the amendment to R. S. 43:21–5 by the addition of subsection (i) concerning student disqualifications contained in section 3 of this act, the amendment to subparagraph (c) (5) (A) of R. S. 43:21–7 concerning employer contribution rates contained in section 5 of this act, and the amendment to subsection (m) of R. S. 43:21–19 concerning corporate officers contained in section 12 of this act shall take effect on July 1, 1984 and section 20 of this act shall take effect immediately.

Approved March 26, 1984.

CHAPTER 25

AN ACT to amend the "Wage Reporting Act," approved June 26, 1980 (P. L. 1980, c. 48).

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

1. Section 15 of P. L. 1980, c. 48 is amended to read as follows:

15. This act shall take effect immediately, provided, however, that the first quarterly report to be filed shall be for the quarter next commencing at least four months from the effective date of this act. This act shall expire September 1, 1984, but the reporting provisions of sections 3, 4, and 7 of this act shall expire July 31, 1984.

2. This act shall take effect immediately and shall be retroactive to January 1, 1984.

Approved March 26, 1984.

CHAPTER 26

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 pursuant to 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 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 that election, are hereby ratified, validated and confirmed, notwithstanding (1) that the notices relating to such election were not published as required by the provisions of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57–1 et seq.), (2) that the notice of special election published in the newspaper pursuant to N. J. S. 18A:14–19 did not refer to the bond proposal as a school bond proposal, (3) that the board of education did not designate the public places at which notices of a special election were to be posted in accordance with N. J. S. 18A:14–19, (4) that the notices of special election that were posted did not specify the substance of the public question to be submitted to the voters thereat as required by N. J. S. 18A:14–19; provided, however, that such notices were posted in at least seven public places and that the board of education gave notice that a bond referendum was to be submitted at the special election, and provided further, that no action, suit or other proceeding of any nature to contest the validity of the 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 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 27, 1984.

CHAPTER 27

AN ACT concerning the leasing of county or municipal real property and amending P. L. 1971, c. 199.

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

1. Section 14 of P. L. 1971, c. 199 (C. 40A:12–14) is amended to read as follows:

C. 40A:12-14 Leasing of county or municipal real property, capital improvements or personal property.

14. Leasing of county or municipal real property, capital improvements or personal property. Any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and except as otherwise provided by law, all such leases shall be made in the manner provided by this section.

(a) In the case of a lease to a private person, except for a lease to a private person for a public purpose as provided in subsection (j) of section 15 of P. L. 1971, c. 199 (C. 40A:12–15), said lease shall be made to the highest bidder by open public bidding at auction or by submission of sealed bids. Advertisement of the method of bidding shall be published in a newspaper circulating in the municipality or municipalities in which the leasehold is situated by two insertions at least once a week during two consecutive weeks; the lease publication to be not earlier than seven days prior to the letting of the lease. The governing body may, by resolution, fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the letting of the lease and public notice thereof shall be given of the time of the letting of the lease. Such resolution may provide that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected. It shall also set out the conditions, restrictions and limitations upon the tenancy subject to the lease. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the completion of the bidding, and, if the governing body shall

not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without re-advertising.

(b) In the case of a lease to a public body, the lease may be upon such terms and conditions and for nominal or other consideration as the governing body of the county or municipality shall approve by ordinance or resolution.

(c) In the case of a lease to a nonprofit corporation or association for a public purpose, the lease shall be authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, and may be for nominal or other consideration. Said authorization shall include the nominal or other consideration for the lease; the name of the corporation or corporations who shall be the lessees; the public purpose served by the lessee; the number of persons benefiting from the public purpose served by the lessee, whether within or without the municipality in which the leasehold is located; the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease. Said ordinance or resolution shall also require any nonprofit corporation holding a lease for a public purpose pursuant to this section, to annually submit a report to the officer, employee or agency designated by the governing body, setting out the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

(d) In the case of a lease to a housing corporation or resident first-time homebuyer for the public purposes, and pursuant to the provisions of P. L. 1983, c. 335 (C. 55:18A–1 et seq.), the lease shall be authorized by ordinance by a municipality.

2. Section 15 of P. L. 1971, c. 199 (C. 40A:12–15) is amended to read as follows:

C. 40A:12-15 Purposes for which leases for a public purpose may be made.

15. Purposes for which leases for a public purpose may be made.

A leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to:

(a) The provision of fire protection, first aid, rescue and emergency services by an association duly incorporated for such purposes.

(b) The provision of health care or services by a nonprofit clinic, hospital, residential home, outpatient center or other similar corporation or association.

(c) The housing, recreation, education or health care of veterans of any war of the United States by any nonprofit corporation or association.

(d) Mental health, or psychiatric services or education for the mentally ill, mentally retarded, mentally defective by any nonprofit corporation or association.

(e) Any shelter care or services for persons aged 62 or over receiving Social Security payments, pensions, or disability benefits which constitute a substantial portion of the gross income by any nonprofit corporation or association.

(f) Services or care for the education or treatment of cerebral palsy patients by any nonprofit corporation or association.

(g) Any civic or historic programs or activities by duly incorporated historical societies.

(h) Services, education, training, care or treatment of poor or indigent persons or families by any nonprofit corporation or association.

(i) Any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association.

(j) The cultivation or use of vacant lots for gardening or recreational purposes.

In no event shall any lease under this section be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any lease pursuant to this section be entered into with any political, partisan, sectarian, denominational or religious corporation or association, or for any political, partisan, sectarian, denominational or religious purpose, except that a county or municipality may enter into a lease for the use permitted under subsection (j) with a sectarian, denominational or religious corporation; provided the property is not used for a sectarian, denominational or religious purpose. In the case of a municipality the governing body may designate the municipal manager, business administrator or any

other municipal official for the purpose of entering into a lease for the use permitted under subsection (j).

3. This act shall take effect immediately.

Approved April 11, 1984.

CHAPTER 28

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:*

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 the notice of such election did not state the proper time for the closing of the election as required by law, or the polls for such election remained open after the closing time required by N. J. S. 18A:14–45; provided that the notice of such election did state that the polls would open at 2 o'clock P.M. and the polls would remain open until 10 o'clock P.M.; and provided further, that the polls for such election were open from 2 o'clock P.M. to 10 o'clock P.M.; 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 April 11, 1984.

CHAPTER 29

AN ACT concerning the New Jersey Statue of Liberty Centennial Commission and amending P. L. 1982, c. 194.

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

1. Section 1 of P. L. 1982, c. 194 is amended to read as follows:

1. There is created a temporary commission to be known as the "New Jersey Statue of Liberty Centennial Commission," which shall consist of 24 members, all of whom shall be citizens of the State:

a. Twelve members to be appointed by the Governor;

b. Six members to be appointed by the President of the Senate; and

c. Six members to be appointed by the Speaker of the General Assembly.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members shall serve without compensation but shall be reimbursed for their expenses actually incurred in the performance of their duties.

2. This act shall take effect immediately.

Approved April 11, 1984.

CHAPTER 30

AN ACT concerning tenant relocation costs, and supplementing P. L. 1983, c. 536 (C. 20:4–4.1).

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

C. 20:4-4.2 Personal liability.

1. In the event that relocation costs to be paid to a public agency pursuant to P. L. 1983, c. 536 (C. 20:4–4.1) shall not be paid as and when due, the unpaid balance thereof and all interest accrued

thereon, together with attorney's fees and costs, may be recovered by the public agency in a civil action as a personal debt of the owner of the real property. If the owner of the real property is a corporation, the directors, officers, and each shareholder who controls more than 5% of the total voting shares of the corporation shall be personally liable, jointly and severally, for the relocation costs.

C. 20:4-4.3 Cumulative, concurrent.

2. All rights and remedies granted by this act and by P. L. 1983, c. 536 for the collection and enforcement of relocation costs shall be cumulative and concurrent.

3. This act shall take effect immediately.

Approved April 11, 1984.

CHAPTER 31

AN ACT concerning storage facilities for certain flammable liquids and supplementing Title 52 of the Revised Statutes.

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

1. As used in this act:

C. 52:27D-214 Definitions.

a. "Attended terminal" means a terminal where an individual knowledgeable in the aboveground liquid storage tank filling operation is physically in attendance and control during the entire delivery of a flammable liquid and has as his responsibility supervision of the storage tank filling operation.

b. "Commissioner" means the Commissioner of Community Affairs.

c. "Flammable liquid" means a liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 psi at 100 degrees Fahrenheit.

d. "Pipeline" means a pipeline used to convey a flammable liquid from a crude petroleum wellhead collection site to a refinery or terminal or from a refinery to a terminal or from a marine vessel to a terminal. Pipeline does not mean gathering lines from the wellhead to a crude petroleum collection tank.

e. "Terminal" means a facility at which one or more aboveground liquid storage tanks for the containment of flammable liquids are located.

f. "Unattended terminal" means a terminal where an individual knowledgeable in the aboveground liquid storage tank filling operation is in attendance only during a portion of the time when a flammable liquid is being delivered or has as his responsibility a function other than the supervision of the storage tank filling operation, or any terminal other than an attended terminal.

C. 52:27D-215 Requirements.

2. a. Each terminal at which a tank filled by pipeline is located shall comply with the following requirements:

(1) It shall be equipped with a high level alarm system.

(2) The high level alarm system shall be set to activate at a predetermined level in each tank filled by pipeline at the terminal to allow sufficient time for the flow of the flammable liquid to be shut down before the tank overfills. The level shall be determined by the maximum filling rate and the time required for terminal personnel to take appropriate action to stop the flow of the flammable liquid.

(3) The high level alarm system shall be maintained in accordance with its manufacturer's recommendations.

(4) The high level alarm system shall be tested every three months by the owner of the terminal and a record of the test shall be maintained.

b. Prior to installation of a new system, the components of the high level alarm system shall be tested for their intended use by a nationally recognized testing laboratory as determined by the commissioner.

c. Plans and specifications for a new high level alarm system shall be submitted by the owner of the terminal to the commissioner for approval before the installation of the system.

d. Upon the completion of the installation of a new high level alarm system, the commissioner shall be notified and a final inspection shall be made by the Department of Community Affairs to determine if the installation is in compliance with this section.

e. Existing high level alarm systems installed prior to the effective date of this act will be deemed to meet the requirements of the act if they can be shown to operate as outlined in paragraph (2) of subsection a. of section 2 of this act, and if they are main-

tained and tested as outlined in paragraphs (3) and (4) of subsection a. of section 2 of this act. The commissioner shall be notified of the existence of such a system by its owner, and an inspection shall be made by the Department of Community Affairs to determine if the installation is in compliance with this section.

f. The owner shall develop a fire and emergency plan for the terminal and file a copy with the fire department having jurisdiction over the terminal.

C. 52:27D-216 Additional requirements.

3. In addition to the requirements specified in section 2 of this act, each attended terminal at which a tank filled by a pipeline is located shall comply with the following requirements:

a. The high level alarm system at the terminal shall provide an audible sound of sufficient decibels to alert personnel responsible for taking corrective action.

b. The high level alarm system at the terminal shall be equipped with an audible trouble alarm which has a distinctive sound not used for any other purpose and of sufficient decibels so that it is audible to all terminal personnel required to respond to its sounding. The audible trouble alarm shall sound upon the occurrence of any of the following:

(1) A loss of the main electrical operating power in the terminal;

(2) An electrical break or ground fault in the alarm initiating circuit or the signaling device circuit;

(3) The derangement of the high level alarm system control equipment;

(4) The removal of initiating devices from the high level alarm system; or

(5) The electrical derangement of the signaling devices of the high level alarm system.

c. Formal written procedures shall be followed by responsible personnel to prevent overfilling of tanks. These procedures shall describe the usage of the high level alarm system and the responsibilities, including tank gauging, of personnel who are trained in these procedures and are on duty throughout product receipt to promptly arrange for flow stoppage or diversion. These procedures shall be made available in sufficient copies to be readily accessible to terminal personnel trained in these procedures. In addition, these procedures shall include:

(1) Validation of proper line-up and receipt of initial delivery to the tank designated to receive shipment at the expected rate.

(2) Provision for adequate supervision and monitoring of the performance of operating personnel.

(3) Schedules for checkout and maintenance of high level instrumentation and related systems.

(4) Training and qualification requirements for terminal personnel on duty who are responsible for overfill protection.

C. 52:27D-217 Unattended terminals.

4. In addition to the requirements specified in section 2 of this act, each unattended terminal at which a tank filled by pipeline is located shall comply with the following requirements:

a. The high level alarm system shall be capable of automatically shutting off or diverting the flow of the flammable liquid at the point of origin within the terminal or at the point of receipt into the aboveground liquid storage tank.

b. The high level alarm system shall be capable of automatically shutting off or diverting the flow of the flammable liquid at the point of origin within the terminal or at the point of receipt into the aboveground liquid storage tank in the event of a power failure in the high level alarm system.

C. 52:27D-218 Variations.

5. At the request of a terminal owner and after the commissioner has received from the terminal owner and has approved plans and specifications outlining the manner in which and the date by which the terminal owner will comply with the requirements of this act, the commissioner may grant variations from the requirements of section 2, 3, or 4 of this act in a manner to be prescribed by him.

C. 52:27D-219 Rules, regulations.

6. The commissioner, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), shall promulgate the rules and regulations necessary to effectuate the purposes of this act.

C. 52:27D-220 "Fire Safety Act" applicable.

7. Provisions contained in sections 17 and 19 of the "Uniform Fire Safety Act," P. L. 1983, c. 383 (C. 52:27D–208 and C. 52:27D–210), shall also apply to this act.

C. 52:27D-221 Restriction on localities.

8. A local governing body shall not enact an ordinance more restrictive than the requirements of this act.

9. This act shall take effect on the first day of the seventh month following enactment, except that section 5 shall take effect on the first day of the fourth month following enactment.

Approved April 12, 1984.

CHAPTER 32

AN ACT permitting the permanent appointment of certain persons to the position of sheriff's officer without having to take the civil service examination in certain counties.

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

C. 11:21-4.4 Sheriff's officer appointment.

1. In any county, other than a county of the first class with a population in excess of 850,000, according to the latest federal decennial census, a person who, on the effective date of this act, is employed in the position of sheriff's officer as a provisional employee, and who has successfully completed a certified Police Academy Training Course in the State of New Jersey, is eligible for permanent appointment by the sheriff to the position of sheriff's officer without having to take the civil service open competitive examination.

2. This act shall take effect immediately.

Approved April 13, 1984.

CHAPTER 33

AN ACT concerning certain three-wheeled motor vehicles, amending R. S. 39:1-1, R. S. 39:3-10, and P. L. 1967, c. 237.

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

1. R. S. 39:1-1 is amended to read as follows:

Definitions.

39:1–1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Carpool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

"Commuter van" means a motor vehicle having a seating capacity of not less than eight nor more than 15 adult passengers, in which eight or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Crosswalk" means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks

on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Department" means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

"Deputy commissioner" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Deputy director" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and a load thereon.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county board of chosen freeholders with relation to county roads.

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as carpools and vanpools.

"Right-of-way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate

roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, which complies with the regulations of the Department of Education affecting school buses, including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Van-pooling" means eight or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry eight to 15 adult passengers.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

2. R. S. 39:3–10 is amended to read as follows:

Licensing of drivers.

39:3–10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of

Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;

b. Omnibuses as classified by R. S. 39:3–10.1 and school buses classified under N. J. S. 18A:39–1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall

authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the forty-eighth calendar month following the calendar month in which such license was issued.

The director may issue a renewal of a basic driver's license which does not bear a photograph, and which shall expire on the last day of the twenty-fourth calendar month following the calendar month in which such license was issued, to any person 60 years of age or older who makes application for such a license.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	$8.00
Omnibus or school bus endorsement	$16.00
Articulated vehicle endorsement	$8.00
Basic driver's license	$16.00

The required fee for a basic driver's license for the 24-month period shall be $8.00.

The required fee for a license for the 36-month period shall be as follows:

Motorcycle license or endorsement	$6.00
Omnibus or school bus endorsement	$12.00
Articulated vehicle endorsement	$6.00
Basic driver's license	$12.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The driver's license shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's license. A licensee whose name is changed due to marriage, divorce, or by judgment of the court shall notify

the director of the change in name within two weeks after the change is made. A person who violates this provision shall be subject to a penalty of not more than $10.00.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

3. Section 6 of P. L. 1967, c. 237 (C. 39:3–76.7) is amended to read as follows:

C. 39:3-76.7 Motorcycle helmets.

6. No person shall operate or ride upon a motorcycle unless he wears a protective helmet of a type approved by the director. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The director is authorized and empowered to adopt rules and regulations covering the types of

helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder. For the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

4. Section 7 of P. L. 1967, c. 237 (C. 39:3–76.8) is amended to read as follows:

C. 39:3-76.8 Goggles, face shields.

7. No person shall operate a motorcycle unless he wears goggles or a face shield of a type approved by the director. The director is authorized and empowered to adopt rules and regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder. For the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

5. This act shall take effect on the thirtieth day after enactment.

Approved April 19, 1984.

CHAPTER 34

AN ACT establishing and concerning a General Services Administration within the Department of the Treasury and repealing P. L. 1970, c. 94.

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

C. 52:18A-178 Short title.

1. This act shall be known and may be cited as the "General Services Administration Act of 1984."

C. 52:18A-179 Findings, declarations.

2. The Legislature finds and declares that the consolidation of the Divisions of Purchase and Property, and Building and Construction

and the procurement and operational functions of the Division of Data Processing and Telecommunications in a General Services Administration under the control of an administrator who may exercise certain powers of the Treasurer will:

a. Group agencies and functions of related kind within the Department of the Treasury and subject them to appropriate supervisory control by a single officer responsible to the Treasurer;

b. Promote effective coordination of the department's operations for other State agencies; and

c. Increase efficiency in the performance of these services and in the general management of the department.

C. 52:18A-180 Definitions.

3. As used in this act:

a. "Administration" means the General Services Administration in the Department of the Treasury, as established by this act.

b. "Administrator" means the General Services Administrator.

c. "Department" means the Department of the Treasury.

d. "Treasurer" means the Treasurer of the State of New Jersey.

C. 52:18A-181 General Services Administration.

4. There is established in the Department of the Treasury a General Services Administration which shall supervise and coordinate those functions, powers and duties of the department as provided in this act.

C. 52:18A-182 Administrator.

5. The administration shall be under the immediate supervision of the General Services Administrator who shall be a person qualified by training and experience to direct the work assigned to the administration. The administrator shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor and until the administrator's successor is appointed and has qualified. The State Treasurer shall fix the compensation of the administrator within the limits of available appropriations.

C. 52:18A-183 Organization.

6. The administrator shall organize the work of the administration in organizational units as he deems necessary for effective and efficient operation. The Treasurer, after consultation with the administrator, shall assign to the administration those employees of the department as may be necessary to assist the administrator in the performance of his duties.

C. 52:18A-184 Divisions consolidated.

7. The Division of Purchase and Property as constituted by section 16 of the "Department of the Treasury Act of 1948," P. L. 1948, c. 92 (C. 52:18A–16) and the Division of Building and Construction, as established by section 1 of P. L. 1970, c. 95 (C. 52:18A–151) are consolidated under the administration. These divisions are continued with all the functions, powers and duties conferred upon them by law, subject to the supervision and control of the administrator.

C. 52:18A-185 Division abolished.

8. The Division of Data Processing and Telecommunications as established by section 1 of P. L. 1970, c. 94 (C. 52:18A–137) is abolished.

C. 52:18A-186 Exercise of functions.

9. The administration shall have those functions, powers and duties set forth in sections 10 through 13 of this act relating to the procurement of data processing and telecommunication equipment and services and the operation of telecommunication systems. The remaining functions, powers and duties set forth in sections 10 through 13 of this act shall be exercised by the Treasurer.

C. 52:18A-187 Information processing.

10. With respect to data processing and telecommunications, the administration or the department, as the case may be, shall:

a. Assure the effectiveness of information processing throughout the State government;

b. Advise in policy and planning decisions to insure that the State government is responsive to new programs involving data handling responsibilities;

c. Assure that the information processing capabilities of the State are kept current and abreast of changing technology;

d. Be the organization through which the agencies of the State government are kept informed as to current Statewide information processing capabilities and informed as to available machine sensitive information;

e. Be responsible for the continued development of efficient uses of information processing; and

f. Assure that telecommunication services are provided throughout the State government in the most economical, uniform and effective manner.

C. 52:18A-188 Duties.

11. In order to accomplish the foregoing, the administration or the department, as the case may be, shall:

a. Be responsible for evaluating all requests affecting the information processing facilities of the State including:

(1) The acquisition, continuation or alteration of equipment;

(2) The use of consulting firms in information processing studies or projects; and

(3) The purchase of information processing services;

b. Direct the assignment and reassignment of information processing tasks among the various State government information processing facilities;

c. Be the organization to represent the State in all intergovernmental matters relating to information processing; and

d. Promulgate those rules and regulations which are necessary to effectuate the purposes of this act.

C. 52:18A-189 Data processing.

12. With respect to data processing, the administration or the department, as the case may be, shall:

a. Foster and direct the establishment and consolidation of information processing centers throughout the State in order to achieve economies in the use of information processing facilities;

b. Develop, promulgate and maintain a Statewide master plan for the economic and effective use of information processing facilities;

c. Direct and conduct periodic effectiveness audits of the various facilities comprising the State's information processing capability;

d. Determine whether State agencies are prepared to make effective use of consultants prior to those consultants being solicited or engaged to alter, improve or establish methods or procedures involving information processing;

e. Monitor the progress of consultants in order to assure that their recommendations and performance are consistent with Statewide objectives of efficiency and economy;

f. Review requests for the use of commercial service organizations and direct the accomplishment of the required tasks by State facilities wherever deemed advisable;

g. Be responsible, with the using agency, for selection and acquisition decisions taking into account the necessity for encouraging

competition through solicitation of proposals from qualified vendors; and

h. Determine the advisability of the acquisition and use of specific software packages.

C. 52:18A-190 Telecommunications.

13. As used in this act, "telecommunications" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic system.

With respect to telecommunications, the administration or the department, as the case may be, shall:

a. Direct the consolidation and coordination of the State's telecommunication facilities in order to insure the efficient and economical use of telecommunication services by State agencies;

b. Develop technical plans for and recommend communication facilities and equipment which will satisfy agency operational communications requirements;

c. Conduct continuing reviews and evaluations of communication facilities and equipment used by State agencies in order to insure that agency needs are being fulfilled at the most economical cost to the State; and

d. Develop and implement policies, standards, practices and procedures to insure orderly development of State communication facilities in an economic and efficient manner.

C. 52:18A-191 Additional duties.

14. In addition to supervising and coordinating the functions, powers and duties of the administration provided in sections 5 and 6 of this act, the administrator shall:

a. Directly supervise the operations of the Financial Management and Data Center; and

b. Exercise any function, power or duty of the Treasurer relating to the procurement of goods or services, the award of State contracts or the acquisition or disposition of real or personal property as the Treasurer shall, in writing, certify. The certificate shall state the scope of the powers which the administrator may exercise, and shall be filed with the Secretary of State, and shall remain in effect until rescinded by the Treasurer by a certificate similarly filed.

C. 52:18A-192 Change in reference.

15. With respect to the functions, powers and duties transferred to the General Services Administration by this act, whenever in any

law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the Division of Data Processing and Telecommunications or the director thereof, the same shall mean and refer to the General Services Administration or the administrator thereof, as the case may be.

C. 52:18A-193 "Agency Transfer Act" applicable.

16. The transfers directed by this act shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

C. 52:18A-194 Mandatory only for executive branch.

17. The provisions of this act with respect to the functions, powers and duties of the General Services Administration to manage, administer or control procurements or services shall apply to the executive branch of State government, but shall be coordinating and advisory as they apply to the legislative and judicial branches of State government.

C. 52:18A-195 Acts superseded, repealed.

18. All acts and parts of acts inconsistent with the provisions of this act are superseded. P. L. 1970, c. 94 (C. 52:18A–137 et seq.) is repealed.

19. This act shall take effect on the 30th day after enactment.

Approved April 19, 1984.

CHAPTER 35

AN ACT concerning the office of county sheriff, and amending N. J. S. 40A:9–117, P. L. 1972, c. 154 and P. L. 1982, c. 133.

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

1. N. J. S. 40A:9–117 is amended to read as follows:

Compensation of personnel.

40A:9–117. The sheriff shall select and employ the necessary deputies, chief clerks and other personnel. The sheriff shall fix the compensation they shall receive in accordance with the generally accepted county salary ranges and within the confines of the sheriff's budget allocation set by the governing body. The annual com-

pensation of the undersheriff shall not exceed 90% of the annual compensation of the sheriff. The compensation of the personnel in the office of sheriff shall be paid at the same time and in the same manner as the county officers and employees are paid. The limitations on the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in the county.

2. Section 125 of P. L. 1972, c. 154 (C. 40:41A–125) is amended to read as follows:

C. 40:41A-125 Adoption of the administrative code.

125. Adoption of the administrative code. a. Any time after 60 days from the date of the organization of the first board of chosen freeholders elected under this act, the board of chosen freeholders shall adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers

of any elected or appointed head of the executive branch or chief assistant thereto or county administrator.

3. Section 1 of P. L. 1982, c. 133 (C. 40A:9–117.6) is amended to read as follows:

C. 40A:9-117.6 Duties of sheriff's officers.

1. The sheriff of each county shall, subject to the budget of the county, appoint such persons as may be necessary, to the position of sheriff's officer, pursuant to the provisions of Title 11 of the Revised Statutes, where applicable, to perform the duties involved in attending the courts heretofore performed by court attendants, or in serving court processes, or in the investigation and apprehension of violators of the law, or in criminal identification, or in ballistics, or in any related work which the sheriff shall, from time to time, prescribe and as shall be determined to be appropriate by the Civil Service Commission. Except as provided herein, no such officer shall be assigned to any penal institution, jail, penitentiary, county correction center, or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, except upon emergency conditions. Any sheriff's officer who, on the effective date of this act, is assigned to any penal institution, jail, penitentiary, county correction center, or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, may continue to serve in such capacity until such officer is reassigned or terminated, at which time the position shall be filled with an individual in a title appropriate to the duties to be performed.

4. Section 5 of P. L. 1982, c. 133 (C. 40A:9–117.10) is amended to read as follows:

C. 40A:9-117.10 Compensation of sheriff's officers.

5. Sheriff's officers appointed under the provisions of this act shall have the duties, benefits and powers conferred by law on sheriff's officers, and their compensation shall be as fixed by the sheriff in accordance with the generally accepted county salary ranges and within the confines of the sheriff's budget allocation set by the governing body.

5. This act shall take effect immediately.

Approved April 19, 1984.

CHAPTER 36

AN ACT to create the New Jersey Commission on Hunger and making an appropriation.

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

1. The Legislature finds and determines:

a. In 1974, all nations at the World Food Conference supported the bold United States' objective that within a decade no child will go to sleep hungry, that no family will be fearful for the next day's bread, and that the potential of no human being will be hindered by malnutrition.

b. The Presidential Commission on World Hunger determined that poverty, the principal cause of hunger, must be eliminated if the long-term problem of hunger is to be eliminated.

c. In New Jersey, the Garden State, it has been estimated that more than 750,000 people suffer from the lack of an adequate diet, a figure which represents 10% of the population of the State.

d. Food stamps have been the primary nutrition program in the State for the past decade and other programs such as Women, Infants and Children (WIC), nutrition for the elderly, school lunches, and emergency food centers have assisted the hungry in New Jersey; however, many of our poor do not have enough to eat and suffer the effects of deficient diets.

2. a. There is created the New Jersey Commission on Hunger, which shall consist of:

(1) The Commissioners of the Departments of Health, Human Services, Education, Community Affairs and Agriculture, or their designees;

(2) Two members of the Senate, who shall not be of the same political party, to be appointed by the President of the Senate, and who shall serve during their continuance in office as Senators;

(3) Two members of the General Assembly, who shall not be of the same political party, to be appointed by the Speaker of the General Assembly, and who shall serve during their continuance in office as members of the General Assembly;

(4) Ten members representing private agencies concerned with hunger and church agencies as follows: the President of CROP,

the President of Bread for the World, the President of the Center for Food Action, the President of the Community Food Bank, the President of the Farm Bureau, the President of the New Jersey Food Council, the President of the New Jersey IMPACT, the President of the New Jersey Catholic Conference, the President of the New Jersey Jewish Federation, and a representative of the Blue Ribbon Committee on Ending Hunger of the New Jersey Council of Churches, or their designees; and

(5) Seven members, to be appointed by the Governor as follows: two citizens chosen from the general public; one representative of the medical profession with expertise in nutrition; two representatives of State or local antipoverty organizations; and two representatives of federal food programs which are administered in this State.

b. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

c. Members of the commission shall serve without compensation, but shall be entitled to reimbursement for actual expenses necessarily incurred in carrying out their duties as members of the commission.

3. The commission shall organize as soon as may be practicable 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.

4. It is the duty of the commission:

a. To study the extent of the incidence of hunger among citizens in this State;

b. To gather data about existing nutritional services and programs in this State and the degree to which these programs and services are used by people in need;

c. To assess the need for additional nutritional programs and services, and to propose ways in which these needs can be most effectively met.

5. The commission is 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 the purposes of carrying out its duties under this act, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary in order to per-

form its duties, and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

6. The commission may meet and hold hearings at such places as it shall designate during the sessions or recesses of the Legislature, and shall report its findings and recommendations to the Governor and the Legislature by January 15, 1986, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is appropriated $75,000.00 from the General Fund to the New Jersey Commission on Hunger to effectuate the purposes of this act.

8. This act shall take effect immediately and expire January 15, 1986.

Approved April 24, 1984.

CHAPTER 37

AN ACT concerning steel-jaw leghold type animal traps, supplementing chapter 4 of Title 23 of the Revised Statutes, amending P. L. 1971, c. 405, and repealing section 2 of P. L. 1971, c. 405.

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

C. 23:4-22.1 Steel-jaw leghold type trap prohibition.

1. (New section) No person shall manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type.

C. 23:4-22.2 Use banned.

2. (New section) No person shall take or attempt to take any animal by means of a trap of the steel-jaw leghold type.

C. 23:4-22.3 Presumption.

3. (New section) The possession of a trap of the steel-jaw leghold type shall be prima facie evidence of a violation of section 2 of this amendatory and supplementary act, except under the circumstances indicated by section 5 of this amendatory and supplementary act.

C. 23:4-22.4 Study ordered.

4. (New section) The Board of Governors of Rutgers, The State University, shall direct the Department of Wildlife Management at

Cook College to conduct a study to identify or develop an animal trap which substantially reduces injury and pain to both targeted and nontargeted animals which are caught in the trap and which could serve as an alternative to the steel-jaw leghold type animal trap. The results of this study shall be published in a report to the New Jersey Fish and Game Council, hereinafter referred to as the "council," in the Department of Environmental Protection within one year of the effective date of this amendatory and supplementary act. For the purposes of this amendatory and supplementary act, the steel-jaw leghold type animal trap does not mean mouse and rat traps designed for use in or under buildings.

C. 23:4-22.5 Exhibition permitted.

5. (New section) This amendatory and supplementary act shall not be construed to prevent the use of steel-jaw leghold traps for the purpose of exhibition by humane or educational institutions and organizations, or the possession of such traps by a person in the act of turning over the traps to a law enforcement agency.

C. 23:4-22.6 Rules, regulations.

6. (New section) The council shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt the rules and regulations necessary to carry out the provisions of this amendatory and supplementary act. These regulations shall provide at least the following:

If the study conducted pursuant to section 4 of this amendatory and supplementary act identifies or develops a suitable alternative animal trap, the council shall establish a program for the phased withdrawal of the steel-jaw leghold animal trap from use in the State, which prescribes the conditions under which the suitable alternative may be used, which withdrawal must occur within 18 months of the effective date of this amendatory and supplementary act.

C. 23:4-22.7 Fines.

7. (New section) A person using a steel-jaw leghold type animal trap in violation of any rule or regulation under this amendatory and supplementary act shall, for each illegal trap involved, be fined not less than $50.00 nor more than $250.00 for a first offense; not less than $250.00 nor more than $500.00 for a second offense; not less than $500.00 nor more than $2,500.00 for a third or subsequent offense.

C. 23:4-22.8 Confiscation.

8. (New section) All equipment used in, or animals and pelts obtained by a violation of section 2 of this amendatory and supplementary act shall be confiscated by any law enforcement agency enforcing this amendatory and supplementary act. This bill shall not be construed to authorize the confiscation of animals and pelts other than those which have been obtained in violation of section 2 of this amendatory and supplementary act and which are either held by a trap or in the possession of a violator.

9. Section 4 of P. L. 1971, c. 405 (C. 23:4–38.3) is amended to read as follows:

C. 23:4-38.3 Fine; forfeiture of license.

4. Any person violating the provisions of section 3 of this act shall be subject to a fine of not more than $50.00 for each offense and to the forfeiture of his license to trap.

C. 23:4-38.1 Repealer.

10. Section 2 of P. L. 1971, c. 405 (C. 23:4–38.1) is repealed.

11. This act shall take effect immediately, except that sections 1, 2, 3, 7, 9 and 10 shall take effect upon the adoption by the council of regulations implementing its duties under section 6 of this act or in 18 months, whichever is sooner.

Approved April 27, 1984.

CHAPTER 38

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the sums appropriated under P. L. 1983, c. 240, the following sums are appropriated out of the General Fund for the purposes specified:

CAPITAL CONSTRUCTION

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

Division of Mental Health and Hospitals

Capital Projects:		
Life safety: fire protection and general safety in existing community facilities, and the creation of additional community facilities	($1,000,000)	
Renovation and improvement of psychiatric facilities	(5,200,000)	
Total Appropriation, Division of Mental Health and Hospitals		$6,200,000

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

Division of Mental Retardation

Capital Project:		
Renovation and improvement of mental retardation facilities	($1,680,000)	
Total Appropriation, Division of Mental Retardation		$1,680,000

Government Direction, Management and Control

76 Management and Administration

Division of Management and Budget

Capital Projects:		
Life safety: fire protection and general safety to life in department facilities	($2,870,000)	
Asbestos abatement in department facilities	(1,000,000)	
Hazardous and toxic substance abatement in department facilities	(250,000)	

Total Appropriation, Division of Management and Budget	$4,120,000
Total Appropriation, Department of Human Services	$12,000,000

2. This act shall take effect immediately and shall be retroactive to July 1, 1983.

Approved May 3, 1984.

CHAPTER 39

AN ACT concerning elections and amending R. S. 19:48–1 and R. S. 19:49–5.

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

1. R. S. 19:48–1 is amended to read as follows:

Voting machines.

19:48–1. Any thoroughly tested and reliable voting machines may be adopted, rented, purchased or used, which shall be so constructed as to fulfill the following requirements:

(a) It shall secure to the voter secrecy in the act of voting;

(b) It shall provide facilities for such number of office columns, not less than 40 and not exceeding 60, as the purchasing authorities may specify and of as many political parties or organizations, not exceeding nine, as may make nominations, and for or against as many questions, not exceeding 30, as submitted;

(c) It shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party or one or more parties;

(d) It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more;

(e) It shall prevent the voter from voting for the same person more than once for the same office;

(f) It shall permit the voter to vote for or against any question he may have the right to vote on, but no other;

(g) It shall for use in primary elections be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine;

(h) It shall correctly register or record and accurately count all votes cast for any and all persons, and for or against any and all questions;

(i) It shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(j) It shall be so equipped with such locks as shall prevent the operation of the machine after the polls are closed;

(k) It shall be provided with a counter which shall show at all times during an election how many persons have voted;

(l) It shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters;

(m) It must permit a voter to vote for any person for any office, except delegates and alternates to national party conventions, whether or not nominated as a candidate by any party or organization by providing space for writing in such names or name.

All voting machines used in any election shall be provided with a screen, hood or curtain, which shall be so made and adjusted as to conceal the voter and his action while voting.

It shall also be provided with one device for each party for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "presidential electors for," preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice-President and a registering device therefor which shall register the vote cast for such electors when thus voted collectively.

2. R. S. 19:49–5 is amended to read as follows:

Irregular ballots.

19:49–5. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as irregular ballots. Such irregular ballot shall be written or affixed in or upon the receptacle or device provided on the machine for that purpose. No irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office or for a delegate or alter-

nate to a national party convention; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

3. This act shall take effect immediately.

Approved May 4, 1984.

CHAPTER 40

AN ACT concerning automobile insurance, amending and supplementing P. L. 1983, c. 362, amending P. L. 1972, c. 198 and P. L. 1972, c. 70 and P. L. 1944, c. 27.

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

1. Section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3) is amended to read as follows:

C. 39:6A-4.3 Personal injury protection coverage deductibles, exclusions and setoffs.

13. Personal injury protection coverage deductibles, exclusions and setoffs. With respect to personal injury protection coverage provided on an automobile in accordance with section 4 of P. L. 1972, c. 70 (C. 39:6A–4), the automobile insurer shall, at appropriately reduced premiums, provide the following coverage options:

a. Medical expense benefit deductibles in amounts of $500.00, $1,000.00 and $2,500.00 for any one accident;

b. The option to exclude all benefits offered under subsections b., c., d., and e. of section 4;

c. A setoff option entitling an automobile insurer paying medical expense benefits under section 4 to reimbursement from, and a lien on, any recovery for noneconomic loss by an injured party pursuant to an arbitration award, judicial judgment or voluntary settlement for the amount of the medical expense benefits paid, not to exceed 20% of the amount of the award, judgment or settlement, including recoveries under uninsured and underinsured motorist coverage, except that if, at the time of the award, judgment or settlement, the amount of medical expense benefits does not exceed 20% but additional expense benefits of an indeterminate amount are anticipated, the amount of the setoff shall be 20% of the award, judg-

ment or settlement, with the difference between the value of the 20% and the amount of medical expense benefits previously paid to be placed in an interest bearing trust account for use to indemnify the insurer paying the medical expense benefits, as the benefits are paid. Attorney's contingent fees shall be computed on the amount of the award, judgment or settlement, less the amount of the setoff, which setoff shall be, if the medical expense benefit claim of the injured person, as of the date of the award, judgment or settlement is made, is: (1) closed, the amount of medical expense benefits paid, not to exceed 20% of the award, judgment or settlement, or (2) open, 20% of the award, judgment or settlement. Under a contingent fee arrangement, the attorney shall also be entitled to reimbursement out of the amount of the setoff for costs actually incurred in the institution and prosecution of the claim or action, which amount shall in no instance exceed 10% of the amount of the setoff, in a manner to be prescribed by the Supreme Court. Nothing in this subsection shall be construed to prohibit an attorney representing the injured party from recovering from the insurer providing personal injury protection benefits the reasonable cost of any legal services rendered to that insurer primarily in conjunction with the setoff reimbursement.

A deductible, exclusion or setoff elected by the named insured in accordance with this section shall apply only to the named insured and any resident relative in the named insured's household who is not a named insured under another automobile insurance policy, and not to any other person eligible for personal injury protection benefits required to be provided in accordance with section 4.

In the case of a medical expense benefit deductible, the deductible elected by the name insured shall be satisfied for any one accident, whether the medical expense benefits are paid or provided, in the amount of the deductible, to the named insured or to one or more resident relatives in the named insured's household who are not named insureds under another insurance policy, or to any combination thereof.

No insurer or health provider providing benefits to an insured who has elected a deductible pursuant to subsection a. of this section shall have a right of subrogation for the amount of benefits paid pursuant to a deductible elected thereunder.

Where a trust account has been established in accordance with subsection c. of this section, any remaining principal and all accrued interest in the trust account at the time the final payment of medi-

cal expense benefits is made shall be paid to the party to whom the award, judgment or settlement was made, or to his estate.

The Commissioner of Insurance shall adopt rules and regulations to effectuate the purposes of this section.

2. Section 8 of P. L. 1972, c. 198 (C. 39:6–86.2) is amended to read as follows:

C. 39:6-86.2 Deductions from benefits.

8. The benefits provided in sections 7 and 10 shall be payable as loss accrues, upon written notice of such loss, including reasonable proof of such loss, except that benefits collectible under:

a. Employees' temporary disability benefit statutes and medicare provided under federal law shall be deducted from the benefits collectible under sections 7 and 10; and

b. Any hospital, medical or dental benefit plan or policy coverage with benefits similar to those provided under section 7, in an amount not to exceed in the aggregate $2,500.00 for any one accident, shall be deducted from the benefits collectible under sections 7 and 10.

Evidence of benefit payments collectible under subsections a. and b. of this section shall not be admissible in a civil action by the claimant for recovery of damages for bodily injury from the fund.

The amount of $2,500.00 shall be deemed to have been exceeded, whether the amount is paid or benefits in that amount are provided to one or more persons eligible for benefits under the hospital, medical or dental plan or policy, for injuries sustained in any one accident.

3. Section 4 of P. L. 1972, c. 70 (C. 39:6A–4) is amended to read as follows:

C. 39:6A-4 Personal injury protection coverage, regardless of fault.

4. Personal injury protection coverage, regardless of fault.

Every automobile liability insurance policy insuring an automobile as defined in this act against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of ownership, operation, maintenance or use of an automobile shall provide personal injury protection coverage, as defined hereinbelow, under provisions approved by the Commissioner of Insurance, for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household who sustained bodily injury as a result of an acci-

dent while occupying, entering into, alighting from or using an automobile, or as a pedestrian, being struck by an automobile *or* by an object propelled by or from an automobile, to other persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with the permission of the named insured, and to pedestrians, sustaining bodily injury caused by the named insured's automobile or struck by an object propelled by or from such automobile.

"Personal injury protection coverage" means and includes:

a. Medical expense benefits. Payment of all reasonable medical expenses incurred as a result of personal injury sustained in an automobile accident. In the event of death, payments shall be made to the estate of the decedent. In the event benefits paid by an insurer pursuant to this subsection are in excess of $75,000.00 on account of personal injury to any one person in any one accident, such excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P. L. 1977, c. 310 (C. 39:6–73.1).

b. Income continuation benefits. The payment of the loss of income of an income producer as a result of bodily injury disability, subject to a maximum weekly payment of $100.00. Such sum shall be payable during the life of the injured person and shall be subject to an amount or limit of $5,200.00, on account of injury to any one person in any one accident, except that in no case shall income continuation benefits exceed the net income normally earned during the period in which the benefits are payable.

c. Essential services benefits. Payment of essential services benefits to an injured person shall be made in reimbursement of necessary and reasonable expenses incurred for such substitute essential services ordinarily performed by the injured person for himself, his family and members of the family residing in the household, subject to an amount or limit of $12.00 per day. Such benefits shall be payable during the life of the injured person and shall be subject to an amount or limit of $4,380.00, on account of injury to any one person in any one accident.

d. Death benefits. In the event of the death of an income producer as a result of injuries sustained in an accident entitling such person to benefits under section 4 of this act, the maximum amount of benefits which could have been paid to the income producer, but for his death, under section 4b. shall be paid to the

surviving spouse, or in the event there is no surviving spouse, then to the surviving children, and in the event there are no surviving spouse or surviving children, then to the estate of the income producer.

In the event of the death of one performing essential services as a result of injuries sustained in an accident entitling such person to benefits under section 4c. of this act, the maximum amount of benefits which could have been paid such person, under section 4c., shall be paid to the person incurring the expense of providing such essential services.

e. Funeral expenses benefits. All reasonable funeral, burial and cremation expenses, subject to a maximum benefit of $1,000.00, on account of the death to any one person in any one accident shall be payable to decedent's estate.

Benefits payable under this section shall:

(1) Be subject to any deductibles or exclusions elected by the policyholder pursuant to section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3);

(2) Not be assignable, except to a provider of service benefits under this section, nor subject to levy, execution, attachment or other process for satisfaction of debts.

C. 39:6A-4.4 Applicability.

4. (New section) The amendments to section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3) contained in section 1 of this amendatory and supplementary act shall apply to any accident occurring on or after the effective date of this amendatory and supplementary act involving an automobile insurance policy in force on, or issued on or after that date, under which the named insured has elected a medical expense deductible in accordance with subsection a. of section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3). Any additional premium that may be owing on an existing policy by reason of the application of those amendments shall be debited to the account of the named insured and shall be payable at the time of payment of the next policy premium.

5. Section 14 of P. L. 1944, c. 27 (C. 17:29A–14) is amended to read as follows:

C. 17:29A-14 Filing of rate alterations.

14. a. With regard to all property and casualty lines, a filer may, from time to time, alter, supplement, or amend its rates, rating-

systems, or any part thereof, by filing with the commissioner copies of such alterations, supplements, or amendments, together with a statement of the reason or reasons for such alteration, supplement, or amendment, in a manner and with such information as may be required by the commissioner. If such alteration, supplement or amendment shall have the effect of increasing or decreasing rates, the commissioner shall determine whether the rates as altered thereby are reasonable, adequate, and not unfairly discriminatory. If the commissioner shall determine that the rates as so altered are not unreasonably high, or inadequate, or unfairly discriminatory, he shall make an order approving them. If he shall find that the rates as altered are unreasonable, inadequate, or unfairly discriminatory, he shall issue an order disapproving such alteration, supplement or amendment.

b. (Deleted by amendment, P. L. 1984, c. 1.)

c. If an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may, or upon the request of the filer or the Public Advocate shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself or by the Office of Administrative Law, created by P. L. 1978, c. 67 (C. 52:14F–1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held. The hearing shall be held on consecutive working days. If the hearing is conducted by an administrative law judge, the administrative law judge shall submit his findings and recommendations to the commissioner within 30 days of the close of the hearing. A decision shall be rendered by the commissioner not later than 60 days from the close of the hearing. A filing shall be deemed to be approved unless rejected or modified by the commissioner within the time period provided herein.

(2) The commissioner, or the Director of the Office of Administrative Law, as appropriate, shall notify all interested parties, including the Public Advocate on behalf of insurance consumers, of the date set for commencement of the hearing, on the date of the filing of the request for a hearing, or within 10 days of the decision that a hearing is to be held.

(3) The insurer or rating organization making a filing on which a hearing is held shall bear the costs of the hearing.

(4) The commissioner may promulgate rules and regulations (a) to establish standards for the submission of proposed filings, amendments, additions, deletions and alterations to the rating system of filers, which may include forms to be submitted by each filer; and (b) making such other provisions as he deems necessary for effective implementation of this act, except that all requests for information shall be limited to the kinds of detail required by the commissioner under section 5 of P. L. 1944, c. 27 (C. 17:29A–5).

d. (Deleted by amendment, P. L. 1984, c. 1.)

e. In order to meet, as closely as possible, the deadlines in section 17 of P. L. 1983, c. 362 (C. 39:6A–23) for provision of notice of available optional automobile insurance coverages pursuant to section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3) and section 8 of P. L. 1972, c. 70 (C. 39:6A–8), and to implement these coverages, the commissioner may require the use of rates, fixed by him in advance of any hearing, for deductible, exclusion, setoff and tort limitation options, on an interim basis, subject to a hearing and to a provision for subsequent adjustment of the rates, by means of a debit, credit or refund retroactive to the effective date of the interim rates. The public hearing on initial rates applicable to the coverages available under section 13 of P. L. 1983, c. 362 (C. 39:6A–4.3) and section 8 of P. L. 1972, c. 70 (C. 39:6A–8) shall not be limited by the provisions of subsection c. of this section governing changes in previously approved rates or rating systems.

6. Section 15 of P. L. 1944, c. 27 (C. 17:29A–15) is amended to read as follows:

C. 17:29A-15 Rebates prohibited.

15. No insurer or employee thereof, and no broker or agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the respective rating-systems on file with and approved by the commissioner or, as required by the commissioner, to be used on an interim basis in accordance with subsection e. of section 14 of P. L. 1944, c. 27 (C. 17:29A–14). No insurer or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or

any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent that such rebate, discount, abatement, credit, reduction, favor, advantage or consideration may be provided for in rating-systems filed by or on behalf of such insurer and approved by the commissioner. No insured named in a policy of insurance, nor any employee of such insured, shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to regularly appointed and licensed agents and to brokers duly licensed by this State, nor as prohibiting a discount, abatement, or reduction in premium on policies issued to or on behalf of the State of New Jersey.

7. This act shall take effect immediately.

Approved May 15, 1984.

CHAPTER 41

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain municipalities.

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

1. Notwithstanding any provisions of law or any judicial order to the contrary, no municipality having a population in excess of 40,000, but less than 45,000, according to the 1980 federal decennial census, which is located in a county of the first class, shall be required to implement a revaluation of real property for the tax year 1984. The determination of a municipality not to implement a revaluation pursuant to the provisions of this act shall not prevent the municipality from conducting and implementing any partial or complete reassessment of real property in the municipality during the period covered by this act.

2. At the request of a municipality that, pursuant to section 1 of this act, does not implement a revaluation of real property for the tax year 1984, the State Treasurer shall have the authority

to extend the temporary moratorium on the implementation of the revaluation for the tax year 1985, upon the Treasurer's determination that an extension of the moratorium is in the best interest of the municipality. The municipality shall make its request for the extension to the State Treasurer on or before January 1, 1985. The Treasurer shall inform the municipality of his decision on or before January 31, 1985.

3. This act shall take effect immediately and shall be retroactive to January 1, 1984.

Approved May 17, 1984.

CHAPTER 42

An Act concerning the distribution and disposition of the pari-mutuel pool at horse race meetings.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–64) to the contrary, each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits, plus the breaks. Every permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding $0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the

winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are defined as the odd cents over any multiple of $0.10, calculated on the basis of $1.00 otherwise payable to a patron. Every permitholder engaged in the business of conducting running race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10–1 et seq.), shall distribute as purse money the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Every permitholder engaged in the business of conducting harness race meetings under this act, except the New Jersey Sports and Exposition Authority, shall retain for his own uses and purposes 50% of the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in the pool as herein provided, and shall distribute as purse money the remaining 50%. The New Jersey Sports and Exposition Authority shall retain all breaks commencing on May 10, 1971 as revenue to the authority, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Every permitholder shall submit to the commission every seventh day of any and every race meeting a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permitholder for payment of outstanding parimutuel tickets not claimed by the person entitled thereto within six months from the time the tickets are issued shall be paid to the commission upon the expiration of such six-month holding period.

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permitholder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets.

All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall

be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

2. Notwithstanding the provisions of section 46 of P. L. 1940, c. 17 (C. 5:5–66) to the contrary, every permitholder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10–1 et seq.), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 50% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey

bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 7.70% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 8.70% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 11.70% of the total contributions. Each permitholder shall contribute out of its 11.70% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.65% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 8.65% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 11.65% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 11.65% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle does not exceed $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 30% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 9.73% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.80% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.21% of the

total contributions. Each permitholder shall contribute out of its 13.21% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.00% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.93% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.02% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.02% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(e) (i) 62% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey racetracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such New Jersey bred money earners and awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission while the thoroughbred open breeder awards shall be ad-

ministered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(ii) 12% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

(f) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) (i) of this paragraph.

(2) Where the amount derived from the parimutuel handle exceeds $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 50% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding

industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 8.79% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 9.86% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.03% of the total contributions. Each permitholder shall contribute out of its 13.03% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.58% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.51% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.85% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.85% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the

commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(e) (i) 60% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey racetracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such New Jersey bred money earners and awards to New Jersey thoroughbred breeders' associations for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(ii) 30% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

(f) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 49% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) (i) of this paragraph.

3. This act shall take effect immediately and shall be retroactive to January 1, 1984, but shall expire on December 31, 1985.

Approved May 23, 1984.

CHAPTER 43

A SUPPLEMENT to "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. As used in this supplementary act, "qualified municipality" means any municipality with population less than 3,500, according to the most recent federal decennial census, which is situated in a county of the second class, and which certified to the Director of the Division of Local Government Services in the Department of Community Affairs, prior to the adoption of its 1984 municipal budget, a. that there exist overexpenditures and overcommitments of funds from any local fiscal year preceding 1984 for which deferred charges have not been appropriated prior to 1984; and b. that the overexpenditures and overcommitments do not exceed $100,000.00.

2. The provisions of any law to the contrary notwithstanding, any qualified municipality is authorized to appropriate any deferred charges which consist of overexpenditures or overcommitments of funds during any local budget year previous to 1984, as an exception to the limits imposed on increases in final appropriations pursuant to P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.).

3. The Director of the Division of Local Government Services in the Department of Community Affairs shall monitor the execution of the budget of any qualified municipality utilizing the provisions of this supplementary act, to ensure that funds appropriated for the purposes specified in section 2 of this supplementary act are lawfully and properly disbursed.

4. This act shall take effect immediately, shall be retroactive to January 1, 1984, shall apply to the 1984 local budget year, and shall expire on December 31, 1984.

Approved May 23, 1984.

CHAPTER 44

AN ACT concerning the maximum age limits for certain public employees and amending P. L. 1944, c. 98.

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

1. Section 1 of P. L. 1944, c. 98 (C. 38:23A–2) is amended to read as follows:

C. 38:23A-2 Age limits extended for veterans.

1. When the qualifications for any examination or test for, or appointment or election to any office, position or employment under the government of this State, or of any county, municipality, school district or other political subdivision of this State, or under any board, body, agency or commission of this State, or of any county, municipality or school district, includes a maximum age limit, any person who, heretofore and subsequent to July first, one thousand nine hundred and forty, entered or hereafter, in time of war, shall enter the active military or naval service of the United States or the active service of the Women's Army Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy, shall be deemed to meet such maximum age requirement, if his actual age, less the period of such service, would meet the maximum age requirement in effect on the date the person entered into such service of the United States. As used in this section the term "war" shall include the conflicts in Vietnam and Korea.

2. This act shall take effect immediately.

Approved May 24, 1984.

CHAPTER 45

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural, and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

05-5400 Student Financial Assistance Administration...		$1,379,800
Personal Services:		
Salaries and wages	($ 43,900)	
Employee benefits	(11,500)	
Materials and Supplies	(25,000)	
Services Other Than Personal	(691,300)	
Special Purpose:		
Postsecondary Information Awareness Project	(550,000)	
Other Indirect Cost	(10,300)	
Additions, Improvements and Equipment	(47,800)	
Total Appropriation, Department of Higher Education		$1,379,800

2. This act shall take effect immediately.

Approved May 25, 1984.

CHAPTER 46

AN ACT concerning New Jersey Waterfowl Stamps and amending P. L. 1983, c. 504.

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

1. Section 8 of P. L. 1983, c. 504 is amended to read as follows:

8. This act shall take effect on July 1, 1984, except that sections 4 and 7 shall take effect immediately.

2. This act shall take effect immediately.

Approved May 30, 1984.

CHAPTER 47

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the amounts appropriated in P. L. 1983, c. 240, the following sum is appropriated out of the General Fund for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole $325,000

Special Purpose:
Increased parole supervision .....($325,000)

2. This act shall take effect immediately.

Approved May 30, 1984.

CHAPTER 48

AN ACT concerning the motor vehicle inspection system and amending P. L. 1983, c. 236.

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

1. Section 1 of P. L. 1983, c. 236 (C. 39:8–25) is amended to read as follows:

C. 39:8-25 Inspection system.

1. The Legislature finds and declares its intent to provide a program for inspecting motor vehicles that will meet all the goals of the federal Clean Air Act (42 U. S. C. § 7401 et seq.). Towards this end, it is intended that the appropriation included in P. L. 1983, c. 237 shall provide sufficient resources for the Division of Motor Vehicles to implement for three years a motor vehicle inspection system utilizing reinspection centers, licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8–11), to conduct initial inspections while remaining prepared to return to a completely State-operated system after the three year period, unless the Legislature determines to continue to authorize the motor vehicle inspection system established in this act.

2. Section 5 of P. L. 1983, c. 236 (C. 39:8–26) is amended to read as follows:

C. 39:8-26 Designation of official stations.

5. a. The Director of the Division of Motor Vehicles in addition to any existing authority, shall, for a period not to exceed 36 months, be authorized to designate reinspection centers as official inspection stations for the purpose of conducting initial motor vehicle inspections pursuant to the provisions of R. S. 39:8–1.

b. For the purposes of this act, only those reinspection centers licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8–11 et seq.) and properly equipped to comply with the standards established by law or regulation may be designated as official inspection stations.

3. Section 16 of P. L. 1983, c. 236 is amended to read as follows:

16. This act shall take effect immediately and, except for sections 2, 3, 4, 6c., d., and e., 7, 8, 9, 10, 11, 12, 13 and 15, shall expire on June 1, 1986, unless extended by law beyond that date.

4. This act shall take effect immediately.

Approved May 30, 1984.

New Jersey State Library

CHAPTER 49

AN ACT concerning the duration of certain contracts entered into for energy conservation purposes and amending N. J. S. 18A:18A–5 and N. J. S. 18A:18A–42.

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

1. N. J. S. 18A:18A–42 is amended to read as follows:

Multiyear contracts.

18A:18A–42. Any board of education may enter into a contract exceeding the fiscal year for the

a. Supplying of:

(1) Fuel for heating purposes, for any term not exceeding in the aggregate, three years;

(2) Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;

(3) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

b. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or

c. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or

d. Data processing service, for any term of not more than five years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, for any term of not more than three years; or

f. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for any term not exceeding in the aggregate, five

years; provided, however, such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or

g. 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 Utilities, for a term not exceeding five years; or

h. Materials, supplies or services that are required on a recurring basis from year to year, for any term not exceeding in the aggregate, two years; however, such contract may be renewed yearly for a period not exceeding three additional years without any further solicitation for bids or bidding upon a finding by the board that the services are being performed in an effective and efficient manner, or that the materials and supplies continue to meet the original specifications. If a board of education elects to renew an existing contract, the terms and conditions of the existing contract shall remain substantially unchanged and any increase in the contract cost over the three year period shall be no greater than a total of 20% over the initial cost; or

i. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or

j. Performance of work or services or the furnishing of materials, supplies or equipment for the purpose of conserving energy in buildings owned by any local board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; except that these contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), establishing a methodology for computing energy costs.

All multiyear leases and contracts entered into pursuant to this section 18A:18A–42, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the performance of work or services or the furnishing of materials, supplies or equipment

to promote energy conservation authorized pursuant to subsection j. of this section, 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.

2. N. J. S. 18A:18A–5 is amended to read as follows:

Exceptions to requirement for advertising.

18A:18A–5. Exceptions to requirement for advertising. Any purchase, contract or agreement of the character described in N. J. S. 18A:18A–4 may be made, negotiated or awarded by the board of education by resolution at a public meeting without public advertising for bids and bidding therefor if

a. The subject matter thereof consists of:

(1) Professional services;

(2) Extraordinary unspecifiable services which cannot reasonably be described by written specifications, which exception as to extraordinary unspecifiable services shall be construed narrowly in favor of open competitive bidding where possible and the State Board of Education is authorized to establish rules and regulations limiting its use in accordance with the intention herein expressed; and the board of education shall in each instance state supporting reasons for its action in the resolution awarding the contract for extraordinary unspecifiable services;

(3) The doing of any work by employees of the contracting unit;

(4) The printing of all legal notices; and legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;

(5) Textbooks, copyrighted materials, kindergarten supplies, and student produced publications and services incidental thereto;

(6) Food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the State board and in accordance with the provisions of N. J. S. 18A:18A–6;

(7) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with the tariffs and schedules of charges made, charged and exacted, filed with said board;

(8) The printing of bonds and documents necessary to the issuance and sale thereof by a board of education;

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services;

(10) Insurance, including the purchase of insurance coverage and consultant services;

(11) Publishing of legal notices in newspapers as required by law;

(12) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;

(13) Election expenses, including advertising expenses incidental thereto;

(14) Electronic data processing service obtained from another board of education;

(15) Driver education courses provided by licensed driver education schools;

(16) Performance of work or services or the furnishing of materials, supplies or equipment for the purpose of conserving energy in buildings owned by any local board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs.

b. It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority or any other state or subdivision thereof.

c. The board of education has advertised for bids pursuant to N. J. S. 18A:18A–4 on two occasions and has received no bids in response to its advertisement and, after reasonable inquiry, it is determined that no board, body, officer, agency or authority of the United States, or of the State of New Jersey or of any county or municipality in which the board of education is located is willing and able to perform any work or furnish or hire any materials or supplies in conformity with the specifications of the board of education. Any such contract or agreement entered into pursuant to this subsection c. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement. Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of the competitive bidding pursuant to N. J. S. 18A:18A–4 shall be stated in the resolution awarding the contract.

d. The board of education has advertised for bids pursuant to N. J. S. 18A:18A–4 on two occasions and has rejected such bids on each occasion because the board of education has determined that they are not reasonable as to price on the basis of cost estimates prepared for the board of education prior to the advertising therefor or have not been independently arrived at in open competition, but no such contract or agreement may be entered into after such rejection of bids, unless:

(1) Notification of the intention to negotiate and a reasonable opportunity to negotiate shall have been given by the board of education to each responsible bidder;

(2) The negotiated price is lower than the lowest rejected bid price of a responsible bidder who bid thereon and is the lowest negotiated price offered by any responsible supplier and is a reasonable price for such work, materials, supplies or services;

(3) Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N. J. S. 18A:18A–4 shall be stated in the resolution awarding the contract; and

(4) The negotiated price is lower than the price of the same or equivalent materials or supplies available from the State, county or municipality in which the board of education is located.

Whenever a board of education shall determine that a bid was not arrived at independently in open competition pursuant to this subsection d. of N. J. S. 18A:18A–5, it shall thereupon notify the county prosecutor of the county in which the board of education is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

e. The board of education has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to N. J. S. 18A:18A–10, and the lowest responsible quotation is at least 10% less than the price the board would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract.

Any such contract or agreement entered into pursuant to subsection d. or subsection e. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds

of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement.

3. This act shall take effect immediately.

Approved June 14, 1984.

CHAPTER 50

AN ACT concerning motor vehicles used for transporting mentally retarded persons and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C. 39:4-207.2 Mentally retarded person defined.

1. For purposes of this act "mentally retarded person" means a person in a state of significant subnormal intellectual development with reduction of social competence which state shall have existed prior to adolescence and is expected to be of lifelong duration.

C. 39:4-207.3 Insignia, special vehicle identification cards.

2. a. The Director of the Division of Motor Vehicles shall issue a special insignia upon the application of a federal, State, county or municipal entity or a public or private nonprofit organization incorporated under the laws of this State for motor vehicles owned or operated by the applicant and used to transport mentally retarded persons. The insignia shall be of a design and shall be posted or attached to the motor vehicle in a place and manner to be determined by the director. The fee for the issuance of an insignia shall be determined by the director and the insignia shall be renewable annually by the director at the time fixed for the annual registration of the vehicle.

b. The director may also issue to an applicant, at the expense of the State, special vehicle identification cards to be carried by the operators of motor vehicles used to transport mentally retarded persons. The cards shall be renewable annually by the director at the time fixed for the annual registration of the vehicles.

c. The director may also issue to an applicant a placard to be displayed on the motor vehicle.

C. 39:4-207.4 Parking for handicapped.

3. A motor vehicle owned or operated by a federal, State, county or municipal entity or a public or private nonprofit organization incorporated under the laws of this State and used to transport mentally retarded persons, and which is properly identified in accordance with the provisions of section 1 of this act, is authorized to park in a space appropriately marked for vehicles for the physically handicapped pursuant to law whenever the vehicle is being used to transport mentally retarded persons.

4. This act shall take effect on the 30th day after enactment.

Approved June 14, 1984.

CHAPTER 51

AN ACT concerning the use of seat belts at drivers' schools and supplementing chapter 12 of Title 39 of the Revised Statutes.

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

C. 39:12-15 Seat belts during driving lesson.

1. No person shall give instruction in the operation of a motor vehicle at a drivers' school unless both the instructor and student wear seat belts at all times during a driving lesson, regardless of which person is operating the vehicle. A person who violates this act shall be subject to a fine of $25.00 for the first offense and $50.00 for a subsequent offense.

2. This act shall take effect immediately.

Approved June 14, 1984.

CHAPTER 52

AN ACT concerning the State highway system and amending P. L. 1948, c. 235.

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

1. Section 1 of P. L. 1948, c. 235 is amended to read as follows:

1. The State Commissioner of Transportation shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: an extension of State Highway Route No. 21 in a northerly direction, by direct route from Newark to the vicinity of Grand street and Marshall street in the city of Paterson, roughly parallel to the Passaic river, but the direct route shall not proceed through the city of Clifton in a northerly direction across the Passaic river to the easterly bank in the vicinity of the southerly municipal boundary line of the borough of Elmwood Park, continuing thence northerly along the easterly bank of the Passaic river and across the lands of the borough of Elmwood Park to Interstate Highway Route 80 in the borough of Elmwood Park.

2. This act shall take effect immediately.

Approved June 15, 1984.

CHAPTER 53

AN ACT concerning the Commission to Deter Criminal Activity and amending P. L. 1983, c. 333.

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

1. Section 2 of P. L. 1983, c. 333 (C. 52:17B–152) is amended to read as follows:

C. 52:17B-152 Commission to Deter Criminal Activity.

2. There is hereby established in the Department of Law and Public Safety the New Jersey Commission to Deter Criminal Activity. The commission shall consist of 21 members:

a. Two members of the New Jersey State Senate who are not representatives of the same political party, appointed by the President of the Senate;

b. Two members of the New Jersey General Assembly who are not representatives of the same political party, appointed by the Speaker of the General Assembly;

c. The State Attorney General or his designee;

d. The President of the New Jersey Police Benevolent Associa-

tion or if he shall refuse to serve, fail to qualify, or become disqualified, a public member appointed by the Governor;

e. The President of the State Prosecutors' Association or if he shall refuse to serve, fail to qualify, or become disqualified, a public member appointed by the Governor;

f. The President of the Fraternal Order of Police or if he shall refuse to serve, fail to qualify, or become disqualified, a public member appointed by the Governor;

g. The President of the State Troopers' Fraternal Association or if he shall refuse to serve, fail to qualify, or become disqualified a public member appointed by the Governor; and

h. Twelve public or governmental official members appointed by the Governor. All members shall serve without compensation but may be reimbursed for reasonable expenditures incurred during the performance of their duties for the commission.

2. Section 3 of P. L. 1983, c. 333 (C. 52:17B–153) is amended to read as follows:

C. 52:17B-153 Members' terms.

3. The legislative members, Attorney General, Police Benevolent Association President, Prosecutors' Association President, Fraternal Order of Police President, and State Troopers' Fraternal Association President shall serve for terms contiguous with their elective or appointive terms. The other members shall be appointed for terms of three (3) years and shall serve until the appointment of their successors except for the initial terms which shall be staggered terms of one, two, and three years respectively as determined by the Governor. Vacancies shall be filled for unexpired terms only.

3. Section 7 of P. L. 1983, c. 333 (C. 52:17B–157) is amended to read as follows:

C. 52:17B-157 Board of directors.

7. The commission shall appoint from its class of members appointed pursuant to subsection h. of section 2 herein, the board of directors of any nonprofit corporation established by the commission pursuant to subsection 6e. of this act. All members of the board of directors shall serve without compensation but may be reimbursed for reasonable expenditures incurred during the performance of their duties for the corporation.

4. This act shall take effect immediately.

Approved June 15, 1984.

CHAPTER 54

AN ACT concerning the Protestant Episcopal Church and amending R. S. 16:12–16.

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

1. R. S. 16:12–16 is amended to read as follows:

Property of extinct parish.

16:12–16. If and when the convention of said church which has ecclesiastical jurisdiction over a parish shall determine that regular church services are no longer maintained by such parish, or that the parish no longer elects wardens and a vestry in accordance with its certificate of incorporation, said convention may declare such parish extinct, and thereupon the corporation having title to the property of said parish shall be thereby dissolved, and the property of said parish and all rights and interest of said parish pertaining to property shall vest in the corporation organized to hold in trust property under the control of said convention, in trust, for the same religious purposes and with the power of disposition and sale to the same extent as the same vested or would have vested in the corporation having title to the property of said parish before it became extinct; provided, however, that this act shall not affect the reversionary interest of any person or persons in such property. Said property and the income therefrom and the proceeds of sale thereof shall be applied to religious and charitable uses connected with the church, and the convention may direct the use to which the same or any part thereof shall be applied, and may direct the transfer thereof or any part thereof to any incorporated parish or other corporation, the funds of which are devoted to carrying on any of the objects or purposes of said church in said diocese. If and when the convention of said church shall make such determination and declare a parish extinct, a certificate of such action by the convention under the seal of the convention, signed by the bishop or other officer who presided at the meeting of the convention at which such action was taken and attested by the secretary of said convention and duly acknowledged, shall be filed and recorded in the office of the county clerk of the county where the certificate of in-

corporation of said parish has been filed, or where such extinct parish is located.

2. This act shall take effect immediately.

Approved June 18, 1984.

CHAPTER 55

AN ACT concerning motor vehicles and supplementing article 3 of 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. 39:3-79.4 Vehicle identification label.

1. a. No person shall drive upon a public highway, road or street a motor vehicle registered or principally garaged in this State and powered primarily or secondarily by a compressed or liquified gaseous fuel unless the vehicle is identified with a weather resistant, diamond shaped label which may be obtained from the Division of Motor Vehicles in the Department of Law and Public Safety or from a gas industry source.

b. A fee may be charged for the label. The amount of the fee shall be established by rule and regulation of the Director of the Division of Motor Vehicles and shall not exceed the reasonable cost of preparation and distribution.

C. 39:3-79.5 Placement, appearance.

2. The Director of the Division of Motor Vehicles may promulgate rules and regulations governing the placement and appearance of the label in addition to the following requirements:

a. The label shall be located on an exterior vertical or near vertical surface on the lower right rear of the vehicle, but not on the bumper, and toward the center and away from any other markings.

b. The label shall contain a border and one inch minimum height letters centered in the diamond.

c. The markings shall be of a silver or white reflective luminous material on a black background and the letters shall indicate the type of compressed or liquified gas used as fuel for the vehicle.

C. 39:3-79.6 Subject to inspection.

3. The vehicle identification required in this act shall, at the time of an inspection pursuant to this Title, be inspected for compliance with the provisions of this act.

C. 39:3-79.7 Penalties.

4. Any person who fails to comply with sections 1 and 2 of this act following an inspection shall be subject to the penalties of R. S. 39:8–9.

C. 39:3-79.8 Supply restriction.

5. a. Any person requested to supply the compressed or liquified gaseous fuel for any vehicle covered under this act shall refuse to provide the fuel unless the vehicle for which the fuel is intended displays the label required herein.

b. Any person who violates subsection a. of this section shall be liable for a penalty of $25.00 for the first offense and $50.00 for each subsequent offense which may be collected in accordance with "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) by the Attorney General.

C. 39:3-79.9 Publication.

6. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall periodically publicize the provisions of this act following its enactment.

7. This act shall take effect on the first day of the third month after enactment.

Approved June 22, 1984.

CHAPTER 56

AN ACT to amend the "New Jersey Medical Assistance and Health Services Act," approved January 15, 1969 (P.L. 1968, c. 413).

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

1. Section 6 of P. L. 1968, c. 413 (C. 30:4D–6) is amended to read as follows:

C. 30:4D-6 Authorized medical services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the

rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Other laboratory and X-ray services;

(4) (a) Skilled nursing or intermediate care facility services;

(b) Such early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, to ascertain their physical or mental defects and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physicians' services furnished in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a. (5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Optometric services;

(8) Podiatric services;

(9) Chiropractic services;

(10) Psychological services;

(11) Inpatient psychiatric hospital services for individuals under 21 years of age, or under age 22 if they are receiving such services immediately before attaining age 21;

(12) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(13) Inpatient hospital services, skilled nursing facility services and intermediate care facility services for individuals 65 years of age or over in an institution for mental diseases;

(14) Intermediate care facility services;

(15) Transportation services;

(16) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the federal Department of Health and Human Services, and approved by the commissioner.

c. Payments for the foregoing services, goods and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. Said payments shall constitute payment in full to the provider on behalf of the recipient. Every provider making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, his family, his representative or others on his behalf for the services, goods and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family, his representative or others on his behalf for such services, goods and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide him such services.

No copayment or other form of cost-sharing shall be imposed on any individual eligible for medical assistance, except as mandated by federal law as a condition of federal financial participation.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until he reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

f. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment for goods and services to an individual because of that individual's eligibility for or receipt of Medicaid benefits shall be null and void, and no payments shall be made under this act as a result of any such provision.

2. This act shall take effect immediately.

Approved June 28, 1984.

CHAPTER 57

AN ACT concerning the Police and Firemen's Retirement System of New Jersey and amending P. L. 1944, c. 255.

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

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

C. 43:16A-1 Police and Firemen's Retirement System.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator, or inspector of combustibles of any police or fire department or any employee of a police or fire department who was a member of the retirement system for a period of 15 years prior to his transfer to a position within the department not otherwise covered by the retirement system. It shall also mean any permanent, active, and full-time firefighter or officer employee of the State of New Jersey, or any political subdivision thereof, with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, alcoholic beverage control investigator, alcoholic beverage control inspector, assistant deputy director, bureau of enforcement, and deputy director, bureau of enforcement in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, chief conservation officer and chief, bureau of law enforcement in the Division of Fish, Game, and Wildlife, ranger and chief ranger in the Bureau of Parks, State fire warden and chief, assistant chief, division fire warden, assistant division fire warden, staff section fire warden, and field section fire warden in the Forest Fire Service, Department of Environmental Protection, chief, Bureau of Forest Fire Management—State forest fire warden, supervising forester (fire), principal forester (fire), senior forester (fire), assistant forester (fire) in the Bureau of Forest Fire Management, Department of Environmental Protection, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, State fire marshal, deputy State fire marshal, and inspector fire safety, Department of Law and Public Safety, institution fire chief, and assistant institution fire chief, Department of Human Services, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keeper in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services,

county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, supervising auditor-investigator, auditor-investigator, electronics specialist, traffic safety coordinator-investigator, supervisor of electronics and investigations, and county investigator in the office of the county prosecutors, county sheriff, sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the office of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, industrial trade instructor and identification officer in a county of the first class having a population of more than 850,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, supervising juvenile officer, patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14–21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the three years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) "Widower" shall mean the man to whom a member or retirant was married at least two years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least two years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular work day.

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

(28) "Final compensation" means the compensation received by the member in the last 12 months of creditable service preceding his retirement.

2. This act shall take effect immediately.

Approved June 28, 1984.

CHAPTER 58

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1984-85

GENERAL FUND

Undesignated fund balance, July 1, 1984	$414,654,343
Major Taxes	
Sales	$2,165,000,000
Corporation business	940,000,000
Motor fuels	294,000,000
Motor vehicle fees	290,000,000
Cigarette	217,000,000
Transfer inheritance	171,000,000
Insurance premiums	114,000,000
Public utility excise	109,000,000
Alcoholic beverage wholesale sales	82,000,000
Business personal property	36,000,000
Alcoholic beverage excise	60,000,000
Corporation business—Banks and financial institutions	50,000,000
Realty transfer	33,000,000
Pari-mutuel	8,000,000

Motor fuel use	7,000,000
Savings institutions	3,500,000
Total—Major Taxes	$4,579,500,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch—	
Department of Agriculture:	
Animal health—laboratory test fees	$50,000
Other animal, plant disease and pest control fees	17,000
Seed certification program	5,000
Fertilizer inspection and other fees	140,000
Milk control licenses and fees	497,000
Department of Banking:	
Bank assessments	1,391,000
Examining and other fees	2,414,000
New Jersey Cemetery Board	85,000
Department of Community Affairs:	
Boarding home fees	175,000
Construction fees	388,000
Housing inspection fees	1,150,000
Local government services	128,000
Planned real estate development fees	425,000
Department of Education:	
Katzenbach School for the Deaf—Tuition	2,805,000
Licensing fees—Miscellaneous	150,000
Non-public schools' textbook recoveries	250,000
Department of Energy:	
Assessments—Cable TV	1,336,000
Assessments—Public Utility	15,175,000
Fees, fines and penalties	150,000
Department of Environmental Protection:	
Air pollution fees	425,000
Examination licensing fees	16,000
Forest Management sales	69,000
Hunters' and Anglers' License Fund	6,175,000
Marina rentals	790,000
Marine Lands Management—Delineation and title determination	865,000

Marine Lands Management—Miscellaneous revenue	20,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
Parks management	2,456,000
Radiation protection	433,000
New Jersey Water Supply Authority debt service repayments	1,291,000
Shell fisheries leases	304,000
Solid waste management fees	742,000
Water monitoring and planning	118,000
Water pollution fees	50,000
Department of Health:	
Licenses, permits and fees	1,035,000
Department of Higher Education:	
Bond interest recoveries	358,000
Other student fees	642,000
School of Conservation	440,000
Thomas A. Edison College—Fees	443,000
Tuition—Regular	47,694,000
Miscellaneous	400,000
UMDNJ hospital service recoveries	4,200,000
Department of Human Services:	
Adoption law fees	200,000
Patients' and residents' cost recoveries:	
Developmental centers	62,000,000
Psychiatric hospitals	67,000,000
Soldiers' homes	6,000,000
Special residential services	13,000,000
Recoveries	4,000,000
Department of Insurance:	
Actuarial services	838,000
Licensing and enforcement	4,341,000
Real Estate Commission	1,314,000
Department of Labor:	
Licenses, permits and fines	798,000
Special Compensation Fund	963,000
Department of Law and Public Safety:	
Amusement games control fees	155,000
Beverage licenses	3,613,000
Bus excise tax	313,000

Division of Consumer Affairs:	
General revenues	2,215,000
Professional examining board fees	5,550,000
Division of State Police:	
Private detective licenses	500,000
Other licenses	430,000
Motor Vehicle Security—Responsibility Law administration	5,297,000
Pleasure boat licenses	1,800,000
Other boating fees	55,000
Department of State:	
Office of Administrative Law—Fees	2,000,000
Commissions	494,000
General revenue—Fees	6,600,000
Uniform Commercial Code—Fees	1,382,000
Department of Transportation:	
Applications and highway permits	535,000
Outdoor advertising	236,000
Autonomous transportation authorities	12,000,000
Department of the Treasury:	
Coin operated telephones	70,000
Escheats, Personal Property (14 year law)	200,000
Interest on deposits	2,000,000
Municipal Purposes Tax Assistance Fund	60,000,000
New Jersey Sports and Exposition Authority	4,000,000
Public Utility Tax—Radiation Response Assessment	700,000
Public Utility Tax—Administration	250,000
Public Utility Tax—Cash Flow Adjustment	2,000,000
Railroad Tax:	
Class II (Current Year)	40,000
Franchise	40,000
Vending machine commissions	150,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission Pennsylvania share	1,055,000
Other Sources:	
Miscellaneous revenue	1,500,000
Sale of State land	3,000,000

Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	10,000,000
Employee maintenance deductions	2,000,000
Health benefits contribution reimbursement from special funds	14,000,000
Indirect cost recovery—Federal	8,000,000
Judicial Retirement System reimbursements	1,500,000
Other fringe benefit reimbursement from special funds	1,800,000
Pension contribution reimbursement from special funds	25,000,000
Public employer's contribution reimbursement	9,000,000
Reimbursement from Rutgers—Employer's share of employees' benefits	4,500,000
Rent of State building space	1,200,000
Social security contribution from special funds	17,000,000
Judicial Branch—	
Court fees	15,060,000
Violent Crimes Commission Act	2,258,000
Total—Miscellaneous Taxes, Fees, Revenues	$485,770,000

Interfund Transfers

Beaches and Harbor Fund	$800,000
Clean Waters Fund	1,600,000
Community Development Bond Fund	500,000
Correctional Facilities Construction Fund	5,000,000
Disability Benefit Liability Fund	500,000
Emergency Flood Control Fund	800,000
Energy Conservation Fund	1,000,000
Farmland Preservation Fund	500,000
Higher Education Assistance Fund	1,823,000
Higher Education Buildings Construction Fund (Act of 1971)	100,000
Institutional Construction Fund 1978	100,000
Institutions Construction Fund	100,000
Medical Education Facilities Fund	400,000
Mortgage Assistance Fund	280,000
Motor Vehicle Security—Responsibility Fund	45,000
Natural Resources Fund	2,000,000

New Jersey Bridge Rehabilitation and Improvement Fund	1,000,000
1983 New Jersey Green Acres Fund	200,000
Outstanding Checks Account	800,000
Outstanding Checks Account (6 years and over)	400,000
Public Building Construction Fund	100,000
Public Purpose Buildings Construction Fund	3,000,000
School Fund	3,600,000
Shore Protection Fund	200,000
State Disability Benefits Fund	11,469,000
State Land Acquisition and Development Fund	2,000,000
State Lottery Fund	370,000,000
State of New Jersey Cash Management Fund	500,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	2,500,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	200,000
State Transportation Fund	800,000
State Water Development Fund	100,000
Transportation Rehabilitation and Improvement Fund of 1979	5,000,000
Unclaimed Bank Deposits Escheat Reserve Fund	1,750,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	550,000
Unclaimed Personal Property Trust Fund	2,500,000
Unemployment Compensation Auxiliary Fund	8,017,000
Unsatisfied Claim and Judgment Fund	721,000
Water Conservation Fund	600,000
Water Supply Fund	900,000
Worker and Community Right to Know Fund	675,000
Total—Interfund Transfers	$433,130,000

Federal Revenue

Executive Branch—	
Department of Agriculture:	
Bridgeton clerical assistance	$10,000
Brucellosis eradication	21,000
Cooperative gypsy moth suppression	600,000
Cooperative inspection service	44,000
Food distribution administrative expense fund	89,000

Jobs bill	1,270,000
Plant pest survey and detection program	25,000
Department of Commerce and Economic Development:	
New Jersey State office of minority business development	150,000
Department of Community Affairs:	
Community development block grant—technical assistance	75,000
Community services block grant	9,020,000
Energy Conservation and Production Act of 1976	4,957,000
Food Distribution Act—Title VII—USDA	3,400,000
Housing Act of 1937—Section VIII	26,500,000
New Jersey advocacy assistance program	50,000
Older Americans' Act of 1965—Title III	23,413,000
Small cities block grant	12,510,000
Title IV-A training—aging	137,000
Department of Corrections:	
National center for child abuse and neglect grant	100,000
Department of Defense:	
Air national guard security agreements—Atlantic City and McGuire A. F. B.	287,000
Firefighter/crash rescue service agreement—Atlantic City	238,000
Joint federal-State operations and maintenance	2,627,000
National guard communications services	42,000
Training and equipment pool sites	590,000
Department of Education:	
Adult basic education program	4,176,000
Child nutrition	94,140,000
Consumer and useful homemaking education	881,000
Cuban-Haitian programs	731,000
Education block grant Chapter II	13,669,000
Education consolidation and improvement act—Title I administration	943,000
Education consolidation and improvement act—Title I delinquent	1,234,000
Education consolidation and improvement act—Title I disadvantaged	91,420,000

Education consolidation and improvement act —Title I handicapped	3,132,000
Elementary and secondary education act— Title VI handicapped	41,008,000
Library services and construction act—Title III interlibrary cooperation	4,463,000
Migrant education programs	2,743,000
National origin desegregation	280,000
Pre-school incentive grant	881,000
Public library services—LSCA Title I	1,931,000
Race desegregation	425,000
Sex desegregation	260,000
Transition program for refugee children	270,000
Vocational education—Basic grants	15,986,000
Vocational education—Program improvement and supportive services	3,020,000
Vocational education—Special programs for the disadvantaged	397,000
Veterans' readjustment benefits	200,000
Technical assistance for bilingual education	80,000
Bilingual education training for SEA staff	45,000
Common core data survey	16,000
State facilitator project	97,000
New Jersey initiative	50,000
Implementation pre-school handicapped	70,000
Deaf/blind program	120,000
Department of Energy:	
Appropriate technology information dissemination	100,000
District heating study	50,000
Energy extension service	248,000
HUD solar bank	466,000
Institutional conservation program schools and hospitals	121,000
State energy conservation program	776,000
Section 155—Oil overcharge fund	1,000,000
Department of Environmental Protection:	
Air pollution maintenance program	3,100,000
Coastal zone management act	966,000
Consolidated forest management	170,000
Construction grants program	4,250,000

Hazardous waste—resource conservation recovery act	2,248,000
Heritage preservation and recreation service	1,500,000
Historic preservation grants survey and planning	470,000
Hunters' and anglers' fund	1,110,000
Monitoring and planning—205J	1,040,000
North Hudson lake restoration	322,000
Pesticide laboratory	144,000
Safe drinking water act	480,000
Statewide pre-treatment program	2,000,000
Toxic cleanup—Super fund grants	35,000,000
Water pollution control program	1,500,000
State assistance program—Phase IV	15,000
Hurricane loss study	17,000
Rural community fire protection program	35,000
Forest resource management—Cooperative forest fire control	150,000
Northeast regional biomass program	30,000
Marine fisheries enforcement	35,000
Marine fisheries coordination	25,000
Marine fisheries technical assistance	21,000
Marine fish life histories study	26,000
Marine fisheries investigation and management F-1-5-R-22	53,000
Publicly owned treatment work-training grant	60,000
Endangered species E-I-6	16,000
Trapper education project	18,000
Striped bass monitoring	20,000
Shellfish research and inventory	50,000
Fisheries management council	25,000
Underground injection control	100,000
Etra lake restoration program	273,000
Environmental monitoring program	34,000
Department of Health:	
Alcohol, drug abuse and mental health block grant	26,361,000
Certification for Titles XVIII and XIX eligibility	631,000
Family planning Title X	2,023,000
Health planning and resource development	700,000
Improved pregnancy outcome	300,000

Immunization project	433,000
Maternal and child health block grant	8,139,000
Preventive health services block grant	2,984,000
Supplemental food program—WIC	32,000,000
Venereal disease project	953,000
Microfilming of health statistics	3,000
Vital statistics component	107,000
National death index	23,000
Food inspection program	168,000
Perinatal services	62,000
Diabetes research	130,000
Tuberculosis control program	105,000
Health program for Indo-Chinese refugees	97,000
Medical care for drug dependent	40,000
Department of Higher Education:	
Basic educational opportunity grant	15,150,000
College work-study	2,770,000
Educational opportunity grant program	1,329,000
National direct student loan program	2,515,000
State student incentive grant program	2,052,000
State loan administrative cost deduction and allowance	5,940,000
Tristate institute for the training and certification of developmental educators	38,000
Veterans' programs	145,000
Veterans' cost of instruction	24,000
College library resource program	5,000
Small business administration	3,000
Cooperative education program	154,000
Special services for disadvantaged students	75,000
Project base bilingual and special education	52,000
Woods Hole project	24,000
Nursing student loans	98,000
Upward bound program	175,000
Vocational teacher education	58,000
Library resource grant	2,000
Feasibility study adult	89,000
Indo-Chinese refugee assistance program	57,000
Department of Human Services:	
AFDC—Homemaker home health aid—Title XIX	6,546,000

Child support and paternity Title IV-d	39,643,000
Child welfare Title IV-b	4,066,000
Community care waiver ICF/MR	10,571,000
Cuban-Haitian entrant program	3,164,000
Deaf-blind training grant Title VI-c	418,000
Dependent children assistance Title IV-a	321,970,000
Developmental disabilities	1,116,000
DYFS grants	976,000
Food stamp program	24,340,000
Foster care Title IV-a-e	4,700,000
Foster grandparents program	670,000
Grant diversion project	310,000
Intermediate care facilities—Mental Retardation—Title XIX	75,255,000
Long-term care channeling project	375,000
Low income energy assistance block grant	83,720,000
Medical assistance Title XIX	521,968,000
Refugee resettlement programs	1,892,000
Rehabilitation of the blind—Section 120	6,751,000
Social services block grant	90,082,000
Supplemental security income	5,300,000
Work incentive program Title IV-c	10,307,000
Department of Labor:	
Employment services—Social security act	87,215,000
Jobs Training Partnership Act—Administration	3,115,000
Jobs Training Partnership Act—Title IIA (Basic)	56,885,000
Jobs Training Partnership Act—Title IIB (Summer Youth)	25,000,000
Jobs Training Partnership Act—Title III (Dislocated Workers)	5,000,000
Occupational Safety and Health Act	1,454,000
Rehabilitation Act of 1973—Section 110	22,306,000
Social Security Act Titles II and XVI	23,957,000
Vocational Rehabilitation Act of 1973	300,000
Occupational information coordinating program	91,000
Career information delivery system	160,000
Mine safety educational program	38,000
Rehabilitation in-service training	35,000

Rehabilitation of SSI beneficiaries	150,000
Vocational rehabilitation services migratory workers	25,000
Clients' assistance project	170,000
Department of Law and Public Safety:	
Boating safety	300,000
Emergency management assistance	1,534,000
Emergency operating center	501,000
Highway safety programs—Training	3,676,000
New charge resolution project	432,000
SLEPA—Planning and grants	2,167,000
SLEPA—Juvenile justice administration	1,249,000
Nuclear civil protection planning	165,000
Emergency management training and education	112,000
Radiological defense officer project	57,000
State of New Jersey Improvement grant	25,000
Medicaid fraud unit	2,064,000
Maintenance and services	45,000
FEMA State assistance program	86,000
National shelter survey	55,000
Radiological systems maintenance	119,000
Warning and communication	90,000
Northeast hazardous waste coordination committee	200,000
Age discrimination project	85,000
Fair housing assistance program	58,000
Fair housing multiple dwelling reporting program	150,000
Dam safety program	20,000
Judicial seminars	20,000
Municipal court manual	30,000
Engineering analysis	90,000
Equipment calibrate and correlate skid test equipment	42,000
Department of the Public Advocate:	
Advocacy for the developmentally disabled	213,000
Department of State:	
Basic block grant	517,000
National historical publication commission	15,000
NEH Papers of William Livingston	29,000

Department of Transportation:	
Airport fund	17,000,000
Bridge and safety projects	78,400,000
Consolidated primary projects	51,000,000
Erie Lackawanna railroad electrification	15,000,000
Federal reimbursement for operating costs	138,000
Highway planning and research	7,221,000
Highway safety projects	8,550,000
Interstate and interstate dedesignation projects	220,200,000
Motor carrier safety assistance program	300,000
NENJTCC technical studies	3,204,000
NJ Statewide public transportation studies	600,000
Rural highway projects	8.250,000
Urban systems	55,500,000
Total—Federal Revenue	$2,448,451,000
Total Revenues, General Fund	$7,946,851,000
Total Resources, General Fund	$8,361,505,343
Property Tax Relief Fund	
Undesignated fund balance, July 1, 1984	$50,042,350
Gross Income Tax	1,890,000,000
Total Resources, Property Tax Relief Fund	$1,940,042,350
Gubernatorial Elections Fund	
Undesignated fund balance, July 1, 1984	$882,233
Taxpayers' Designations	1,700,000
Total Resources, Gubernatorial Elections Fund	$2,582,233
Casino Control Fund	
License Fees	$44,302,000
Total Resources, Casino Control Fund	$44,302,000

Casino Revenue Fund

Undesignated fund balance, July 1, 1984	$44,337,483
Gross Revenue Tax	172,000,000
Total Resources, Casino Revenue Fund	$216,337,483
Grand Total, Resources, All Funds	$10,564,769,409

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1985. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1985 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1985 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1985. Nothing contained in this section or in this act 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. On or before December 1, 1984 the State Treasurer, in accordance with the provisions of C. 52:27B–46, shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ended June 30, 1984, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1984.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

Government Direction, Management and Control

71 Legislative Activities

Legislature

0001 Senate

01-0001 Senate	$4,746,000
Total Appropriation, Senate	$4,746,000

Personal Services:		
Senators (40)	(	$1,009,000)
Salaries and wages	(	1,894,000)
Members' staff services	(	1,200,000)
Materials and Supplies	(	61,000)
Services Other Than Personal	(	538,000)
Maintenance and Fixed Charges	(	11,000)
Special Purpose:		
Compensation awards	(	18,000)
Additions, Improvements and Equipment	(	15,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	$8,320,000
Total Appropriation, General Assembly	$8,320,000

Personal Services:		
Members (80)	(	$2,009,000)
Salaries and wages	(	2,886,000)
Members' staff services	(	2,400,000)
Materials and Supplies	(	114,000)
Services Other Than Personal	(	848,000)
Maintenance and Fixed Charges	(	13,000)
Special Purpose:		
Compensation awards	(	30,000)
Additions, Improvements and Equipment	(	20,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Legislature $13,066,000

0003 Office of Legislative Services

03-0003 Legislative Support Services $20,526,000

Total Appropriation, Office of Legislative Services $20,526,000

Personal Services:
- State Auditor ..... ($58,000)
- Salaries and wages ..... (7,228,000)
- New positions ..... (60,000)

Materials and Supplies ..... (1,922,000)
Services Other Than Personal ..... (1,171,000)
Maintenance and Fixed Charges .... (937,000)
Special Purpose:
- Continuation and expansion of data processing systems ..... (9,000,000)
- Compensation awards ..... (25,000)

Affirmative action and equal employment opportunity program ..... (13,000)
Additions, Improvements and Equipment ..... (112,000)

The sums hereinabove appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Services Commission. The Legislative Services Commission may authorize the expenditure of these funds for such capital alterations as may be required to permit the installation of data processing equipment into

the State House or State House Annex, including electrical service, climate control, and facility utilization.

The unexpended balance as of June 30, 1984 in this account is appropriated.

Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010	Intergovernmental Relations Commission	$409,000
	Total Appropriation, Intergovernmental Relations Commission	$409,000

Special Purpose:

Expenses of Commission	($8,000)
The Council of State Governments	(77,000)
Atlantic States Marine Fisheries Commission	(10,000)
National Conference of Commissioners on Uniform State Laws	(17,000)
Education Commission of the States	(55,000)
National Governors' Association	(98,000)
Advisory Commission on Intergovernmental Relations	(3,000)
National Conference of State Legislatures	(87,000)
Governmental Accounting Standards Board	(28,000)
Northeast-Midwest Research Institute	(26,000)

The unexpended balance in this account as of June 30, 1984 is appropriated.

09-0014 Joint Committee on Public Schools

The unexpended balance as of June 30, 1984 in this account is appropriated.

0018 State Commission of Investigation

09-0018	State Commission of Investigation	$1,892,000*
	Total Appropriation, State Commission of Investigation	$1,892,000*

Special Purpose:
Expenses of Commission ..... ($1,892,000*)
The unexpended balance as of June 30, 1984 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025	Commission to Study Sex Discrimination in the Statutes	$65,000*
	Total Appropriation, Commission to Study Sex Discrimination in the Statutes	$65,000*

Special Purpose:
Expenses of Commission ..... ($65,000*)
The unexpended balance as of June 30, 1984 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026	Commission on Business Efficiency in the Public Schools	$100,000
	Total Appropriation, Commission on Business Efficiency in the Public Schools	$100,000

Special Purpose:
Expenses of Commission ..... ($100,000)
The unexpended balance as of June 30, 1984 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039	County and Municipal Government Study Commission	$150,000
	Total Appropriation, County and Municipal Government Study Commission	$150,000

Special Purpose:
Expenses of Commission ..... ($150,000)
The unexpended balance as of June 30, 1984 in this account is appropriated.

0041 New Jersey Statue of Liberty Centennial Commission

The unexpended balance as of June 30, 1984 in this account is appropriated.

0042 New Jersey Monorail Authority Study Commission

The unexpended balance as of June 30, 1984 in this account is appropriated.

0049 Christopher Columbus Quincentennial Observance Commission

The unexpended balance as of June 30, 1984 in this account is appropriated.

0050 Property Tax Assessment Study Commission

09-0050	Property Tax Assessment Study Commission	$10,000
	Total Appropriation, Property Tax Assessment Study Commission	$10,000
	Special Purpose: Expenses of Commission ($10,000)	

0051 Motor Vehicle Inspection System Study Commission

09-0051	Motor Vehicle Inspection System Study Commission	$50,000
	Total Appropriation, Motor Vehicle Inspection System Study Commission	$50,000
	Special Purpose: Expenses of Commission ($50,000)	
	Total Appropriation, Legislative Commissions	$2,676,000*
	Total Appropriation, Legislative Branch	$36,268,000*

EXECUTIVE BRANCH

CHIEF EXECUTIVE

Government Direction, Management and Control

76 Management and Administration

0300 Chief Executive's Office

01-0300	Executive Management	$3,670,000
	Total Appropriation, Chief Executive	$3,670,000

Personal Services:	
Governor .....(	$85,000)
Secretary to the Governor .....(	29,000)
Salaries and wages .....(	2,658,000)
Materials and Supplies .....(	79,000)
Services Other Than Personal .....(	315,000)
Maintenance and Fixed Charges ....(	374,000)
Special Purpose:	
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 .....(	55,000)
Additions, Improvements and Equipment .....(	75,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

01-3310	Animal Disease Control	$683,000
02-3320	Plant Pest and Disease Control	1,542,000*
03-3330	Resource Development Services	1,002,000
	Total Appropriation, Natural Resource Management	$3,227,000*

Personal Services:	
Salaries and wages	($2,247,000)
New positions	(56,000)
Materials and Supplies	(121,000)
Services Other Than Personal	(186,000)
Maintenance and Fixed Charges	(174,000)
Special Purpose:	
Indemnities—cattle diseases	(34,000)
Gypsy moth control	(100,000*)
Grants to soil conservation districts	(246,000)
Water use certification	(50,000)
Additions, Improvements and Equipment	(13,000)

The unexpended balance as of June 30, 1984 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of $50,000 are appropriated to support the Animal Health Laboratory program.

Receipts in excess of those anticipated from the seed laboratory testing and certification programs are appropriated for program costs.

Economic Planning, Development and Security

51 Economic Planning and Development

06-3360	Marketing Services	$934,000
	Total Appropriation, Economic Planning and Development	$934,000

Personal Services:	
Salaries and wages	($418,000)
Positions transferred from other Statewide programs/institutions	(45,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(40,000)
Maintenance and Fixed Charges	(38,000)

Special Purpose:
Promotional market development .. (325,000)
Agricultural fairs ..... (60,000)

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, Soybean Industry Promotion Council, C4:10–43 et seq., South Jersey Dairy Industry Advisory Council, C4:10–43 et seq., Sire Stakes Fund, C5:5–91 et seq., Dairy Industry Advisory Council, C4:10–43 et seq., New Jersey Horsebreeding and Development, C5:5–22 et seq., and the unexpended balances as of June 30, 1984 of such receipts are 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, 1984 are appropriated for expenses of commodity distribution.

52 Economic Regulation

04-3340	Dairy Industry Regulation	$477,000
05-3350	Other Commodity Regulation	782,000
	Total Appropriation, Economic Regulation .	$1,259,000

Personal Services:
Salaries and wages ..... ($1,106,000)
Materials and Supplies ..... (21,000)
Services Other Than Personal ..... (66,000)
Maintenance and Fixed Charges ..... (65,000)
Additions, Improvements and Equipment ..... (1,000)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1984 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

Government Direction, Management and Control

76 Management and Administration

99-3370	Management and Administrative Services	$1,120,000
	Total Appropriation, Management and Administration	$1,120,000

Personal Services:	
Secretary	($66,000)
Salaries and wages	(785,000)
Positions transferred from other Statewide programs/institutions	(25,000)
Materials and Supplies	(33,000)
Services Other Than Personal	(117,000)
Maintenance and Fixed Charges	(60,000)
Special Purpose:	
Expenses of State Board of Agriculture	(13,000)
Affirmative action and equal employment opportunity program	(16,000)
Additions, Improvements and Equipment	(5,000)
Total Appropriation, Department of Agriculture	$6,540,000*

DEPARTMENT OF BANKING

Economic Planning, Development and Security

52 Economic Regulation

01-3010	Regulation of Banking Industry	$2,343,000
02-3020	Regulation of Savings and Loan Associations	1,201,000
99-3040	Management and Administrative Services	1,056,000
	Total Appropriation, Economic Regulation	$4,600,000

Personal Services:		
Commissioner	($70,000)	
Salaries and wages	(3,844,000)	
Materials and Supplies	(53,000)	
Services Other Than Personal	(598,000)	
Maintenance and Fixed Charges	(20,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(10,000)	
Additions, Improvements and Equipment	(5,000)	
Total Appropriation, Department of Banking		$4,600,000

Receipts in excess of those anticipated from examination fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF CIVIL SERVICE

General Direction, Management and Control

74 General Government Services

01-2710	Personnel Policy Development and General Administration	$3,676,000
02-2720	Recruitment and Selection	4,545,000
03-2730	State Service Classification and Compensation	1,624,000
04-2740	Employee Development and Personnel Services	548,000
05-2750	Equal Employment Opportunity and Affirmative Action	662,000
06-2760	Local Government Classification and Placement	2,216,000
	Total Appropriation, General Government Services	$13,271,000

Personal Services:		
President	($70,000)	
Commissioners (4 @ $14,500)	(58,000)	
Salaries and wages	(10,332,000)	
Materials and Supplies	(467,000)	
Services Other Than Personal	(1,761,000)	
Maintenance and Fixed Charges	(224,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(48,000)	
Microfilm service charges	(27,000)	
Compensation awards	(18,000)	
Task Force on Equitable Compensation	(150,000)	
Additions, Improvements and Equipment	(116,000)	
Total Appropriation, Department of Civil Service		$13,271,000

Receipts derived from training services are appropriated for the same purpose.

The amount hereinabove appropriated for the Task Force on Equitable Compensation shall be expended subject to the provisions of P. L. 1984, c. .... (now pending before the Legislature as Senate Bill No. 1144 and Assembly Bill No. 1816 of 1984).

Department of Commerce and Economic Development

Economic Planning, Development and Security

51 Economic Planning and Development

20-2800	Economic Development	$2,846,000
20-2840	Motion Picture Commission	233,000
21-2850	International Trade	1,649,000
22-2860	Travel and Tourism	5,551,000
23-2870	Economic Planning	254,000
23-2880	Economic Research	233,000
99-2910	Management and Administrative Services	772,000
	Total Appropriation, Economic Planning and Development	$11,538,000

Personal Services:		
Commissioner	(	$70,000)
Salaries and wages	(	2,768,000)
Materials and Supplies	(	342,000)
Services Other Than Personal	(	997,000)
Maintenance and Fixed Charges	(	125,000)
Small business minority representative program	(	25,000)
Economic Development advertising and promotion	(	1,500,000)
New Jersey Products Trade Show	(	80,000)
International trade advertising and promotion	(	600,000)
Advertising and promotion	(	4,581,000)
Tourist information centers	(	100,000)
Tourist matching grants for counties	(	250,000)
Historical site and cultural promotion	(	50,000)
New Jersey Econometric Model	(	31,000)
Affirmative action and equal employment opportunity program	(	6,000)
Additions, Improvements and Equipment	(	13,000)
Total Appropriation, Department of Commerce and Economic Development		$11,538,000

Of the amounts hereinabove for the Economic Development and Travel and Tourism program classifications, amounts of $2,329,000 and $1,896,349, respectively, are appropriated from the Unemployment Compensation Auxiliary Fund.

The unexpended balance as of June 30, 1984, in the Employee Stock Ownership Plan account is appropriated. Of the total amount hereinabove for the Department of Commerce and Economic Development, no more than $600,000 shall be expended for travel and tourism advertising over television or radio in the New York City or Philadelphia market areas.

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

01-8010	Housing Code Enforcement	$3,150,000
02-8020	Housing Services	979,000
04-8030	Local Government Services	2,615,000
06-8015	Uniform Construction Code	1,702,000
12-8025	Boarding Home Regulation and Assistance	1,390,000
	Total Appropriation, Community Development Management	$9,836,000

Personal Services:	
Board members (7 @ $8,000)	($56,000)
Salaries and wages	(6,328,000)
Positions transferred from other Statewide programs/institutions	(98,000)
Materials and Supplies	(111,000)
Services Other Than Personal	(615,000)
Maintenance and Fixed Charges	(446,000)
Special Purpose:	
Cooperative housing inspection	(918,000)
Local services	(62,000)
Audits of local government authorities	(275,000)
Construction Code monitoring	(190,000)
Bureau of Fire Safety	(452,000)
Boarding House Rental Assistance Fund	(250,000)
Additions, Improvements and Equipment	(35,000)

Receipts in excess of the amount anticipated for housing code enforcement, not to exceed $450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue derived from the sale of truth in renting statements, including fees, fines and penalties, are appropriated for administering the Truth in Renting Act, C46:8-43 et seq.

Fees in excess of those anticipated are appropriated for the cost of the Planned Real Estate Development Full Disclosure Act (C45:22A–21 et seq.).

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to C55:14K–14 and subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.

Uniform Construction Code fees received from those municipalities which elect to have the State of New Jersey perform code enforcement are appropriated for expenses of code enforcement in such municipalities.

Such sums as may be required for the registration of builders and reviewing and paying claims under the New Home Warranty and Builders' Registration Act, C46:3B–1 et seq., are appropriated from the Home Warranty Security Fund in accordance with C46:3B–7.

Notwithstanding the provisions of C52:27D–124.1, a sum not to exceed $1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided however that any receipts and balances in excess of $1,325,000 in the Uniform Construction Code Revolving Fund shall lapse.

Pursuant to C55:14K–15, the Commissioner shall determine at least annually the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the Boarding House Rental Assistance Fund created pursuant to C55:14K–14 may be used by the Commissioner to make payments to the New Jersey Housing and Mortgage Finance Agency, in the form of rental assistance

or otherwise, necessary to meet debt service on New Jersey Housing and Mortgage Finance Agency life safety improvement loans.

Economic Planning, Development and Security

55 Related Social Services Programs

05–8050	Human Resources	$212,000
08–8060	Programs for the Aging	796,000
14–8061	Ombudsman's Office	555,000
15–8051	Women's Programs	670,000
	Total Appropriation, Related Social Services Programs	$2,233,000

Personal Services:		
Salaries and wages	($1,147,000)	
Positions transferred from other Statewide programs	(14,000)	
Materials and Supplies	(46,000)	
Services Other Than Personal	(134,000)	
Maintenance and Fixed Charges	(82,000)	
Special Purpose:		
Federal programs for the aging (State share)	(331,000)	
Expenses of the Commission on Aging	(3,000)	
Conference on aging	(15,000)	
Technical assistance for displaced homemakers	(280,000)	
New program initiatives for women	(81,000)	
Expenses of the New Jersey Commission on Women	(7,000)	
Grants:		
Women's referral central	(35,000)	
Grants to women's shelters	(50,000)	
Additions, Improvements and Equipment	(8,000)	

Government Direction, Management and Control

76 Management and Administration

99–8070	Management and Administrative Services	$2,340,000
	Total Appropriation, Management and Administration	$2,340,000

Personal Services:		
Commissioner	($66,000)	
Salaries and wages	(1,767,000)	
Positions transferred from other Statewide programs	(108,000)	
Materials and Supplies	(23,000)	
Services Other Than Personal	(215,000)	
Maintenance and Fixed Charges	(97,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(47,000)	
Compensation awards	(13,000)	
Additions, Improvements and Equipment	(4,000)	
Total Appropriation, Department of Community Affairs		$14,409,000

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7040 State Prison, Trenton

07–7040	Institutional Control and Supervision	$21,955,000
08–7040	Institutional Care Program	6,293,000
09–7040	Institutional Treatment Program	1,394,000
10–7040	Education Program	995,000
19–7040	Physical Plant and Support Services	4,220,000
99–7040	Management and Administrative Services	1,159,000
	Total Appropriation, State Prison, Trenton	$36,016,000

Personal Services:		
Salaries and wages	($25,586,000)	
Positions established from lump sum appropriation	(725,000)	
Food in lieu of cash	(269,000)	
Materials and Supplies	(6,574,000)	
Services Other Than Personal	(2,406,000)	
Maintenance and Fixed Charges	(243,000)	

Special Purpose:	
Compensation awards	(110,000)
Other special purpose	(3,000)
Additions, Improvements and Equipment	(100,000)

7050 State Prison, Rahway

07–7050	Institutional Control and Supervision	$11,150,000
08–7050	Institutional Care Program	4,467,000
09–7050	Institutional Treatment Program	1,185,000
10–7050	Education Program	601,000
19–7050	Physical Plant and Support Services	3,136,000
99–7050	Management and Administrative Services	736,000
	Total Appropriation, State Prison, Rahway	$21,275,000

Personal Services:	
Salaries and wages	($13,364,000)
Positions transferred from other Statewide programs/institutions	(56,000)
Positions converted	(80,000)
Food in lieu of cash	(129,000)
Materials and Supplies	(5,024,000)
Services Other Than Personal	(2,013,000)
Maintenance and Fixed Charges	(224,000)
Special Purpose:	
Compensation awards	(197,000)
Additions, Improvements and Equipment	(188,000)

7060 State Prison, Leesburg

07–7060	Institutional Control and Supervision	$7,882,000
08–7060	Institutional Care Program	3,496,000
09–7060	Institutional Treatment Program	1,135,000
10–7060	Education Program	468,000
19–7060	Physical Plant and Support Services	2,080,000
99–7060	Management and Administrative Services	559,000
	Total Appropriation, State Prison, Leesburg	$15,620,000

Personal Services:	
Salaries and wages	($10,128,000)
Positions established from lump sum appropriation	(361,000)
Food in lieu of cash	(118,000)
Materials and Supplies	(3,450,000)
Services Other Than Personal	(1,148,000)
Maintenance and Fixed Charges	(256,000)
Special Purpose:	
Compensation awards	(22,000)
Additions, Improvements and Equipment	(137,000)

7065 Southern State Correctional Facility

07–7065	Institutional Control and Supervision	$10,762,000
08–7065	Institutional Care Program	2,931,000
09–7065	Institutional Treatment Program	990,000
10–7065	Education Program	667,000
19–7065	Physical Plant and Support Services	1,468,000
99–7065	Management and Administrative Services	842,000
	Total Appropriation, Southern State Correctional Facility	$17,660,000

Personal Services:	
Salaries and wages	($9,020,000)
Positions established from lump sum appropriation	(4,273,000)
Food in lieu of cash	(161,000)
Materials and Supplies	(2,613,000)
Services Other Than Personal	(1,166,000)
Maintenance and Fixed Charges	(325,000)
Special Purpose:	
Compensation awards	(32,000)
Additions, Improvements and Equipment	(70,000)

7070 Mid-State Correctional Facility

07-7070	Institutional Control and Supervision	$5,019,000
08-7070	Institutional Care Program	1,787,000
09-7070	Institutional Treatment Program	709,000

10-7070	Education Program	369,000
19-7070	Physical Plant and Support Services	1,082,000
99-7070	Management and Administrative Services	506,000
	Total Appropriation, Mid-State Correctional Facility	$9,472,000

Personal Services:	
Salaries and wages	($6,906,000)
Food in lieu of cash	(79,000)
Materials and Supplies	(1,631,000)
Services Other Than Personal	(565,000)
Maintenance and Fixed Charges	(233,000)
Special Purpose:	
Compensation awards	(32,000)
Additions, Improvements and Equipment	(26,000)

7080 Correctional Institution for Women, Clinton

07-7080	Institutional Control and Supervision	$4,374,000
08-7080	Institutional Care Program	2,100,000
09-7080	Institutional Treatment Program	632,000
10-7080	Education Program	300,000
19-7080	Physical Plant and Support Services	1,054,000
99-7080	Management and Administrative Services	482,000
	Total Appropriation, Correctional Institution for Women, Clinton	$8,942,000

Personal Services:	
Salaries and wages	($6,167,000)
Positions established from lump sum appropriation	(206,000)
Positions transferred from another institution	(14,000)
Food in lieu of cash	(67,000)
Materials and Supplies	(1,130,000)
Services Other Than Personal	(957,000)
Maintenance and Fixed Charges	(130,000)

Special Purpose:		
Female alcohol awareness/treatment program	(80,000)	
Compensation awards	(47,000)	
Additions, Improvements and Equipment	(144,000)	

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090	Institutional Control and Supervision	$2,216,000
08-7090	Institutional Care Program	924,000
09-7090	Institutional Treatment Program	500,000
10-7090	Education Program	151,000
11-7090	Outpatient Diagnostic and Treatment Services	276,000
19-7090	Physical Plant and Support Services	403,000
99-7090	Management and Administrative Services	328,000
	Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	$4,798,000

Personal Services:		
Salaries and wages	($3,479,000)	
Positions established from lump sum appropriation	(197,000)	
Food in lieu of cash	(39,000)	
Materials and Supplies	(683,000)	
Services Other Than Personal	(295,000)	
Maintenance and Fixed Charges	(53,000)	
Special Purpose:		
Compensation awards	(6,000)	
Additions, Improvements and Equipment	(46,000)	

7110 Youth Reception and Correction Center, Yardville

07-7110	Institutional Control and Supervision	$7,248,000
08-7110	Institutional Care Program	3,207,000
09-7110	Institutional Treatment Program	1,523,000
10-7110	Education Program	511,000
19-7110	Physical Plant and Support Services	1,409,000
99-7110	Management and Administrative Services	665,000

Total Appropriation, Youth Reception and Correction Center, Yardville	$14,563,000

Personal Services:		
Salaries and wages	($10,015,000)	
Positions established from lump sum appropriation	(355,000)	
Food in lieu of cash	(112,000)	
Materials and Supplies	(2,725,000)	
Services Other Than Personal	(1,012,000)	
Maintenance and Fixed Charges	(137,000)	
Special Purpose:		
Compensation awards	(65,000)	
Additions, Improvements and Equipment	(142,000)	

7120 Youth Correctional Institution, Bordentown

07-7120	Institutional Control and Supervision	$6,163,000
08-7120	Institutional Care Program	2,416,000
09-7120	Institutional Treatment Program	1,057,000
10-7120	Education Program	461,000
19-7120	Physical Plant and Support Services	1,593,000
99-7120	Management and Administrative Services	587,000
	Total Appropriation, Youth Correctional Institution, Bordentown	$12,277,000

Personal Services:		
Salaries and wages	($8,265,000)	
Positions established from lump sum appropriation	(421,000)	
Food in lieu of cash	(98,000)	
Materials and Supplies	(2,315,000)	
Services Other Than Personal	(983,000)	
Maintenance and Fixed Charges	(107,000)	
Special Purpose:		
Compensation awards	(35,000)	
Additions, Improvements and Equipment	(53,000)	

7130 Youth Correctional Institution, Annandale

07-7130	Institutional Control and Supervision ...	$6,727,000
08-7130	Institutional Care Program	2,480,000
09-7130	Institutional Treatment Program	1,071,000
10-7130	Education Program	253,000
19-7130	Physical Plant and Support Services	1,554,000
99-7130	Management and Administrative Services	506,000
	Total Appropriation, Youth Correctional Institution, Annandale	$12,591,000

Personal Services:		
Salaries and wages	(	$8,318,000)
Positions established from lump sum appropriation	(	740,000)
Food in lieu of cash	(	96,000)
Materials and Supplies	(	2,407,000)
Services Other Than Personal	(	749,000)
Maintenance and Fixed Charges	(	91,000)
Special Purpose:		
Compensation awards	(	55,000)
Additions, Improvements and Equipment	(	135,000)

18 Juvenile Correctional Services

7210 Training School for Boys, Skillman

07-7210	Institutional Control and Supervision ...	$2,192,000
08-7210	Institutional Care Program	575,000
09-7210	Institutional Treatment Program	386,000
19-7210	Physical Plant and Support Services	654,000
99-7210	Management and Administrative Services	381,000
	Total Appropriation, Training School for Boys, Skillman	$4,188,000

Personal Services:		
Salaries and wages	(	$3,322,000)
Positions established from lump sum appropriation	(	129,000)
Materials and Supplies	(	473,000)

Services Other Than Personal	(153,000)
Maintenance and Fixed Charges	(66,000)
Special Purpose:	
Compensation awards	(26,000)
Additions, Improvements and Equipment	(19,000)

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision ...	$4,074,000
08-7220	Institutional Care Program	1,217,000
09-7220	Institutional Treatment Program	748,000
19-7220	Physical Plant and Support Services	1,485,000
99-7220	Management and Administrative Services	486,000
	Total Appropriation, Training School for Boys, Jamesburg	$8,010,000

Personal Services:	
Salaries and wages	($5,682,000)
Positions established from lump sum appropriation	(341,000)
Food in lieu of cash	(70,000)
Positions converted	(117,000)
Materials and Supplies	(1,255,000)
Services Other Than Personal	(352,000)
Maintenance and Fixed Charges	(135,000)
Special Purpose:	
Compensation awards	(30,000)
Additions, Improvements and Equipment	(28,000)

7225 Juvenile Medium Security Center

07-7225	Institutional Control and Supervision ...	$1,749,000
08-7225	Institutional Care Program	403,000
09-7225	Institutional Treatment Program	214,000
19-7225	Physical Plant and Support Services	243,000
99-7225	Management and Administrative Services	230,000
	Total Appropriation, Juvenile Medium Security Center	$2,839,000

Personal Services:	
Salaries and wages	($2,095,000)
Positions transferred from other Statewide programs/institutions	(203,000)
Positions converted	(98,000)
Food in lieu of cash	(30,000)
Materials and Supplies	(235,000)
Services Other Than Personal	(130,000)
Maintenance and Fixed Charges	(24,000)
Special Purpose:	
Compensation awards	(10,000)
Additions, Improvements and Equipment	(14,000)

18 Juvenile Correctional Services

12-7230	Residential Group Center, Highfields	$173,000
12-7240	Residential Group Center, Warren	190,000
12-7250	Residential Group Center, Ocean	300,000
12-7260	Residential Group Center, Turrell	676,000
12-7270	Juvenile Community Programs	3,283,000
	Total Appropriation, Juvenile Correctional Services	$4,622,000

Personal Services:	
Salaries and wages	($2,630,000)
Positions established from lump sum appropriation	(452,000)
Positions transferred from other Statewide programs/institutions	(165,000)
Food in lieu of cash	(13,000)
Materials and Supplies	(205,000)
Services Other Than Personal	(84,000)
Maintenance and Fixed Charges	(23,000)
Special Purpose:	
Community centers	(1,034,000)
Compensation awards	(1,000)
Additions, Improvements and Equipment	(15,000)

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010	Parole	$7,872,000
04-7010	Community Programs	1,203,000
	Total Appropriation, Office of Parole and Community Programs	$9,075,000

Personal Services:		
Salaries and wages	($6,334,000)	
Positions established from lump sum appropriation	(573,000)	
Positions transferred from other Statewide programs	(16,000)	
Materials and Supplies	(81,000)	
Services Other Than Personal	(188,000)	
Maintenance and Fixed Charges	(371,000)	
Special Purpose:		
Payments to inmates discharged from county facilities	(75,000)	
Community Residence Center, Jersey City	(51,000)	
Community Service Center, Newark	(170,000)	
Increased Parole Supervision	(1,100,000)	
Essex Community Service Center	(79,000)	
Compensation awards	(27,000)	
Additions, Improvements and Equipment	(10,000)	

7280 State Parole Board

05-7280	State Parole Board	$3,421,000
	Total Appropriation, State Parole Board	$3,421,000

Personal Services:		
Salaries and wages	($2,385,000)	
Positions established from lump sum appropriation	(434,000)	

Materials and Supplies	(53,000)
Services Other Than Personal	(198,000)
Maintenance and Fixed Charges	(91,000)
Special Purpose:	
Victim input program	(180,000)
Additions, Improvements and Equipment	(80,000)

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	$2,060,000
02-7000	Program Operations Support	18,538,000*
19-7000	Physical Plant and Support Services	716,000
99-7000	Management and Administrative Services	4,718,000
	Total Appropriation, Central Planning, Direction and Management	$26,032,000*

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(6,019,000)
Positions established from lump sum appropriation	(36,000)
Positions transferred from other Statewide programs/institutions	(445,000)
Materials and Supplies	(412,000)
Services Other Than Personal	(1,315,000)
Maintenance and Fixed Charges	(224,000)
Special Purpose:	
Purchase of service for inmates incarcerated in out-of-State facilities	(221,000)
Purchase of service for inmates incarcerated in county penal facilities	(12,319,000)
Farm operations subsidy	(750,000)
Adult post-secondary and college programs	(200,000)
Augment medical care at institutions	(1,846,000)
Computerized menu planning	(113,000)

Camden correctional facility	(	512,000)
Institutional law libraries	(	5,000)
Affirmative action and equal employment opportunity program	(	50,000)
State share (Title XX)	(	83,000)
Compensation awards	(	23,000)
Grants:		
Joint connection program	(	96,000*)
Transportation assistance for inmates' families' visitations	(	226,000)
Purchase of community services	(	964,000)
Additions, Improvements and Equipment	(	103,000)

A portion of the total amount appropriated for purchase of service for inmates incarcerated in county penal facilities shall be available for the cost of additional State facilities for inmate housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Corrections	$211,401,000*

Balances on hand as of June 30, 1984 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under C30:4–91.4.

Of the amount hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Operation of correctional institutions	($183,000,000)	
Juvenile medium security center	(	2,848,000)

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	$2,332,000
02-3600	Management of National Guard Installations	5,792,000
03-3600	Management of Joint Training Center	1,320,000
	Total Appropriation, Military Services	$9,444,000

Personal Services:	
Chief of Staff	($66,000)
Salaries and wages	(4,450,000)
Materials and Supplies	(1,863,000)
Services Other Than Personal	(688,000)
Maintenance and Fixed Charges	(409,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(4,000)
New Jersey Military Academy	(37,000)
Microfilm service charges	(10,000)
Joint Federal-State operations and maintenance contracts (State share)	(608,000)
Compensation awards	(80,000)
Additions, Improvements and Equipment	(1,229,000)

Receipts derived from rental and use of armories are appropriated for operation and maintenance thereof.

The unexpended balance as of June 30, 1984 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the Dining Facility, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1984 are appropriated.

Total Appropriation, Department of Defense	$9,444,000

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5064	Adult and Continuing Education	$577,000
05-5066	Bilingual Education	160,000
06-5066	Compensatory Education	221,000
07-5065	Special Education	1,144,000
	Total Appropriation, Direct Educational Services and Assistance	$2,102,000

Personal Services:	
Salaries and wages	($1,875,000)
Materials and Supplies	(48,000)
Services Other Than Personal	(163,000)
Maintenance and Fixed Charges	(16,000)

32 Operation and Support of Educational Institutions

12-5011	Marie H. Katzenbach School for the Deaf	$6,776,000
15-5010	Project COED	2,487,000
	Total Appropriation, Operation and Support of Educational Institutions	$9,263,000

Personal Services:	
Salaries and wages	($6,729,000)
Materials and Supplies	(1,291,000)
Services Other Than Personal	(338,000)
Maintenance and Fixed Charges	(235,000)
Special Purpose:	
Transportation expenses for students	(268,000)
Compensation awards	(21,000)
Additions, Improvements and Equipment	(381,000)

Notwithstanding the provisions of NJS 18A:61–1 and NJS 18A:46–13, or any other statute, $2,805,250 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of

education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Fund.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1984, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1984 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

Of the unexpended balance as of June 30, 1984 for the Marie H. Katzenbach School for the Deaf, $400,000 is appropriated and transferred to Capital Construction, Marie H. Katzenbach School for the Deaf, repairs and renovations.

33 Supplemental Education and Training Programs

20-5062	General Vocational Education	$1,307,000
	Total Appropriation, Supplemental Education and Training Programs	$1,307,000

Personal Services:		
Salaries and wages	(	$1,073,000)
Materials and Supplies	(	15,000)
Services Other Than Personal	(	63,000)
Maintenance and Fixed Charges	(	6,000)
Special Purpose:		
School-to-Work Linkage Program..	(	50,000)
Grants:		
Career Education Incentive Act ...	(	100,000)

34 Educational Support Services

30-5063	General Academic Education	$2,351,000
33-5067	Service to Local Districts	4,177,000
33-5068	Service to Local Districts	1,130,000
34-5063	Equal Educational Opportunity	157,000
36-5120	Pupil Transportation	264,000
37-5120	School Nutrition	131,000
38-5120	Facilities Planning and School Building Aid	300,000
	Total Appropriation, Educational Support Services	$8,510,000

Personal Services:	
Salaries and wages	($6,950,000)
Materials and Supplies	(104,000)
Services Other Than Personal	(301,000)
Maintenance and Fixed Charges	(36,000)
Special Purpose:	
Statewide Testing Program	(1,019,000)
Grants:	
Programs for the Gifted and Talented	(100,000)

The unexpended balance as of June 30, 1984 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the same purpose.

Receipts from the State Board of Examiners' fees are appropriated for the operation of the teacher certification program.

35 Education Administration and Management

42-5120	School Finance and Auditing	$1,058,000
99-5090	Management and Administrative Services	759,000
99-5095	Management and Administrative Services	3,129,000
	Total Appropriation, Education Administration and Management	$4,946,000

Personal Services:		
Commissioner	(	$70,000)
Salaries and wages	(	3,350,000)
Materials and Supplies	(	243,000)
Services Other Than Personal	(	754,000)
Maintenance and Fixed Charges	(	149,000)
Special Purpose:		
State Board of Education expenses	(	40,000)
Microfilm service charges	(	40,000)
Affirmative action and equal employment opportunity program	(	32,000)
Academy for Advancement of Teaching and Administration	(	245,000)
Compensation awards	(	23,000)

37 Cultural and Intellectual Development Services

51-5070	Library Services	$2,838,000
54-5010	Support of the Arts	233,000
	Total Appropriation, Cultural and Intellectual Development Services	$3,071,000

Personal Services:		
Salaries and wages	(	$2,051,000)
Materials and Supplies	(	472,000)
Services Other Than Personal	(	251,000)
Maintenance and Fixed Charges	(	23,000)
Special Purpose:		
New Jersey School of the Arts	(	60,000)
Teen arts program	(	98,000)
Governor's School	(	75,000)
Additions, Improvements and Equipment	(	41,000)

Total Appropriation, Department of Education	$29,199,000

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine, from the schedule below, first shall be charged to the State Lottery Fund:

Marie H. Katzenbach School for the Deaf	($4,000,000)
Project COED	(2,487,000)
Statewide testing program	(1,019,000)

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-4050	Public Broadcasting Services	$5,258,000*
	Total Appropriation, Cultural and Intellectual Development Services	$5,258,000*
Personal Services:		
	Salaries and wages	($3,477,000)
Materials and Supplies		(465,000)
Services Other Than Personal		(455,000)
Maintenance and Fixed Charges		(321,000)
Special Purpose:		
	Affirmative action and equal employment opportunity program	(20,000)
	Programming	(339,000)
	Grant from the State to produce the daily lottery drawing program	(150,000)
	Grant to Newark Public Radio	(30,000*)
Additions, Improvements and Equipment		(1,000)

Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to nonprofit organizations and sale or reproduction of Authority produced programs, and the unexpended balance as of June 30, 1984 of such receipts are appropriated.

Community Development and Environmental Management

42 Natural Resource Management

05-4030	Energy Resource Management	$1,832,000
99-4030	Management and Administrative Services	418,000
	Total Appropriation, Natural Resource Management	$2,250,000

Personal Services:		
Commissioner	(	$66,000)
Salaries and wages	(	1,486,000)
Materials and Supplies	(	54,000)
Services Other Than Personal	(	417,000)
Maintenance and Fixed Charges	(	39,000)
Special Purpose:		
Emergency heating plan—Newark	(	150,000)
Affirmative action and equal employment opportunity program	(	25,000)
Additions, Improvements and Equipment	(	13,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E–92 et seq.

Fees received from the Electric Facility Needs Assessment Act, C48:7–16 et seq., are appropriated.

Economic Planning, Development and Security

52 Economic Regulation

01-4010	Financial Regulation	$4,966,000
02-4020	Service Adequacy and Safety	3,374,000
04-4045	Regulation of Cable Television	764,000
99-4040	Management and Administrative Services	1,344,000
	Total Appropriation, Economic Regulation	$10,448,000

Personal Services:		
President, Board of Public Utilities	(	$66,000)
Board members (2 @ $61,500)	(	123,000)
Salaries and wages	(	6,542,000)
Positions established from lump sum appropriation	(	2,466,000)
Materials and Supplies	(	160,000)

Services Other Than Personal	(724,000)	
Maintenance and Fixed Charges	(151,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(35,000)	
Additions, Improvements and Equipment	(181,000)	

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities under C48:2–59 et seq. and C48:5A–32, or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1984 in this account is appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Total Appropriation, Department of Energy $17,956,000*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Watershed Management	$2,454,000*
11-4870	Forest Resource Management	3,617,000
13-4880	Hunters' and Anglers' License Fund	6,275,000
14-4885	Shellfish and Marine Fisheries Management	911,000
15-4890	Marine Lands Management	1,876,000
	Total Appropriation, Natural Resource Management	$15,133,000*

Personal Services		
Salaries and wages	($9,409,000)	
Positions transferred from other departments	(44,000)	

Positions transferred from other Statewide programs/institutions	(13,000)
Materials and Supplies	(1,780,000)
Services Other Than Personal	(933,000)
Maintenance and Fixed Charges	(699,000)
Special Purpose:	
Office of the Rivermaster	(43,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)
Fire fighting costs	(425,000)
Disposal of dead deer	(100,000)
Landsat cover type mapping project	(6,000)
Oyster propagation and disease control (C50:3–20.17)	(30,000)
Surf clams research and inventory	(30,000)
Shellfish research and inventory	(22,000)
Delineation and determination of State riparian land	(430,000)
Tidelands resource council	(25,000)
Compensation awards	(40,000)
Additions, Improvements and Equipment	(949,000)

Of the amount hereinabove appropriated for Water Supply and Watershed Management, $350,000 shall be made available to augment the staff in processing permit applications in the Bureau of Flood Plains Management.

The unexpended balances as of June 30, 1984 in the Fire fighting costs and Delineation and determination of State riparian land accounts are appropriated for the same purposes.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amounts remaining therein, in addition to the unexpended balances as of June 30, 1984 are appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts derived from sea clam fees and sea clam licenses (commercial and noncommercial) in excess of those anticipated are appropriated for program costs.

The unexpended balance as of June 30, 1984 in the Shell Fisheries Enforcement account is appropriated for the same purpose.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed $955,000, are appropriated for the same purpose; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced must be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, $435,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State owned riparian lands; provided, however, that there are appropriated from any receipts in excess of the amount anticipated, $616,000 to meet peak demands of the Marine Lands Management Program.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the Income Tax Refund Checkoff for the Endangered and Nongame Species of Wildlife Conservation Fund under C54A:9–25.2 are appropriated for protection of endangered and nongame wildlife species.

43 Environmental Quality

02-4825	Air Pollution Control	$2,749,000
03-4830	Noise Control	87,000
07-4850	Water Monitoring and Planning	1,735,000
08-4855	Water Enforcement	938,000
22-4861	Geological Survey	1,955,000
	Total Appropriation, Environmental Quality	$7,464,000

Personal Services:	
Salaries and wages	($4,179,000)
Positions transferred from other Statewide programs/institutions	(58,000)
Materials and Supplies	(302,000)
Services Other Than Personal	(689,000)
Maintenance and Fixed Charges	(359,000)
Special Purpose:	
Acid rain study	(100,000)
Noise control	(49,000)
Weed control, State controlled lakes	(50,000)
Laboratory services (Department of Health)	(469,000)
Compensation awards	(6,000)
Expansion of geological survey	(1,000,000)
Additions, Improvements and Equipment	(203,000)

Receipts from the air pollution control program in excess of those anticipated are appropriated.

Receipts derived from laboratory certification services in excess of those anticipated are appropriated.

Receipts derived from the New Jersey Pollutant Discharge Elimination System and the unexpended balance of such receipts as of June 30, 1984 are appropriated for expenses of the program.

There is appropriated from the Natural Resources Bond Fund not more than $2,100,000 for costs attributable to planning, engineering, developing

and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Geological Survey, $1,000,000 shall be made available to augment the industrial and municipal water discharge permit staff.

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	$1,752,000
04-4835	Pesticide Control	246,000*
18-4810	Environmental Cancer and Toxic Substances	1,793,000
19-4815	Spill Prevention, Response and Site Cleanup	4,650,000
23-4910	Waste Management	7,312,000
	Total Appropriation, Hazardous and Toxic Pollution Control	$15,735,000*

Personal Services:		
Salaries and wages	($4,771,000*)	
Positions established from lump sum appropriation	(269,000)	
Positions transferred from other Statewide programs/institutions	(25,000)	
Materials and Supplies	(311,000)	
Services Other Than Personal	(1,715,000)	
Maintenance and Fixed Charges	(249,000)	
Special Purpose:		
Spill prevention, response and site cleanup	(4,650,000)	
Groundwater investigations	(85,000)	
Expansion of waste management programs	(2,690,000)	
Major Hazardous Waste Facilities Siting Act—Siting Commission	(331,000)	
Hazardous Waste Facilities Siting Commission—Mapping	(450,000)	
Hazardous Waste Facilities Siting Commission—Review	(30,000)	
Compensation awards	(10,000)	

Additions, Improvements and
Equipment ..... (167,000*)

Of the amount hereinabove appropriated for Radiation Protection, $500,000 shall be made available to augment the X-ray machine inspection staff.

Receipts from radiation protection in excess of those anticipated are appropriated.

The unexpended balance as of June 30, 1984 in the Nuclear emergency response account is appropriated.

There is appropriated from receipts received pursuant to the assessments of electrical utility companies, C26:2D–37 et seq., an amount of $876,938 for nuclear emergency response, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Pesticide Control, $123,000* shall be made available for expansion of field investigation and enforcement activities.

There is appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations in accordance with the provisions of C58:10–23.11 et seq., subject to approval of the Director of the Division of Budget and Accounting; provided, however, that expenditures for the Department's administrative costs associated with the Fund shall not exceed $750,000.

The unexpended balances as of June 30, 1984 in the hazardous waste master plan for chemical cleanup account are appropriated.

Such sums as may be required, not to exceed $400,000, to cover costs associated with the administration of the Environmental Cleanup Responsibility Act, C13:1K–6 et seq., are appropriated from the New Jersey Spill Compensation Fund and, in addition, any unexpended balances as of June 30, 1984 are appropriated.

A sum not to exceed $300,000 is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances as of June 30, 1984 in the Major Hazardous Waste Facilities Siting Act—Siting Commission and the Major Hazardous Waste Facilities Siting Act—Hazardous Waste Advisory Council accounts are appropriated.

Receipts derived from fees charged for services performed for the Environmental Cleanup Responsibility Act, C13:1K–6 et seq., are appropriated for program purposes.

Of the amount hereinabove appropriated for expansion of waste management programs, $600,000 shall be made available for expansion of hazardous waste enforcement activities.

Of the amount hereinabove appropriated for waste management, $35,000 shall be made available for monitoring freshwater around the Kinsley landfill that may endanger wells in Deptford Township (Gloucester county).

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E–92 et seq.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the Sanitary Landfill Facility Closure and Contingency Fund Act, C13:1E–100 et seq., provided, however, that expenditures for the Department's administrative costs associated with the Fund shall not exceed $250,000.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of the Worker and Community Right to Know Act, C34:5A–1 et seq., and, in addition, any unexpended balances as of June 30, 1984 are appropriated.

45 Recreational Resource Management

10-4865	Marina Operations	$767,000
12-4875	Parks Management	14,225,000
21-4895	Navigational Aids	720,000
	Total Appropriation, Recreational Resource Management	$15,712,000
	Personal Services:	
	Salaries and wages	($9,443,000)
	Positions transferred from other Statewide programs/institutions	(52,000)
	Materials and Supplies	(2,165,000)
	Services Other Than Personal	(713,000)
	Maintenance and Fixed Charges	(1,066,000)
	Special Purpose:	
	Liberty Park Commission	(22,000)
	Maintenance Old Barracks, Trenton (State share)	(125,000)
	Expenses of the Delaware and Raritan Canal Commission	(150,000)
	Youth conservation and recreation projects	(125,000)
	Day trip and camping opportunities for youngsters from lower and moderate income families	(425,000)
	Natural Lands Trust	(18,000)
	Natural Areas Council	(5,000)
	Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging of State marinas and dredging State-controlled lakes	(300,000)
	Compensation awards	(56,000)

Additions, Improvements and Equipment ..... (1,047,000)

Receipts in excess of those anticipated from marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General 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, 1984 in the Youth conservation and recreation projects account is appropriated.

The unexpended balance as of June 30, 1984 in the Open lands management program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1984 in the Construction, maintenance, improvement and dredging inland waterways; bulkheading and dredging of State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

Receipts derived from the rental or use of State facilities are appropriated for operation and maintenance of such facilities, subject to the approval of the Director of the Division of Budget and Accounting.

4876 Palisades Interstate Park Commission

24-4986	Parks Management	$1,449,000
25-4876	Patrol Activities and Crime Control	849,000
	Total Appropriation, Palisades Interstate Park Commission	$2,298,000

Personal Services:	
Salaries and wages	($1,663,000)
Materials and Supplies	(258,000)
Services Other Than Personal	(169,000)
Maintenance and Fixed Charges	(137,000)
Additions, Improvements and Equipment	(71,000)

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, 1984 from such revenues, are appropriated for maintenance.

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1984 of such receipts are appropriated.

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	$4,717,000
	Total Appropriation, Environmental Planning and Administration	$4,717,000

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(3,554,000)
Positions transferred from other Statewide programs/institutions	(115,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(695,000)
Maintenance and Fixed Charges	(122,000)
Special Purpose:	
Board of New Jersey Pilot Commissioners	(73,000)
Affirmative action and equal employment opportunity program	(39,000)
Compensation awards	(5,000)
Additions, Improvements and Equipment	(3,000)

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 appropriated.

Fees deposited in the Environmental Services Fund pursuant to C13:1D–33 and the unexpended balance as of June 30, 1984 are appropriated for the purposes of the Fund.

Total Appropriation, Department of Environmental Protection	$61,077,000*

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

01-4215	Vital Statistics	$495,000
02-4220	Community Health Services	6,571,000*
03-4230	Epidemiology and Disease Control	6,490,000
04-4240	Narcotic and Drug Abuse Control	8,251,000
05-4250	Alcoholism Control	2,263,000
08-4280	Diagnostic Services	3,190,000
09-4290	Clinical Laboratory Services	402,000
10-4300	Local Health and Regional Operations	924,000
	Total Appropriation, Health Services	$28,586,000*

Personal Services:	
Salaries and wages	($9,080,000)
Materials and Supplies	(1,538,000)
Services Other Than Personal	(822,000)
Maintenance and Fixed Charges	(334,000)
Special Purpose:	
Emergency medical services training	(385,000)
Expansion of environmental and occupational health	(1,953,000)
Acquired immune deficiency syndrome program	(530,000)

Cancer registry	(80,000)
Compulsive gambling	(200,000)
Parolee rehabilitation project	(370,000)
Birth defects registry	(150,000)
Grants:	
Family planning services	(275,000)
Hemophilia services	(621,000)
Emergency medical services	(16,000)
Chronic disease services	(28,000)
Testing for specific hereditary diseases	(115,000)
Hospitalization and convalescent care of handicapped children	(1,856,000)
Chronic renal disease	(520,000)
Maternal and child health	(240,000)
Gerontology program	(39,000)
Tuberculosis services	(263,000)
Venereal disease clinics	(10,000)
Poison control center	(425,000)
Occupational health services	(83,000)
Community drug programs (State share)	(6,974,000)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,584,000)

There is appropriated to the New Jersey State Commission on Cancer Research $1,000,000 from the Cancer Research Fund pursuant to C54:40A–37.1.

Such sums as may be required for costs of operation of the rabies control program are appropriated from the Rabies Control Fund.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to C45:9-42.26 et seq., and the unexpended balance as of June 30, 1984 of such fees are appropriated.

The Divisions of Narcotic and Drug Abuse Control and Alcoholism are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and outpatient support of

patients treated for alcoholism or drug abuse. Receipts derived from billings or fees and unexpended balances as of June 30, 1984 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse Control and Alcoholism, for the support of the alcohol and drug abuse programs.

There is appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of the Worker and Community Right to Know Act, C34:5A-1 et seq.

The unexpended balance in the Pharmaceutical Services for Adults with Cystic Fibrosis account as of June 30, 1984 is appropriated.

The unexpended balance in the Choking awareness account as of June 30, 1984 is appropriated.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	$1,566,000
07-4270	Health Planning and Resource Development	2,401,000
	Total Appropriation, Health Planning and Evaluation	$3,967,000

Personal Services:	
Salaries and wages	($3,290,000)
Materials and Supplies	(59,000)
Services Other Than Personal	(442,000)
Maintenance and Fixed Charges	(116,000)
Grants:	
Planning and development of urban health services	(60,000)

Receipts derived from fees charged for hospital rate setting, and the unexpended balance of such receipts as of June 30, 1984, are appropriated for expenses of hospital rate setting.

Receipts derived from fees charged for the review of Uniform Construction Code plans for health care facilities, and the unexpended balance of such receipts as of June 30, 1984, are appropriated.

Receipts derived from fees charged for the certificate of need program and the unexpended balance of such receipts as of June 30, 1984, are appropriated for the cost of the program.

The unexpended balance as of June 30, 1984 in the Regional Health Center, Bellmawr account is appropriated.

25 Health Administration

99-4210	Management and Administrative Services	$3,412,000
	Total Appropriation, Health Administration	$3,412,000

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(2,208,000)
Positions transferred from another Statewide program	(28,000)
Materials and Supplies	(153,000)
Services Other Than Personal	(685,000)
Maintenance and Fixed Charges	(140,000)
Special Purpose:	
Compensation awards	(81,000)
Affirmative action and equal employment opportunity program	(37,000)
Additions, Improvements and Equipment	(10,000)

Receipts from various fees and licenses collected throughout the Department of Health in excess of those anticipated are appropriated.

Total Appropriation, Department of Health	$35,965,000*

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

02-5400	Support to Independent Institutions	$20,782,000*
03-5400	New Jersey Educational Opportunity Fund	15,832,000
04-5400	Student Financial Support Services	45,955,000*
05-5400	Student Financial Assistance Administration	3,200,000
99-5400	Management and Administrative Services	20,051,000*
	Total Appropriation, Office of the Chancellor	$105,820,000*

Personal Services:	
Chancellor	($70,000)
Salaries and wages	(3,722,000)
Materials and Supplies	(169,000)
Services Other Than Personal	(1,146,000)
Maintenance and Fixed Charges	(87,000)
Special Purpose:	
Educational Opportunity Fund Board Expenses	(3,000)
Tuition aid grant-software development	(650,000)
Board of Higher Education expenses	(7,000)
Program development	(90,000)
College information system and higher education management system	(100,000)
State and county college councils	(3,000)
Basic skills assessment	(750,000)
Marine sciences consortium	(499,000)
Faculty fellows	(50,000)
Teacher education improvement	(100,000)
Affirmative action and equal employment opportunity program	(29,000)
Governor's School	(75,000)
Strengthening humanities and foreign language instruction	(2,500,000)

Marine Academy of Science and Technology	(50,000)
Governor's Commission on Science and Technology:	
Administration	(150,000)
Telematics programs	(630,000)
Biotechnology programs	(1,900,000)
Food technology programs	(1,200,000)
Materials sciences programs	(2,511,000)
Hazardous waste management programs	(1,200,000)
Fusion technology	(100,000)
Materials handling	(125,000)
Fisheries development	(150,000)
Other High Technology Initiatives:	
Proposal review	(225,000)
Center for Information Age Technology	(500,000)
Math/science teaching	(1,000,000)
Computer proficiency	(2,054,000)
Technical/engineering	(1,392,000)
Grants:	
Veterinary medicine education	(1,114,000)
Aid to independent colleges and universities	(12,795,000*)
Schools of professional nursing	(1,500,000)
Dental school aid	(4,321,000)
Optometric education	(332,000)
Einstein Chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program	(450,000)
Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University	(65,000)
Alfred E. Driscoll Chair in Pharmaceutical/Chemical Studies at Fairleigh Dickinson University	(65,000)
Women's Studies Chair at Douglass College	(75,000)

Opportunity program grants	(10,759,000)
Supplementary education program grants	(5,073,000)
Tuition aid grants, C18A:71-41 et seq.	(41,900,000*)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
Public tuition benefits	(30,000)
MIA/POW grants	(25,000)
Additions, Improvements and Equipment	(14,000)

An amount not to exceed $57,500 in the aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, C18A:72B-15 et seq., the number of full-time equivalent students (FTE) at the eight State colleges is 51,675 for fiscal year 1983-84.

The unexpended balances as of June 30, 1984 and other income from the Federal loan collection and reimbursement program are appropriated.

The unexpended balances as of June 30, 1984 in the Special Purpose accounts and any balances from the Science and Technology special purpose appropriation which was transferred to a Higher Education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the sums hereinabove appropriated for tuition aid grants not more than $199,690 shall be expended for out-of-State tuition aid grant awards.

The sums provided hereinabove and the unexpended balance as of June 30, 1984 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

The provisions of C18A:71–26.10 notwithstanding, of the sum appropriated for the Garden State Scholarship Program, the maximum grant level of Garden State Graduate Fellowships to eligible students may be $6,000.

The Director of the Division of Budget and Accounting shall provide for an interfund transfer of an amount not to exceed $1,823,000 from the Higher Education Assistance Fund to the General Fund as the Higher Education Assistance Authority may provide for Educational Opportunity Fund grants.

Notwithstanding the provisions of C18A:71–62, the Student Assistance Board with the approval of the Board of Higher Education may limit MIA/POW grants to a level similar to the level applicable to the Public Tuition Benefit Grants program.

5450 Thomas A. Edison State College

17-5450	Institutional Support	$1,999,000
	Total Appropriation, Thomas A. Edison State College	$1,999,000

Personal Services:		
Salaries and wages	(	$1,548,000)
Positions established from lump sum appropriation	(	69,000)
Materials and Supplies	(	85,000)
Services Other Than Personal	(	259,000)
Maintenance and Fixed Charges	(	14,000)
Special Purpose:		
Affirmative action and equal employment opportunity program	(	14,000)
Additions, Improvements and Equipment	(	10,000)

5500 Glassboro State College

11-5500	Instruction	$13,211,000
12-5500	Sponsored Programs and Research	80,000
13-5500	Extension and Public Service	559,000
15-5500	Academic Support	1,211,000
16-5500	Student Services	1,974,000
17-5500	Institutional Support	3,353,000
19-5500	Physical Plant Support Services	4,785,000
	Total Appropriation, Glassboro State College	$25,173,000

Personal Services:	
Salaries and wages	($18,728,000)
Student aides	(200,000)
Materials and Supplies	(2,589,000)
Services Other Than Personal	(1,585,000)
Maintenance and Fixed Charges	(407,000)
Special Purpose:	
Academic development	(100,000)
Separately budgeted research	(80,000)
Camden Urban Center	(559,000)
College work-study program (State share)	(172,000)
Affirmative action and equal employment opportunity program	(42,000)
Compensation awards	(80,000)
Additions, Improvements and Equipment	(631,000)

5510 Jersey City State College

11-5510	Instruction	$12,796,000
12-5510	Sponsored Programs and Research	69,000
15-5510	Academic Support	1,159,000
16-5510	Student Services	1,577,000
17-5510	Institutional Support	2,960,000
19-5510	Physical Plant Support Services	3,721,000
	Total Appropriation, Jersey City State College	$22,282,000

Personal Services:	
Salaries and wages	($16,405,000)
Student aides	(150,000)
Materials and Supplies	(2,192,000)
Services Other Than Personal	(1,065,000)
Maintenance and Fixed Charges	(357,000)
Special Purpose:	
A. Harry Moore Laboratory School	(1,055,000)
Academic development	(90,000)
Separately budgeted research	(69,000)
National direct student loan program (State share)	(20,000)
College work-study program (State share)	(110,000)
Athletic fields	(85,000)
Affirmative action and equal employment opportunity program	(55,000)
Compensation awards	(40,000)
Additions, Improvements and Equipment	(589,000)

The unexpended balances as of June 30, 1984, and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College, are appropriated for operating expenses of the school.

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated for operating expenses of the College.

5520 Kean College of New Jersey

11-5520	Instruction	$14,337,000
12-5520	Sponsored Programs and Research	75,000
15-5520	Academic Support	1,333,000
16-5520	Student Services	2,289,000
17-5520	Institutional Support	4,021,000
19-5520	Physical Plant Support Services	5,082,000
	Total Appropriation, Kean College of New Jersey	$27,137,000

Personal Services:	
Salaries and wages	($20,246,000)
Student aides	(200,000)
Materials and Supplies	(3,194,000)
Services Other Than Personal	(2,007,000)
Maintenance and Fixed Charges	(365,000)
Special Purpose:	
Academic development	(120,000)
Separately budgeted research	(75,000)
National direct student loan program (State share)	(10,000)
College work-study program (State share)	(50,000)
Affirmative action and equal employment opportunity program	(45,000)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(780,000)

5530 The William Paterson College of New Jersey

11-5530	Instruction	$15,333,000
12-5530	Sponsored Programs and Research	75,000
15-5530	Academic Support	1,387,000
16-5530	Student Services	2,072,000
17-5530	Institutional Support	3,814,000
19-5530	Physical Plant Support Services	5,727,000
	Total Appropriation, The William Paterson College of New Jersey	$28,408,000

Personal Services:	
Salaries and wages	($21,131,000)
Student aides	(225,000)
Materials and Supplies	(3,429,000)
Services Other Than Personal	(1,769,000)
Maintenance and Fixed Charges	(549,000)
Special Purpose:	
Academic development	(130,000)
Separately budgeted research	(75,000)
College work-study program (State share)	(60,000)

Affirmative action and equal employment opportunity program	(48,000)
Compensation awards	(35,000)
Additions, Improvements and Equipment	(957,000)

5540 Montclair State College

11-5540	Instruction	$18,081,000
12-5540	Sponsored Programs and Research	75,000
13-5540	Extension and Public Service	565,000
15-5540	Academic Support	1,774,000
16-5540	Student Services	2,650,000
17-5540	Institutional Support	4,344,000
19-5540	Physical Plant Support Services	5,015,000
	Total Appropriation, Montclair State College	$32,504,000

Personal Services:	
Salaries and wages	($24,470,000)
Student aides	(350,000)
Materials and Supplies	(2,794,000)
Services Other Than Personal	(1,961,000)
Maintenance and Fixed Charges	(458,000)
Special Purpose:	
Academic development	(150,000)
Separately budgeted research	(75,000)
New Jersey State School of Conservation	(565,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employment opportunity program	(102,000)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(1,464,000)

Receipts from the New Jersey School of Conservation in excess of $440,000 and the unexpended balance of such receipts, as of June 30, 1984, are appropriated.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550	Instruction	$13,608,000
12-5550	Sponsored Programs and Research	75,000
15-5550	Academic Support	2,181,000
16-5550	Student Services	2,273,000
17-5550	Institutional Support	3,170,000
19-5550	Physical Plant Support Services	5,349,000
	Total Appropriation, Trenton State College	$26,656,000
	Personal Services:	
	Salaries and wages	($19,367,000)
	Student aides	(255,000)
	Materials and Supplies	(3,044,000)
	Services Other Than Personal	(1,885,000)
	Maintenance and Fixed Charges	(516,000)
	Special Purpose:	
	Demonstration school services	(80,000)
	Academic development	(100,000)
	Separately budgeted research	(75,000)
	Affirmative action and equal employment opportunity program	(43,000)
	College work-study program (State share)	(37,000)
	Compensation awards	(50,000)
	Additions, Improvements and Equipment	(1,204,000)

5560 Ramapo College of New Jersey

11-5560	Instruction	$5,289,000
12-5560	Sponsored Programs and Research	50,000
15-5560	Academic Support	891,000
16-5560	Student Services	1,006,000
17-5560	Institutional Support	2,257,000
19-5560	Physical Plant Support Services	3,099,000
	Total Appropriation, Ramapo College of New Jersey	$12,592,000

Personal Services:	
Salaries and wages	($9,248,000)
Student aides	(150,000)
Materials and Supplies	(1,639,000)
Services Other Than Personal	(775,000)
Maintenance and Fixed Charges	(272,000)
Special Purpose:	
Academic development	(50,000)
Separately budgeted research	(50,000)
College work-study program (State share)	(50,000)
Affirmative action and equal employment opportunity program	(50,000)
Compensation awards	(12,000)
Additions, Improvements and Equipment	(296,000)

5570 Richard Stockton State College

11-5570	Instruction	$6,493,000
12-5570	Sponsored Programs and Research	70,000
15-5570	Academic Support	1,241,000
16-5570	Student Services	1,142,000
17-5570	Institutional Support	2,263,000
19-5570	Physical Plant Support Services	3,125,000
	Total Appropriation, Richard Stockton State College	$14,334,000

Personal Services:	
Salaries and wages	($10,277,000)
Student aides	(155,000)
Materials and Supplies	(1,896,000)
Services Other Than Personal	(944,000)
Maintenance and Fixed Charges	(298,000)
Special Purpose:	
Academic development	(60,000)
Separately budgeted research	(70,000)
College work-study program (State share)	(35,000)
National direct student loan program (State share)	(5,000)

Affirmative action and equal employment opportunity program	(48,000)
Compensation awards	(37,000)
Additions, Improvements and Equipment	(509,000)

State College Programs

Receipts in excess of those anticipated from regular tuition at the State colleges and student fee revenues at Thomas A. Edison State College are appropriated, subject to approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The expenditure of the amounts hereinabove to each State college for academic development shall be subject to prior approval of the Chancellor of Higher Education and the Director of Division of Budget and Accounting.

Receipts from the operation of summer programs, special programs (on-campus) and extension and public service programs (off-campus) and the unexpended balances as of June 30, 1984 of such receipts are appropriated.

Receipts from the operation of auxiliary services in excess of those pledged for the payment of principal and interest on bonds of this State pursuant to N. J. S. 18A:64–18, and the unexpended balance as of June 30, 1984 of such receipts, are appropriated.

The amounts hereinabove allocated to the various State colleges for student aides constitute the appropriation to carry out the provisions of N. J. S. 18A:64–17; provided, however, that payment for the value of work performed by students shall be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

Receipts from student service charges and parking fees and the unexpended balances as of June 30, 1984 of such receipts are appropriated.

Notwithstanding the provisions of C18A: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.

Any transfer of appropriation from the physical plant support services program classification to any other purpose is subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the transfer of funds between items of appropriation, as provided by law, the program classification accounts shall be deemed to be the primary expenditure accounts (NJS 18A:64–6f.), except that all transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Rutgers, The State University

5600 General University

11-5600	Instruction	$104,184,000
12-5600	Sponsored Programs and Research	4,974,000
13-5600	Extension and Public Service	1,978,000
14-5600	Auxiliary Services	6,019,000
15-5600	Academic Support	11,566,000
16-5600	Student Services	19,448,000
17-5600	Institutional Support	27,182,000
19-5600	Physical Plant Support Services	45,046,000
	Sub-Total, General Operations	$220,397,000
	Special Funds expense	34,000,000
	Auxiliary Funds expense	48,200,000
	Total All Operations	$302,597,000

Less:		
General services income	*$80,596,000*	
Special funds income	*34,000,000*	
Auxiliary services income	*48,200,000*	
Total Income Deductions		*$162,796,000*
Appropriation, Exclusive of Land Grant Interest	($139,795,000)	
Land Grant Interest	(6,000)	
Sub-Total Appropriation		$139,801,000
Personal Services:		
Salaries and wages	($158,128,000)	
Student aides	(937,000)	
Materials and Supplies	(26,361,000)	
Services Other Than Personal	(13,785,000)	
Maintenance and Fixed Charges	(5,737,000)	
Special Purpose:		
Research grants	(325,000)	
Graduate and law school fellowships	(85,000)	
Student aid	(4,149,000)	
College work-study (State share)	(515,000)	
Affirmative action and equal employment opportunity program	(111,000)	
Retirement allowances	(735,000)	
Bad debt expense	(100,000)	
Special projects	(2,250,000)	
Jazz oral history project	(80,000)	
Athletic facilities	(1,500,000)	
Additions, Improvements and Equipment	(5,599,000)	
Special Funds expense	(34,000,000)	
Auxiliary Funds expense	(48,200,000)	
Less:		
General services income	*(80,596,000)*	
Special funds income	*(34,000,000)*	
Auxiliary services income	*(48,200,000)*	

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,329 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollment exceeds 29,915*, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 29,915*, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated for salaries and wages shall be used to support not less than 5,862 positions.

The unexpended balance as of June 30, 1984 for Renovation of Winant's Hall is appropriated and transferred to Capital Construction, Office of the Chancellor, Renewal and Replacement Projects, Higher Education Facilities.

5620 Agricultural Experiment Station

12-5620	Sponsored Programs and Research	$7,797,000*
13-5620	Extension and Public Service	4,287,000
	Sub-Total, General Operations	$12,084,000*

Federal research and extension funds expense		4,416,000
Special funds expense		5,000,000
Total All Operations		$21,500,000*
Less:		
Federal research and extension funds income	*($4,416,000)*	
Special funds income	*(5,000,000)*	
Total Income Deductions		*$9,416,000*
Sub-Total Appropriation		$12,084,000*
Personal Services:		
Salaries and wages	($10,150,000*)	
Student aides	(74,000)	
Materials and Supplies	(351,000)	
Services Other Than Personal	(419,000)	
Maintenance and Fixed Charges	(110,000)	
Special Purpose:		
Fruit Research Station	(190,000)	
Rutgers Research and Development Center	(290,000)	
Additions, Improvements and Equipment	(500,000)	
Federal research and extension funds expense	(4,416,000)	
Special funds expense	(5,000,000)	
Less:		
Federal research and extension funds income	*(4,416,000)*	
Special funds income	*(5,000,000)*	
Total Appropriation, Rutgers, The State University		$151,885,000*

5630 University of Medicine and Dentistry of New Jersey

Instruction	$53,167,000
Sponsored Programs and Research	24,610,000
Extension and Public Service	88,824,671
Auxiliary Services	1,665,000
Academic Support	1,123,000

Student Services		1,310,000
Institutional Support		14,977,000
Physical Plant and Support Services		28,081,000
Core Affiliates		2,755,000
Total All Operations		$216,512,671
Less:		
General services income	*($15,350,000)*	
Special services income	*(24,610,000)*	
Capital facilities allowance	*(4,200,000)*	
Auxiliary services income	*(1,665,000)*	
Hospital services income	*(65,078,000)*	
Core affiliates income	*(2,755,000)*	
Mental Health Center income	*(9,517,000)*	
New Jersey Medical School Community Mental Health Center income	*(4,786,000)*	
Total Income Deductions		*$127,961,000*
Total Appropriation		$88,551,671
Personal Services:		
Salaries and wages	($116,301,000)	
Materials and Supplies	(30,213,000)	
Services Other Than Personal	(17,487,000)	
Maintenance and Fixed Charges	(4,990,000)	
Special Purpose:		
Board of trustees planning fund	(19,000)	
University student aid	(674,000)	
Research under contract with the Institute of Medical Research, Camden	(419,000)	
Neurological consultation services	(172,000)	
Core affiliate–Rutgers Medical School–Piscataway	(1,784,000)	
Core affiliate–New Jersey School of Osteopathic Medicine	(971,000)	
Area Health Education Center (AHEC)	(275,671)	
Additions, Improvements and Equipment	(2,629,000)	

Special Funds expense	(24,610,000)	
Auxiliary Funds expense	(1,665,000)	
Rutgers Medical School Community Mental Health Center	(9,517,000)	
New Jersey Medical School Community Mental Health Center	(4,786,000)	
Less:		
Total Income Deduction	*(127,961,000)*	
Total Appropriation, University of Medicine and Dentistry		$88,551,671

All general services income in excess of the amounts hereinabove as income deductions shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1984-85 and the subsequent fiscal year in the several component units of the University 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.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made by organization.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracting organizations are appropriated.

The first $4,200,000 in hospital services income shall be returned and credited to the General Fund as anticipated revenue. Hospital services income in excess of $69,278,000 shall be credited

to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1984-85 and the subsequent fiscal year in the several component units of the University 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.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Receipts derived from the capital facilities allowance—capital cash component, in excess of $4,200,000, shall be credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry, 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.

5640 New Jersey Institute of Technology

11–5640	Instruction	$14,920,000
12–5640	Sponsored Programs and Research	613,000
13–5640	Extension and Public Service	991,000
14–5640	Auxiliary Services	3,500,000
15–5640	Academic Support	3,106,000
16–5640	Student Services	2,315,000
17–5640	Institutional Support	5,048,000
19–5640	Physical Plant Support Services	3,757,000
	Sub-Total, General Operations	$34,250,000
	Special Funds Expense	4,000,000
	Total, All Operations	$38,250,000

Less:		
General services income	*($11,488,000)*	
Auxiliary services income	*(3,500,000)*	
Special funds income	*(4,000,000)*	
Total Income Deductions		*$18,988,000*
Total Appropriation		$19,262,000
Personal Services:		
Salaries and wages	($19,784,000)	
Student aides	(194,000)	
Materials and Supplies	(3,070,000)	
Services Other Than Personal	(2,636,000)	
Maintenance and Fixed Charges	(959,000)	
Special Purpose:		
Academic development	(250,000)	
Separately budgeted research	(440,000)	
Student activities	(120,000)	
Scholarships, grants, fellowships	(523,000)	
Board of trustees	(4,000)	
Affirmative action and equal employment opportunity program	(60,000)	
Fringe benefits/retirement allowances	(1,900,000)	
Additions, Improvements and Equipment	(810,000)	
Auxiliary funds expense	(3,500,000)	
Special funds expense	(4,000,000)	
Less:		
General services income	*(11,488,000)*	
Auxiliary services income	*(3,500,000)*	
Special funds income	*(4,000,000)*	

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollments in extension and public service programs, shall not exceed 4,615 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,707, the amount appropriated hereinabove for New Jersey

Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the institute for those full-time equivalent students above 4,707, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount 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, pursuant to NJS 18A:3–14q.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

All transfers from non-salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Higher Education $556,603,671*

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computer Network (NJECN) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Veterinary medicine education .. ($1,114,000)
Optometric education ..... (332,000)

Aid to independent colleges and universities	(13,200,000)
Schools of professional nursing	(1,500,000)
Dental school aid	(4,321,000)
High technology initiatives	(15,000,000)

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08–7700	Community Services	$41,421,000
99–7700	Management and Administrative Services	1,310,000
	Total Appropriation, Division of Mental Health and Hospitals	$42,731,000
	Personal Services:	
	Salaries and wages	($3,598,000)
	Materials and Supplies	(88,000)
	Services Other Than Personal	(245,000)
	Maintenance and Fixed Charges	(160,000)
	Special Purpose:	
	Community Mental Health Center-University of Medicine and Dentistry, Alzheimer's Disease Day Hospital	(115,000)
	Independent psychiatric evaluation and legal representation for indigent patients	(18,000)
	Affirmative action and equal employment opportunity program	(25,000)
	Grants:	
	Community care	(25,700,000)
	Community care expansion	(4,700,000)
	Community Mental Health Center, University of Medicine and Dentistry, Newark	(2,920,000)
	Community Mental Health Center, University of Medicine and Dentistry, Rutgers	(5,157,000)
	Contact-Morris-Passaic, Inc.	(5,000)

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 University of Medicine and Dentistry of New Jersey for the operation of the centers.

7710 Greystone Park Psychiatric Hospital

10–7710	Patient Care and Health Services	$22,157,000
98–7710	Physical Plant and Support Services	7,248,000
99–7710	Management and Administrative Services	4,812,000
	Total Appropriation, Greystone Park Psychiatric Hospital	$34,217,000

Personal Services:	
Salaries and wages	($25,444,000)
Positions transferred from other agencies	(928,000)
Food in lieu of cash	(84,000)
Materials and Supplies	(5,486,000)
Services Other Than Personal	(1,078,000)
Maintenance and Fixed Charges	(505,000)
Special Purpose:	
Interim assistance	(65,000)
Affirmative action and equal employment opportunity program	(17,000)
Compensation awards	(186,000)
Additions, Improvements and Equipment	(424,000)

7720 Trenton Psychiatric Hospital

10–7720	Patient Care and Health Services	$12,011,000
98–7720	Physical Plant and Support Services	5,902,000
99–7720	Management and Administrative Services	3,648,000
	Total Appropriation, Trenton Psychiatric Hospital	$21,561,000

Personal Services:	
Salaries and wages	($15,351,000)
Food in lieu of cash	(32,000)
Materials and Supplies	(4,146,000)
Services Other Than Personal	(855,000)
Maintenance and Fixed Charges	(420,000)
Special Purpose:	
Interim assistance	(141,000)
Affirmative action and equal employment opportunity program	(18,000)
Compensation awards	(360,000)
Additions, Improvements and Equipment	(238,000)

7725 The Forensic Psychiatric Hospital

10-7725	Patient Care and Health Services	$4,626,000
98-7725	Physical Plant and Support Services	776,000
99-7725	Management and Administrative Services	502,000
	Total Appropriation, The Forensic Psychiatric Hospital	$5,904,000

Personal Services:	
Salaries and wages	($4,995,000)
Positions transferred from other agencies	(250,000)
Food in lieu of cash	(9,000)
Materials and Supplies	(473,000)
Services Other Than Personal	(105,000)
Maintenance and Fixed Charges	(57,000)
Special Purpose:	
Compensation awards	(10,000)
Additions, Improvements and Equipment	(5,000)

7730 Marlboro Psychiatric Hospital

10-7730	Patient Care and Health Services	$22,520,000
98-7730	Physical Plant and Support Services	5,594,000
99-7730	Management and Administrative Services	4,729,000
	Total Appropriation, Marlboro Psychiatric Hospital	$32,843,000

Personal Services:	
Salaries and wages	($21,831,000)
Positions transferred from other agencies	(3,920,000)
Food in lieu of cash	(34,000)
Materials and Supplies	(4,644,000)
Services Other Than Personal	(1,043,000)
Maintenance and Fixed Charges	(493,000)
Special Purpose:	
Interim assistance	(146,000)
Affirmative action and equal employment opportunity program	(17,000)
Compensation awards	(246,000)
Additions, Improvements and Equipment	(469,000)

7740 Ancora Psychiatric Hospital

10-7740	Patient Care and Health Services	$21,190,000
98-7740	Physical Plant and Support Services	4,947,000
99-7740	Management and Administrative Services	3,991,000
	Total Appropriation, Ancora Psychiatric Hospital	$30,128,000

Personal Services:	
Salaries and wages	($23,421,000)
Positions transferred from other agencies	(561,000)
Food in lieu of cash	(57,000)
Materials and Supplies	(3,840,000)
Services Other Than Personal	(903,000)
Maintenance and Fixed Charges	(371,000)
Special Purpose:	
Interim assistance	(280,000)
Affirmative action and equal employment opportunity program	(17,000)
Compensation awards	(126,000)
Additions, Improvements and Equipment	(552,000)

7750 Arthur Brisbane Child Center at Allaire

10-7750	Patient Care and Health Services	$1,976,000
98-7750	Physical Plant and Support Services	429,000
99-7750	Management and Administrative Services	356,000
	Total Appropriation, Arthur Brisbane Child Center at Allaire	$2,761,000

Personal Services:		
Salaries and wages	($2,244,000)	
Food in lieu of cash	(5,000)	
Materials and Supplies	(296,000)	
Services Other Than Personal	(99,000)	
Maintenance and Fixed Charges	(54,000)	
Special Purpose:		
Compensation awards	(18,000)	
Additions, Improvements and Equipment	(45,000)	

7760 Glen Gardner Center for Geriatrics

10-7760	Patient Care and Health Services	$3,270,000
98-7760	Physical Plant and Support Services	1,292,000
99-7760	Management and Administrative Services	804,000
	Total Appropriation, Glen Gardner Center for Geriatrics	$5,366,000

Personal Services:		
Salaries and wages	($3,957,000)	
Positions transferred from other agencies	(28,000)	
Food in lieu of cash	(11,000)	
Materials and Supplies	(988,000)	
Services Other Than Personal	(225,000)	
Maintenance and Fixed Charges	(96,000)	
Special Purpose:		
Compensation awards	(18,000)	
Additions, Improvements and Equipment	(43,000)	

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540	Health Services Administration	$7,193,000
24-7540	Pharmaceutical Assistance to the Aged and Disabled	43,964,000
99-7540	Management and Administrative Services	4,718,000
	Total Appropriation, Division of Medical Assistance and Health Services	$55,875,000

Personal Services:	
Salaries and wages	($4,898,000)
Materials and Supplies	(157,000)
Services Other Than Personal	(1,424,000)
Maintenance and Fixed Charges	(129,000)
Special Purpose:	
Payments to fiscal agents	(3,787,000)
Eligibility determination	(1,047,000)
Payments to fiscal agents (PAA)	(1,650,000)
AFDC homemaker/home health aid demonstration project—Title XIX	(250,000)
Health facilities rate setting	(556,000)
Health facilities inspections	(254,000)
Affirmative action and equal employment opportunity program	(6,000)
Professional standards review organization-utilization review	(637,000)
Compensation awards	(37,000)
Respite care for the frail and severely disabled	(200,000)
Grants:	
Pharmaceutical assistance to the aged—claims	(40,786,000)
Additions, Improvements and Equipment	(57,000)

The amounts hereinabove for payments for Pharmaceutical Assistance to the Aged are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of C30:4D–3i.(7) the Division shall comply with the provisions of Pub. L. 97-248, 42 U. S. C. 1396p.(c), which denies Medicaid eligibility for twenty-four months to persons who divest themselves of their assets in order to obtain Medicaid benefits, unless such person or spouse furnishes convincing evidence to establish that the transaction was exclusively for some other purpose. However, the period of disqualification shall bear a reasonable relationship to the uncompensated value of the assets.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	$31,023,000
02-7600	Social Supervision and Consultation	2,248,000
03-7600	Adult Activities	16,115,000
04-7600	Education and Day Training	6,393,000
99-7600	Management and Administrative Services	2,221,000
	Total Appropriation, Division of Mental Retardation	$58,000,000

Personal Services:	
Salaries and wages	($6,688,000)
Materials and Supplies	(1,138,000)
Services Other Than Personal	(698,000)
Maintenance and Fixed Charges	(3,077,000)
Special Purpose:	
Family care	(1,500,000)
Homemaker services (State share)	(116,000)
Social services	(261,000)

Social services	(840,000)
Foster grandparents program (State share)	(295,000)
Developmental disabilities services	(275,000)
Dental program for non-institutionalized mentally retarded and handicapped children	(138,000)
Patient employees	(317,000)
Social services	(80,000)
Compensation awards	(125,000)
Grants:	
Somerset County Retarded Citizens' Association	(125,000)
Private institutional care	(17,037,000)
Skill development homes	(1,700,000)
Purchase of day training services	(372,000)
Group homes	(10,601,000)
Home assistance	(400,000)
Purchase of adult activity services	(12,171,000)
Additions, Improvements and Equipment	(46,000)

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 and Health Services, 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 may be committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1984 in the tuition receipt accounts established

pursuant to C18A:7B–1 et seq. in the various departments, are appropriated for education-related transportation costs (day training) in the Division of Mental Retardation in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; provided, however, that such amounts shall not be in excess of $1,000,000.

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	$212,000
06-7610	Health Services	56,000
07-7610	Education and Training	22,000
98-7610	Physical Plant and Support Services	499,000
99-7610	Management and Administrative Services	1,128,000
	Total Appropriation, Green Brook Regional Center	$1,917,000
	Materials and Supplies	($733,000)
	Services Other Than Personal	(252,000)
	Maintenance and Fixed Charges	(176,000)
	Special Purpose:	
	Green Brook mortgage	(710,000)
	Compensation awards	(25,000)
	Other special purpose	(1,000)
	Additions, Improvements and Equipment	(20,000)

7620 Vineland Developmental Center

05-7620	Residential Care and Habilitation	$14,404,000
06-7620	Health Services	4,808,000
07-7620	Education and Training	340,000
98-7620	Physical Plant and Support Services	4,455,000
99-7620	Management and Administrative Services	2,913,000
	Total Appropriation, Vineland Developmental Center	$26,920,000

Personal Services:		
Salaries and wages	($19,817,000)	
Food in lieu of cash	(25,000)	
Materials and Supplies	(5,573,000)	
Services Other Than Personal	(849,000)	
Maintenance and Fixed Charges	(258,000)	
Special Purpose:		
Compensation awards	(350,000)	
Other special purpose	(3,000)	
Additions, Improvements and Equipment	(45,000)	

7630 North Jersey Developmental Center

05-7630	Residential Care and Habilitation	$7,002,000
06-7630	Health Services	1,593,000
07-7630	Education and Training	294,000
98-7630	Physical Plant and Support Services	2,039,000
99-7630	Management and Administrative Services	1,942,000
	Total Appropriation, North Jersey Developmental Center	$12,870,000

Personal Services:		
Salaries and wages	($9,660,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(2,175,000)	
Services Other Than Personal	(506,000)	
Maintenance and Fixed Charges	(164,000)	
Special Purpose:		
Compensation awards	(253,000)	
Additions, Improvements and Equipment	(96,000)	

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	$8,414,000
06-7640	Health Services	1,872,000
07-7640	Education and Training	134,000
98-7640	Physical Plant and Support Services	2,404,000
99-7640	Management and Administrative Services	1,784,000
	Total Appropriation, Woodbine Developmental Center	$14,608,000

Personal Services:		
Salaries and wages	($11,223,000)	
Food in lieu of cash	(28,000)	
Materials and Supplies	(2,718,000)	
Services Other Than Personal	(322,000)	
Maintenance and Fixed Charges	(146,000)	
Special Purpose:		
Compensation awards	(120,000)	
Additions, Improvements and Equipment	(51,000)	

7650 New Lisbon Developmental Center

05-7650	Residential Care and Habilitation	$7,911,000
06-7650	Health Services	1,337,000
07-7650	Education and Training	470,000
98-7650	Physical Plant and Support Services	2,367,000
99-7650	Management and Administrative Services	1,811,000
	Total Appropriation, New Lisbon Developmental Center	$13,896,000

Personal Services:		
Salaries and wages	($9,814,000)	
Food in lieu of cash	(9,000)	
Materials and Supplies	(2,954,000)	
Services Other Than Personal	(494,000)	
Maintenance and Fixed Charges	(262,000)	
Special Purpose:		
Compensation awards	(305,000)	
Other special purpose	(8,000)	
Additions, Improvements and Equipment	(50,000)	

7660 Woodbridge Developmental Center

05-7660	Residential Care and Habilitation	$8,752,000
06-7660	Health Services	2,974,000
07-7660	Education and Training	121,000
98-7660	Physical Plant and Support Services	3,084,000
99-7660	Management and Administrative Services	1,822,000
	Total Appropriation, Woodbridge Developmental Center	$16,753,000

Personal Services:		
Salaries and wages	($12,230,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(3,104,000)	
Services Other Than Personal	(559,000)	
Maintenance and Fixed Charges	(388,000)	
Special Purpose:		
Compensation awards	(300,000)	
Additions, Improvements and Equipment	(156,000)	

7670 Hunterdon Developmental Center

05-7670	Residential Care and Habilitation	$9,155,000
06-7670	Health Services	3,307,000
07-7670	Education and Training	151,000
98-7670	Physical Plant and Support Services	3,287,000
99-7670	Management and Administrative Services	2,071,000
	Total Appropriation, Hunterdon Developmental Center	$17,971,000

Personal Services:		
Salaries and wages	($13,006,000)	
Food in lieu of cash	(1,000)	
Materials and Supplies	(3,459,000)	
Services Other Than Personal	(826,000)	
Maintenance and Fixed Charges	(241,000)	
Special Purpose:		
Compensation awards	(334,000)	
Other special purpose	(5,000)	
Additions, Improvements and Equipment	(99,000)	

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	$2,484,000
06-7680	Health Services	606,000
07-7680	Education and Training	463,000
25-7680	Research	231,000
98-7680	Physical Plant and Support Services	1,556,000
99-7680	Management and Administrative Services	836,000
	Total Appropriation, Edward R. Johnstone Training and Research Center	$6,176,000

Personal Services:	
Salaries and wages	($4,575,000)
Food in lieu of cash	(18,000)
Materials and Supplies	(1,226,000)
Services Other Than Personal	(197,000)
Maintenance and Fixed Charges	(108,000)
Special Purpose:	
Compensation awards	(40,000)
Additions, Improvements and Equipment	(12,000)

7690 North Princeton Developmental Center

05-7690	Residential Care and Habilitation	$9,040,000
06-7690	Health Services	1,877,000
07-7690	Education and Training	318,000
98-7690	Physical Plant and Support Services	3,362,000
99-7690	Management and Administrative Services	1,969,000
	Total Appropriation, North Princeton Developmental Center	$16,566,000

Personal Services:	
Salaries and wages	($12,862,000)
Food in lieu of cash	(20,000)
Materials and Supplies	(2,866,000)
Services Other Than Personal	(507,000)
Maintenance and Fixed Charges	(267,000)
Additions, Improvements and Equipment	(44,000)

Division of Mental Retardation

In addition to the amount hereinabove for operation and support of educational institutions of the Division of Mental Retardation, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of institutions for the mentally retarded and available for matching federal funds.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation	$2,109,000
12-7560	Instruction and Community Programs	3,176,000
99-7560	Management and Administrative Services	1,297,000
	Total Appropriation, Commission for the Blind and Visually Impaired	$6,582,000

Personal Services:	
Salaries and wages	($4,088,000)
Positions converted	(34,000)
Materials and Supplies	(111,000)
Services Other Than Personal	(474,000)
Maintenance and Fixed Charges	(79,000)
Special Purpose:	
Compensation awards	(6,000)
Psychological counseling services	(100,000)
Grants:	
Services to rehabilitation clients	(477,000)
Educational services for children	(1,188,000)
Additions, Improvements and Equipment	(25,000)

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	$3,262,000
14-7550	Quality Control	930,000
15-7550	Income Maintenance	3,914,000
99-7550	Management and Administrative Services	3,458,000*
	Total Appropriation, Division of Public Welfare	$11,564,000*

Personal Services:	
Salaries and wages	($5,969,000)
Materials and Supplies	(90,000)
Services Other Than Personal	(2,885,000)
Maintenance and Fixed Charges	(371,000)

Special Purpose:		
Work incentive program (State share)	(	973,000)
For transfer to the Division of Taxation for operation of wage reporting program	(	1,140,000)
Affirmative action and equal employment opportunity program	(	14,000)
Compensation awards	(	6,000)
Child support and paternity program	(	110,000)
Additions, Improvements and Equipment	(	6,000)

Receipts derived from counties and municipalities for data processing services and the unexpended balance of such receipts, as of June 30, 1984 are appropriated.

Any federal funds received for the direct or indirect costs incurred by the Division of Taxation for the operation of the wage reporting system shall be deposited in the General Fund.

Notwithstanding the provisions of C44:14–1 et seq., funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The unexpended balances as of June 30, 1984 in the Implementation of family assistance management information system (State share) (FAMIS) and the Implementation of automated child support enforcement system (State share) (ACSES) accounts are hereby appropriated.

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	$29,595,000
17-7570	Substitute Care	5,946,000*
18-7570	General Social Services	3,834,000
99-7570	Management and Administrative Services	8,259,000
	Total Appropriation, Division of Youth and Family Services	$47,984,000*

Personal Services:		
Salaries and wages	($38,236,000)	
Positions transferred from other departments	(12,000)	
Positions transferred from other Statewide programs	(15,000)	
Food in lieu of cash	(5,000)	
Materials and Supplies	(594,000)	
Services Other Than Personal	(1,934,000)	
Maintenance and Fixed Charges	(1,226,000)	
Special Purpose:		
County Human Services Advisory Board—formula funding	(322,000)	
County Human Services Advisory Board—formula funding	(3,613,000)	
Microfilm service charges	(100,000)	
Affirmative action and equal employment opportunity program	(50,000)	
Compensation awards	(7,000)	
Grants:		
Shelters for battered women	(468,000)	
Social services for the homeless	(1,350,000*)	
Additions, Improvements and Equipment	(52,000)	

On or before January 31, 1985 the Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during calendar year 1984. The report shall indicate the total

amount of funds made available to the Advisory Boards for allocation, list all providers receiving funds and how much funds were awarded, and list all providers whose application for funds was not approved and the reason for this non-approval.

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500	Management and Administrative Services	$10,533,000
	Total Appropriation, Division of Management and Budget	$10,533,000

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(7,154,000)
Materials and Supplies	(78,000)
Services Other Than Personal	(1,976,000)
Maintenance and Fixed Charges	(496,000)
Special Purpose:	
Contract auditing	(300,000)
Nursing scholarship program	(270,000)
Crisis intervention/patients' rights staff training	(15,000)
Affirmative action and equal employment opportunity program	(67,000)
Compensation awards	(7,000)
Additions, Improvements and Equipment	(100,000)

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520	Management and Field Services	$3,259,000
	Total Appropriation, Division of Veterans' Services	$3,259,000

Personal Services:	
Salaries and wages	($493,000)
Positions transferred from other agencies	(9,000)
Materials and Supplies	(4,000)
Services Other Than Personal	(23,000)
Maintenance and Fixed Charges	(16,000)
Special Purpose:	
Establish and operate a third nursing facility	(1,432,000)
Expansion of field office services	(450,000)
Vietnam veterans' special services council	(200,000)
Establish and operate a veterans' cemetery	(88,000)
Agent Orange Commission	(225,000)
Grants:	
Veterans' orphans' fund—education grants	(33,000)
Blind veterans' allowances	(46,000)
Paraplegic and hemiplegic veterans' allowances	(237,000)
Additions, Improvements and Equipment	(3,000)

7525 New Jersey Memorial Home for Disabled Soldiers at Menlo Park

20-7525	Domiciliary and Treatment Services	$5,157,000
98-7525	Physical Plant and Support Services	1,302,000
99-7525	Management and Administrative Services	754,000
	Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park	$7,213,000

Personal Services:	
Salaries and wages	($5,667,000)
Food in lieu of cash	(12,000)
Materials and Supplies	(1,075,000)
Services Other Than Personal	(261,000)
Maintenance and Fixed Charges	(71,000)

Special Purpose:		
Compensation awards	(30,000)	
Additions, Improvements and Equipment	(97,000)	

7530 New Jersey Memorial Home for Disabled Soldiers at Vineland

20-7530	Domiciliary and Treatment Services	$4,406,000
98-7530	Physical Plant and Support Services	1,468,000
99-7530	Management and Administrative Services	764,000
	Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland	$6,638,000

Personal Services:		
Salaries and wages	($5,268,000)	
Food in lieu of cash	(11,000)	
Materials and Supplies	(911,000)	
Services Other Than Personal	(300,000)	
Maintenance and Fixed Charges	(54,000)	
Special Purpose:		
Compensation awards	(30,000)	
Additions, Improvements and Equipment	(64,000)	
	Total Appropriation, Department of Human Services	$510,836,000*

Balances on hand as of June 30, 1984 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of such patients.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patient/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed $25.00 per month for any eligible resident of an institution and provided further that the total amount herein for such allowances shall not exceed $854,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget shall first be charged to the State Lottery Fund:

Operation of State psychiatric hospitals	($70,000,000)
Operation of developmental centers	(60,100,000)
Operation of homes for disabled veterans	(10,000,000)

DEPARTMENT OF INSURANCE

Economic Planning, Development and Security

52 Economic Regulation

01-3110	Licensing and Enforcement	$2,399,000
02-3120	Actuarial Services	1,427,000
03-3130	Regulation of the Real Estate Industry	883,000
99-3150	Management and Administrative Services	1,436,000
	Total Appropriation, Economic Regulation	$6,145,000

Personal Services:		
Commissioner	(	$70,000)
Salaries and wages	(	5,004,000)
Materials and Supplies	(	180,000)
Services Other Than Personal	(	789,000)
Maintenance and Fixed Charges	(	75,000)
Special Purpose:		
Compensation awards	(	10,000)
Affirmative action and equal employment opportunity program	(	7,000)
Additions, Improvements and Equipment	(	10,000)

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There is appropriated from receipts a sum in accordance with the limitations of C17:24–13, to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

Receipts in excess of those anticipated and the unexpended balances as of June 30, 1984 of such receipts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated to administer the New Jersey Insurance Fraud Prevention Act, C17:33A–1 et seq., such sums as prescribed by the act.

	Total Appropriation, Department of Insurance	$6,145,000

DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570	Planning and Research	$508,000
99-4565	Management and Administrative Services	3,157,000
	Total Appropriation, Economic Planning and Development	$3,665,000

Personal Services:		
Commissioner	(	$66,000)
Salaries and wages	(	1,467,000)
Positions transferred from other agencies	(	45,000)
Materials and Supplies	(	22,000)
Services Other Than Personal	(	179,000)
Maintenance and Fixed Charges	(	13,000)

Special Purpose:	
Statistical reporting (State share)	(75,000)
Data processing system	(1,738,000)
Affirmative action and equal employment opportunity program	(57,000)
Additions, Improvements and Equipment	(3,000)

The unexpended balance in the data processing system account as of June 30, 1984 is appropriated.

Of the amounts hereinabove for the data processing system account, an amount not to exceed $1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550	Promulgation and Licensing of Workplace Standards	$537,000
12-4550	Enforcement of Workplace Standards	3,825,684
	Total Appropriation, Economic Regulation	$4,362,684

Personal Services:	
Salaries and wages	($3,210,000)
Materials and Supplies	(63,000)
Services Other Than Personal	(355,000)
Maintenance and Fixed Charges	(195,000)
Special Purpose:	
Public Employees' Occupational Safety and Health Act (C34:6A–25 et al.)	(364,684)
Carnival-amusement ride safety advisory board	(1,000)
Safety Commission	(2,000)
On-site consultation (State share)	(130,000)
Mine Safety Training Act (State share)	(9,000)
Compensation awards	(11,000)
Additions, Improvements and Equipment	(22,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as shall be necessary for payments.

Receipts in excess of those anticipated from fees charged by the Division of Workplace Standards and the unexpended balance as of June 30, 1984 of such fees are appropriated.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of C34:5A–1 et seq.

53 Economic Assistance and Security

01-4510	Unemployment Insurance	$1,552,000
03-4520	State Disability Insurance Plan	9,596,000
04-4520	Private Disability Insurance Plan	1,873,000
05-4525	Workers' Compensation	4,597,000
06-4530	Special Compensation Fund	963,000
	Total Appropriation, Economic Assistance and Security	$18,581,000

Personal Services:	
Salaries and wages	($14,111,000)
Positions transferred from other agencies	(18,000)
Materials and Supplies	(824,000)
Services Other Than Personal	(1,841,000)
Maintenance and Fixed Charges	(562,000)
Special Purpose:	
For transfer to the Division of Taxation for wage reporting	(1,167,000)
Compensation awards	(29,000)
Additions, Improvements and Equipment	(29,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be payable out of the State Disability Benefits Fund and, in addition to the amounts

hereinabove, there are 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.

The amount hereinabove for Special Compensation Fund shall be payable out of such Fund and, notwithstanding the $12,500 limitation set forth in R.S. 34:15–95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of $50,000 from the excess in the Special Compensation Fund over the sum of $1,250,000 accumulated as of June 30, 1984.

The amounts hereinabove for the unemployment insurance program classification are appropriated from the Unemployment Compensation Auxiliary Fund.

Funds are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of paying interest on Title XII advances made to State unemployment funds.

Notwithstanding the provisions of R.S. 43:21–1 et seq., any employer who shall fail to pay Unemployment Compensation or Disability Insurance contributions due for any period on or before the date they are required by the Division of Unemployment and Disability Insurance to be paid, shall pay, in addition to the contribution, interest on the underpayment at a per annum rate of 5% above the average predominant prime rate as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due.

Such sums as may be necessary for expenses of administration under C54A:9–8.1 et al. for collection of unemployment insurance benefit overpayments shall be appropriated out of the Unemployment Compensation Auxiliary Fund.

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	$10,182,000
10-4545	Employment Development Services	640,000*
16-4555	Public Sector Labor Relations	1,700,000
17-4560	Private Sector Labor Relations	415,000
23-4538	Services for the Deaf	349,000
	Total Appropriation, Manpower and Employment Services	$13,286,000*

Personal Services:	
Board members (7)	($11,000)
Salaries and wages	(3,889,000)
Materials and Supplies	(55,000)
Services Other Than Personal	(620,000)
Maintenance and Fixed Charges	(52,000)
Special Purpose:	
Governor's committee to employ the handicapped	(75,000)
Services to clients (State share) .	(2,500,000)
Sheltered workshop support	(5,250,000)
Training grant (State share)	(4,000)
Work activity training center	(156,000)
Services to deaf clients	(23,000)
Fair Lawn School for the Deaf	(125,000)
Advisory council on the deaf	(1,000)
Compensation awards	(1,000)
Grants:	
Customized Training	(500,000)
Additions, Improvements and Equipment	(24,000)

The sum hereinabove for the vocational rehabilitation services program classification is available for the payment of obligations applicable to prior fiscal years.

A sum of $4,000,000 is held in reserve in the Unemployment Compensation Auxiliary Fund for employment and training programs for the working poor, subject to the enactment of enabling legislation.

The unexpended balance, not to exceed $150,000, as of June 30, 1984 in the vocational rehabilitation services account is appropriated.

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.

The unexpended balance in the Governor's Employment and Training Initiative special purpose account as of June 30, 1984 is appropriated.

Of the amounts hereinabove for the employment development services account, an amount not to exceed $640,000 for the Office of Customized Training is appropriated from the Unemployment Compensation Auxiliary Fund.

	Total Appropriation, Department of Labor	$39,894,684*

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

01-1110	Licensing and Registration	$12,080,000
02-1110	Vehicle Control and Driver Testing	26,543,000
03-1110	Driver Control	4,537,000
04-1140	Security Responsibility	5,297,000
05-1150	Unsatisfied Claims	721,000
99-1110	Management and Administrative Services	3,698,000
	Total Appropriation, Vehicular Safety	$52,876,000

Personal Services:

Salaries and wages	($30,108,000)
Positions established from lump sum appropriation	(1,170,000)
Positions established in lieu of appropriated revenue	(60,000)

Materials and Supplies	(2,623,000)
Services Other Than Personal	(9,571,000)
Maintenance and Fixed Charges	(1,103,000)
Special Purpose:	
Fatal accident reporting system—Control	(170,000)
Vehicle inspection annual program	(1,497,000)
Emissions analyzers	(300,000)
Public inspection station expansion	(5,000,000)
Microfilm service charges	(152,000)
Affirmative action and equal employment opportunity program	(8,000)
Compensation awards	(107,000)
Indirect costs	(286,000)
Additions, Improvements and Equipment	(721,000)

In addition to the amounts hereinabove, there are appropriated from driver license and motor vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers, and production of license plates under RS 39:3–3 and RS 39:10–25, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Fatal accident reporting system account as of June 30, 1984 is appropriated.

The amount hereinabove for Security Responsibility shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under C39:6–59, and any receipts in excess of the amount hereinabove are appropriated to defray additional cost of administration of the Security Responsibility Program.

The amount hereinabove for unsatisfied claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such fund additional sums as may be necessary for the payment of claims under

C39:6–67, and for such additional costs as may be required to administer the program pursuant to C39:6–62 et seq.

Receipts derived pursuant to C39:3–10g, with respect to motor vehicle driver licenses with color photographs and the unexpended balance as of June 30, 1984 of such receipts are appropriated to defray the cost of operation.

Receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act—Merit Rating System Surcharge Program of 1982, C17:29A–33 et al., are appropriated for the purposes of the act. The unexpended balances as of June 30, 1984 in the Motor vehicles administrative expense account shall lapse to the General Fund.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	$61,923,000
07-1200	Police Services and Public Order	11,003,000
08-1200	Emergency Services	621,000
09-1020	Criminal Justice	9,737,000
10-1040	Police Training Commission	401,000
11-1050	State Medical Examiner	1,494,000
23-1200	State Capitol Complex Security	2,814,000
24-1200	Marine Police Operations	3,269,000
99-1200	Management and Administrative Services	8,507,000
	Total Appropriation, Law Enforcement	$99,769,000

Personal Services:	
Salaries and wages	($68,345,000)
Positions established from lump sum appropriation	(366,000)
Positions transferred from other Statewide programs	(28,000)
Positions converted	(99,000)
Cash in lieu of maintenance	(7,586,000)
Materials and Supplies	(6,902,000)
Services Other Than Personal	(6,953,000)
Maintenance and Fixed Charges	(2,191,000)

Special Purpose:
Medical-evacuation helicopter replacement ..... (825,000)
Expenses of State Grand Jury .... (215,000)
State police recruit training ..... (809,000)
Affirmative action and equal employment opportunity program ..... (141,000)
Compensation awards ..... (243,000)
Medicaid fraud investigation—
State match ..... (550,000)
Marine Police seasonal patrols .... (250,000)
Additions, Improvements and Equipment ..... (4,266,000)

There are appropriated out of the General Fund such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act, C56:9–1 et seq., and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1984, in Patrol Activities and Crime Control, Police Services and Public Order, State Capitol Complex Security and Management and Administrative Services program classifications are appropriated for State Police recruit training.

Receipts in excess of $500,000 derived from audits conducted to insure compliance with the Private Detective Act of 1939, C45:19–8 et seq., are appropriated to defray the cost of this activity.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense volunteers for the purpose of C.App.A:9–57.1 et seq.

Of the amount hereinabove for Marine Police Operations, $1,800,000 shall be payable out of receipts pursuant to the New Jersey Boat Act of 1962, C12:7–34.36 et seq.

The unexpended balances, not to exceed $200,000 as of June 30, 1984 in the Marine Police Operations account are appropriated for the same purpose.

Receipts derived from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to C13:1E–126 et al. are appropriated to the Division of State Police to defray the cost of administration of that act.

The unexpended balance as of June 30, 1984 in the medical-evacuation helicopter replacement account is appropriated for the same purpose.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such cost 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 and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

There are appropriated to the Division of State Police all receipts, or portions thereof, charged for the processing of non-criminal justice applications for fingerprint records and name search inquiries by the Federal Bureau of Investigation or the Division of State Police.

There are appropriated to the Division of State Police all registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel.

The unexpended balance in the Missing Persons Unit (C52:17B–9.7) account is appropriated.

Receipts received pursuant to the assessment of electric utility companies under C26:2D–37 et seq. in an amount of $2,567,000 together with the unexpended balance of such receipts as of June 30, 1984, are appropriated for nuclear emergency response; the expenditure which shall be subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	$745,000
18-1430	Law Enforcement Planning	1,543,000
20-1450	Review and Enforcement of Ethical Standards	125,000
21-1400	Regulation of Alcoholic Beverages	1,237,000
22-1410	Regulation of Racing Activities	1,914,000
	Total Appropriation, Special Law Enforcement Activities	$5,564,000

Personal Services:	
Salaries and wages	($3,090,000)
Materials and Supplies	(127,000)
Services Other Than Personal	(506,000)
Maintenance and Fixed Charges	(61,000)
Special Purpose:	
Payment to members of the Election Law Enforcement Commission, per diem amount	(24,000)
Action grants—(State match)	(600,000)
Administration of SLEPA	(193,000)
Garden State Racetrack opening	(199,000)
Speedy Trial Program, backlog reduction	(750,000)
Compensation awards	(8,000)
Additions, Improvements and Equipment	(6,000)

The unexpended balance as of June 30, 1984 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; and any remaining balance in the

administration of SLEPA account is placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from amusement games control fees such sums as may be necessary to defray the cost of administering the provisions of C5:8–78 et seq., the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from receipts derived from racing activities an amount not to exceed $128,000 for costs attributed to computerized licensing, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1984 in the New Jersey Commission to Deter Criminal Activity—State Match Account is appropriated for the same purpose.

The unexpended balance in the Commission on Missing Persons (C52:17B–9.9) account is appropriated.

19 Central Planning, Direction and Management

99-1000	Management and Administrative Services	$2,236,000
	Total Appropriation, Central Planning, Direction and Management	$2,236,000
	Personal Services:	
	Attorney General	($70,000)
	Salaries and wages	(1,748,000)
	Materials and Supplies	(86,000)
	Services Other Than Personal	(189,000)
	Maintenance and Fixed Charges	(95,000)
	Special Purpose:	
	Affirmative action and equal employment opportunity program	(48,000)

There are appropriated out of the Veterans' Guaranteed Loan Fund created under C38:23B–1 such sums as may be necessary to pay for the administration thereof.

Government Direction, Management and Control

74 General Government Services

12-1010	Legal Services	$8,593,000
	Total Appropriation, General Government Services	$8,593,000

Personal Services:		
Salaries and wages	($7,113,000)	
Positions transferred from other Statewide programs	(55,000)	
Materials and Supplies	(328,000)	
Services Other Than Personal	(905,000)	
Maintenance and Fixed Charges	(168,000)	
Special Purpose:		
Compensation awards	(10,000)	
Additions, Improvements and Equipment	(14,000)	

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

Special Government Services

82 Protection of Citizens' Rights

14-1310	Consumer Affairs	$2,962,000
15-1320	Board of Accountancy	714,000
15-1321	Board of Architects	160,000
15-1322	Board of Dentistry	262,000
15-1323	Board of Mortuary Science	124,000
15-1324	Board of Professional Engineers and Land Surveyors	322,000

15-1325	Board of Medical Examiners	1,034,000
15-1326	Board of Nursing	938,000
15-1327	Board of Optometrists	83,000
15-1328	Board of Pharmacy	305,000
15-1329	Board of Veterinary Medical Examiners	50,000
15-1330	Board of Shorthand Reporting	12,000
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	66,000
15-1332	Board of Beauty Culture Control	472,000
15-1333	Board of Professional Planners	118,000
15-1334	Board of Examiners of Electrical Contractors	224,000
15-1335	Board of Psychological Examiners	56,000
15-1336	Board of Examiners of Master Plumbers	268,000
15-1337	Board of Marriage Counselor Examiners	38,000
15-1338	Board of Barber Examiners	122,000
15-1339	Board of Public Movers and Warehousemen	102,000
15-1340	Board of Physical Therapy	80,000
16-1350	Protection of Civil Rights	2,442,000
19-1440	Violent Crimes Compensation	2,800,000
	Total Appropriation, Protection of Citizens' Rights	$13,754,000

Personal Services:	
Salaries and wages	($7,050,000)
Materials and Supplies	(342,000)
Services Other Than Personal	(3,456,000)
Maintenance and Fixed Charges	(660,000)
Special Purpose:	
Kosher food law, C2C:21–7.1	(90,000)
Hearing Aid Dispensers Examining Committee	(2,000)
Excessive fee review committee	(2,000)
Civil Rights telephone hotline	(80,000)
Claims—victims of violent crimes	(2,000,000)
Compensation awards	(1,000)
Additions, Improvements and Equipment	(71,000)

Receipts derived from the assessment and recovery of costs of hearings, conducted pursuant to the Consumer Fraud Act, are appropriated for such purpose.

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 amounts specifically provided to each of said boards are appropriated.

The sum hereinabove for Claims—Victims of violent crimes shall be available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties under C2C:43–3.1 and the unexpended balance as of June 30, 1984 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to C52:4B–1 et seq. and a sum not to exceed $400,000 shall be available for related administrative costs, including the victims' counseling service, C52:4B–25, and the claims adjudication program revised pursuant to P. L. 1983, c. 86.

Of the sum hereinabove appropriated for Consumer Affairs, not more than $42,000 shall be available to compensate the position of State Athletic Commissioner.

Receipts in excess of those anticipated for the Office of the State Athletic Commissioner are appropriated.

Total Appropriation, Department of Law and Public Safety	$182,792,000

DEPARTMENT OF THE PUBLIC ADVOCATE

Government Direction, Management and Control

76 Management and Administration

99-8480	Management and Administrative Services	$1,496,000
	Total Appropriation, Management and Administration	$1,496,000

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(1,034,000)
Positions transferred from other Statewide programs	(63,000)
Materials and Supplies	(64,000)
Services Other Than Personal	(113,000)
Maintenance and Fixed Charges	(63,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(39,000)
Microfilming services	(50,000)

Special Government Services

82 Protection of Citizens' Rights

01-8310	Mental Health Advocacy	$1,445,000
02-8320	Public Interest Advocacy	489,000
03-8330	Citizens' Complaints and Dispute Settlement	688,000
04-8410	Trial Services to Indigents and Special Programs	20,740,000
05-8420	Appellate Services to Indigents	3,478,000
06-8430	Public Defender Administration	900,000
08-8350	Advocacy for the Developmentally Disabled	234,000
	Total Appropriation, Protection of Citizens' Rights	$27,974,000

Personal Services:	
Salaries and wages	($18,682,000)
Positions established from lump sum appropriation	(363,000)
Positions converted	(87,000)
Positions transferred from other Statewide programs	(110,000)
Materials and Supplies	(427,000)
Services Other Than Personal	(5,231,000)
Maintenance and Fixed Charges	(321,000)

Special Purpose:		
Death penalty public defender—trial	(2,245,000)	
Death penalty public defender—appellate	(374,000)	
Public Dispute Resolution Center	(70,000)	
Compensation awards	(31,000)	
Additions, Improvements and Equipment	(33,000)	

Receipts from rate counsel services and the unexpended balance as of June 30, 1984 of such receipts are appropriated for the purpose of defraying the cost of operation of the rate counsel program classification and an amount not to exceed 20% of departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1984 of such receipts are appropriated.

The sum hereinabove for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of the Public Advocate	$29,470,000

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530	New Jersey State Council on the Arts	$4,682,000
06-2535	Museum Services	1,659,000
07-2540	Development of Historical Resources	627,000
	Total Appropriation, Cultural and Intellectual Development Services	$6,968,000

Personal Services:		
Salaries and wages	($1,731,000)	
Positions transferred from another department	(23,000)	
Materials and Supplies	(127,000)	
Services Other Than Personal	(162,000)	
Maintenance and Fixed Charges	(46,000)	

Special Purpose:	
Hunterdon Arts Center	(35,000)
Newark Community School of the Arts	(100,000)
Cultural projects	(4,330,000)
Council member expenses	(2,000)
Acquisition of art and historical objects	(60,000)
Accreditation requirements	(55,000)
Oral history program	(27,000)
William Livingston Papers	(58,000)
Folk life and ethnic history programs	(22,000)
Grants in New Jersey history	(100,000)
Afro-American history	(75,000)
Compensation awards	(2,000)
Additions, Improvements and Equipment	(13,000)

The State 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 several regional centers of the State.

Funds derived from the sale of collections and Museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505	Administration	$1,181,000
08-2505	Records Management	1,043,000
09-2505	Commercial Recording	1,760,000
	Total Appropriation, Office of the Secretary of State	$3,984,000

Personal Services:	
Secretary of State	($66,000)
Salaries and wages	(2,337,000)
Positions transferred from other Statewide programs	(33,000)
Materials and Supplies	(122,000)
Services Other Than Personal	(605,000)
Maintenance and Fixed Charges	(50,000)
Special Purpose:	
Voter registration	(225,000)
Voter declaration	(4,000)
Affirmative action and equal employment opportunity program	(32,000)
Office of Ethnic Affairs	(100,000)
Nonprofit corporations	(250,000)
Microfilm service charges	(132,000)
Additions, Improvements and Equipment	(28,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1984 of such receipts are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1984 are appropriated for the costs of over-the-counter corporate service.

2515 Adjudication of Administrative Appeals

03-2515	Adjudication of Administrative Appeals	$6,209,000
	Total All Operations	$6,209,000

Personal Services:	
Salaries and wages	($4,674,000)
Materials and Supplies	(279,000)
Services Other Than Personal	(881,000)
Maintenance and Fixed Charges	(72,000)

Special Purpose:	
Special education student placement hearings	(150,000)
Affirmative action and equal employment opportunity program	(9,000)
Compensation awards	(5,000)
Additions, Improvements and Equipment	(139,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Civil Service Commission in the State Compensation Plan.

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1984 of such receipts are appropriated for the preparation, printing and distribution of such publications.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund from any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.

Funds from the New Jersey Merit Rating System Surcharge account are appropriated for hearing costs for cases, in excess of 1,000, arising from the New Jersey Automobile Insurance Reform Act of 1982, C17:29A-33 et al., subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State	$17,161,000

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

06-6100	Roadway and Bridge Maintenance	$43,132,000
07-6110	Electrical and Traffic Operations	17,717,000
08-6120	Physical Plant	4,586,000
09-6130	Equipment Maintenance and Operations .	19,651,000
71-6200	Transportation Construction Engineering	22,242,000
	Total Appropriation, State Highway Facilities	$107,328,000

Personal Services:
Salaries and wages ..... ($65,103,000)
Positions transferred from other Statewide programs ..... (37,000)
Materials and Supplies ..... (12,235,000)
Services Other Than Personal ..... (4,151,000)
Maintenance and Fixed Charges .... (16,414,000)
Special Purpose:
Traffic signals, signs, lighting and safety improvements ..... (1,511,000)
Additions, Improvements and Equipment ..... (7,877,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

The Department shall be permitted to transfer, in an amount as approved by the Director of the Division of Budget and Accounting, funds previously appropriated for State highway projects, from the Transportation Rehabilitation and Improvement Fund created under P. L. 1979, c. 165 for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

62 Public Transportation

04-6050	Railroad and Bus Operations	$160,000,000
05-6070	Aeronautics	480,000
	Total Appropriation, Public Transportation	$160,480,000

Personal Services:	
Salaries and wages	($365,000)
Positions transferred from other Statewide programs	(32,000)
Materials and Supplies	(23,000)
Services Other Than Personal	(42,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Passenger service subsidies for bus operations	(71,516,000)
Administration of New Jersey Transit Corporation	(11,400,000)
Reimbursement to bus companies for students' reduced fare program	(859,000)
Reduced fare for motor bus transportation services to elderly and handicapped citizens	(8,700,000)
Promotion of public transit ridership	(1,396,000)
Passenger service subsidies for rail operations	(66,129,000)
Additions, Improvements and Equipment	(5,000)

Revenues derived from the New Jersey Airport Safety Act of 1983, C6:1–89 et seq., are hereby appropriated for those purposes intended.

64 Planning and General Management Support

02-6030	Planning	$1,391,000
03-6040	Research and Demonstration	578,000
97-6020	Financial Management	4,695,000
98-6010	Employee and Support Services	5,143,000
99-6000	Management and Administrative Services	4,290,000
	Total Appropriation, Planning and General Management Support	$16,097,000

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(10,488,000)
Positions transferred from other Statewide programs/institutions	(638,000)

Materials and Supplies	(	246,000)
Services Other Than Personal	(	2,431,000)
Maintenance and Fixed Charges	(	156,000)
Special Purpose:		
Comprehensive highway transportation planning studies	(	50,000)
Public transportation and aviation planning	(	150,000)
Metropolitan planning studies	(	160,000)
Microfilm service charges	(	69,000)
Affirmative action and equal employment opportunity program	(	435,000)
Compensation awards	(	1,020,000)
Additions, Improvements and Equipment	(	184,000)

Of the amount hereinabove appropriated for planning, such sums as are required shall be provided to conduct a study, to be completed within six months, of State assumption of the operational management of the Port Authority Transit Corporation.

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program may be transferred to this account for expenditure.

The unexpended balances as of June 30, 1984 in the Planning and Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1984, 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 appropriated.

Total Appropriation, Department of Transportation	$283,905,000

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 Di-

vision of Budget and Accounting, first shall be charged to the Transportation Fund established in such act.

Receipts from fees collected by the Department of Transportation in excess of those anticipated are appropriated.

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

72 Governmental Review and Oversight

03–2015	Employee Relations and Collective Negotiations	$512,000
05–2030	Budget Planning and Control	2,731,000
07–2040	Accounting and Fiscal Management	7,746,000
08–2045	Management of Technology	1,920,000
	Total Appropriation, Governmental Review and Oversight	$12,909,000

Personal Services:	
Salaries and wages	($7,923,000)
Materials and Supplies	(285,000)
Services Other Than Personal	(4,623,000)
Maintenance and Fixed Charges	(77,000)
Additions, Improvements and Equipment	(1,000)

There are appropriated out of receipts derived from the investment of State funds such sums as may be necessary for bank service charges.

Such sums as may be necessary for the payment of debt service administrative costs are appropriated from the investment earnings of general obligation bond proceeds.

Such sums as may be necessary for administrative expenses incurred in processing Federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed

under the several bond acts of the State are appropriated for the purposes and from the sources defined in the acts.

There is appropriated a sum, not to exceed $76,000 for administering of the New Jersey State Employees' Deferred Compensation Plan created under C52:18A–163 et seq.; provided, however, that such sum is appropriated as a loan to the New Jersey State Employees' Deferred Compensation Board, if and as requested by the Board, with any amount so appropriated to be repaid by the participants in the plan in accordance with a repayment schedule which the Board shall establish.

73 Financial Administration

13–2070	Special Procedures and Investigations	$7,779,000
14–2075	Tax Audit Services	13,643,000
15–2080	Processing and Administration	10,338,000
19–2120	Management of State Investments	1,779,000
	Total Appropriation, Financial Administration	$33,539,000

Personal Services:	
Salaries and wages	($26,750,000)
Materials and Supplies	(935,000)
Services Other Than Personal	(4,715,000)
Maintenance and Fixed Charges	(633,000)
Special Purpose:	
Out-of-State audits	(102,000)
Farmland act administration	(6,000)
Compensation awards	(64,000)
Additions, Improvements and Equipment	(334,000)

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 appropriated.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes as amended and supplemented.

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 appropriated from the receipts thereof.

There are appropriated, out of the State Lottery Fund, such sums as may be necessary for costs required to implement C5:9–1 et seq. and for payment of commissions, prizes and expenses of developing games pursuant to C5:9–7.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are 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 under C52:18–16.1.

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

74 General Government Services

09–2050	General Services Administration, Purchasing and Inventory Management	$3,785,000
10–2055	General Services Administration, Physical Plant Operation and Maintenance	8,896,000
11–2060	General Services Administration, Other Property Management	791,000
12–2065	General Services Administration, Construction Management	3,557,000
24–2061	General Services Administration, Real Property Management	91,000
21–2140	Management of Employee Benefits Program	9,389,000
	Total Appropriation, General Government Services	$26,509,000

Personal Services:		
Salaries and wages	($15,343,000)	
Positions transferred from another Statewide program	(359,000)	
Materials and Supplies	(4,733,000)	
Services Other Than Personal	(4,910,000)	
Maintenance and Fixed Charges	(560,000)	
Special Purpose:		
Energy efficient procurement practices	(10,000)	
Compensation awards	(65,000)	
Electrical transformer and other repairs to the State House and Annex	(450,000)	
Additions, Improvements and Equipment	(79,000)	

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the construction management services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

A sum not to exceed $269,000, 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.

There are appropriated from receipts from employee maintenance charges an amount not to exceed $91,000 for costs of the employee housing management, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for needs related to the implementation of improvements to the administrative systems of the Division of Pensions, including improvements to internal controls, systems and data processing.

There are appropriated, out of the New Jersey Spill Compensation Fund, such sums as may be required for hiring adjusters, administering the Fund and paying approved claims for damages.

There are appropriated out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

2050–321–09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1984, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under RS 52:25–1

et seq., and for expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

2000–301–43 Print Shop

The Director of the Division of Budget and Accounting is 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.

2064–443–62, 444–66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1984 and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to C52:18A–19.6.

76 Management and Administration

01–2005	Federal Liaison Activity	$100,000
98–2006	Public Contracts Affirmative Action Office	525,000
99–2000	Management and Administrative Services	28,674,000*
	Total Appropriation, Management and Administration	$29,299,000*

Personal Services:	
State Treasurer	($70,000)
Salaries and wages	(1,984,000)
Materials and Supplies	(93,000)
Services Other Than Personal	(338,000)
Maintenance and Fixed Charges	(90,000)
Special Purpose:	
Office of Management Services	(250,000)
Federal Liaison Office—Washington, D.C.	(100,000)
Networking of data processing centers	(26,000,000)
Debt collection and financial administration	(329,000)

Affirmative action and equal employment opportunity program	(20,000)	
Compensation awards	(10,000)	
Additions, Improvements and Equipment	(15,000)	

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1984 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of C34:5A–1 et seq.

Total Appropriation, Department of the Treasury	$102,256,000*

MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03–9130	Interstate Sanitation Commission	$275,000
	Total Appropriation, Interstate Sanitation Commission	$275,000

Special Purpose:
Expenses of Commission ($275,000)

9140 Delaware River Basin Commission

02–9140	Delaware River Basin Commission	$443,000
	Total Appropriation, Delaware River Basin Commission	$443,000

Special Purpose:
Expenses of Commission ($443,000)

44 Hazardous and Toxic Pollution Control

9160 Northeast Interstate Low-Level Radioactive Waste Commission

The unexpended balance as of June 30, 1984 in the account for the expenses of the Commission is appropriated.

Transportation Services

61 State Highway Facilities

9120 Delaware River Joint Toll Bridge Commission

07–9120	Delaware River Joint Toll Bridge Commission	$2,110,000
	Total Appropriation, Delaware River Joint Toll Bridge Commission	$2,110,000
	Personal Services:	
	Salaries and wages	($1,308,000)
	Materials and Supplies	(85,000)
	Services Other Than Personal	(228,000)
	Maintenance and Fixed Charges	(43,000)
	Special Purpose:	
	Other special purpose	(30,000)
	Additions, Improvements and Equipment	(416,000)

Government Direction, Management and Control

72 Governmental Review and Oversight

9150 New Jersey Commission on Capital Budgeting and Planning

08–9150	New Jersey Commission on Capital Budgeting and Planning	$136,000
	Total Appropriation, New Jersey Commission on Capital Budgeting and Planning	$136,000
	Special Purpose:	
	Expenses of Commission	($136,000)
	Total Appropriation, Miscellaneous Executive Commissions	$2,964,000

New Jersey State Library

INTER-DEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400	Property Rentals	$61,023,000
02-9400	Insurance and Other Services	3,800,000
	Total Appropriation, Property Rentals, Insurance and Other Services	$64,823,000

Maintenance and Fixed Charges ($61,023,000)

Special Purpose:

Excess liability insurance master policy	(300,000)
Tort Claims Liability Fund, N. J. S. 59:12-1	(3,000,000)
Self-insurance fund	(500,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 1984 in the Tort Claims Liability Fund account created by N. J. S. 59:12–1 is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N. J. S. 59:12–1, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N. J. S. 59:12–1 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 unexpended balances as of June 30, 1984 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, or for reallocation to departments based on loss experience.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410	Employee Benefits	$484,692,000
	Total Appropriation, Employee Benefits	$484,692,000

Special Purpose:

Heath Act	($50,000)
Veterans' Act	(100,000)
Miscellaneous special acts	(9,000)
Annuity for Governors' Widows	(8,000)
Judicial Retirement System	(7,800,000)
Prison Officers' Pension Fund	(2,320,000)
Public Employees' Retirement System	(106,725,000)
Social Security tax	(128,300,000)
State Police Retirement System	(17,414,000)
Police and Firemen's Retirement System, C43:16A–1 et seq.	(6,800,000)

Police and Firemen's Retirement System (P. L. 1979, c. 109)	(8,000,000)
Pension Adjustment Act	(29,000,000)
Employer contributions, alternate benefit program	(21,000,000)
Pension and non-contributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(5,000,000)
Dental care program, shared cost	(9,200,000)
State employees' health benefits	(123,000,000)
Prescription drug program	(8,400,000)
Unemployment insurance—employer liability	(5,060,000)
Temporary disability insurance	(3,006,000)
Vision care	(1,500,000)
Accrued liability—1984 pension interest payments	(2,000,000)

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 P. L. 1955, c. 190.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the system not later than June 30, 1985 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, 1984 through the date of such payment.

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.

Such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated from investment earnings.

The amount hereinabove for the prescription drug program is based upon a co-payment of $3.50 for each eligible prescription.

Of the amount hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Fund upon reimbursement from local public employers.

9420 State Contingency Fund

04-9420	State Contingency Fund	$27,625,000*
	Total Appropriation, State Contingency Fund	$27,625,000*

Special Purpose:

To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of $5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State ..... ($2,000,000)

Continuation and expansion of data processing systems	(21,100,000)
Contingencies, including fuel, food and services	(1,500,000)
Minority Opportunity Enhancement Fund	(500,000)
Productivity improvements	(50,000)
Compensation awards	(100,000)
Restoration to Emergency Services Fund	(500,000)
Three Mile Island—New Jersey contribution	(1,875,000)

The unexpended balance as of June 30, 1984 in the productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost-saving processes or other productivity improvements may be transferred to the productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

The unexpended balance as of June 30, 1984 in the continuation/expansion of data processing systems account is appropriated for the same purpose.

The unexpended balance as of June 30, 1984 in the Three Mile Island account is appropriated for the same purpose.

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Revenue in excess of that anticipated resulting from the implementation of a revenue producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

9430 Salary and Other Benefits

05-9430	Salary and Other Benefits	$112,800,000
	Total Appropriation, Salary and Other Benefits	$112,800,000

Special Purpose:
Unused accumulated sick leave payments ..... ($3,800,000)
Salary and benefits increases ..... (108,000,000)
Personnel Policy Improvements, Expanded Health Benefits, Handicapped Dependents ..... (1,000,000)

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

The State Treasurer, the President of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the biweekly pay period nearest July 1, 1984 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations to the Subcommittee on Personnel of the Joint Appropriations Committee.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey 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.

Total Appropriation, Inter-Departmental Accounts	$689,940,000*

THE JUDICIARY

Public Safety and Criminal Justice

15 Judicial Services

01-9710	Supreme Court	$2,366,000
02-9715	Superior Court—Appellate Division	5,924,000
03-9720	Civil Courts	18,380,000
04-9725	Criminal Courts	8,679,000
05-9730	Family Part of the Superior Court	4,309,000*
06-9735	Municipal Courts	350,000
07-9740	Probation Services	2,211,000
08-9745	Court Reporting	7,377,000
09-9750	Legal and Professional Services	553,000
10-9755	Information Services	4,343,000
11-9760	Field Operations	825,000
12-9765	Management and Administration	3,028,000
	Total Appropriation, Judicial Services	$58,345,000*

Personal Services:	
Chief Justice	($80,000)
Associate Justices (6 @ $78,000)	(468,000)
Judges (245)	(17,165,000)
Salaries and wages	(23,015,000)
New positions	(585,000)
Materials and Supplies	(1,538,000)
Services Other Than Personal	(5,961,000)
Maintenance and Fixed Charges	(492,000)
Special Purpose:	
Juvenile Delinquency Disposition Commission	(300,000)
Rules development	(50,000)

Implementation of the Family Part of the Superior Court (C2A:4–3a et seq.)	(2,603,000)	
County District Court Judges	(2,048,000)	
New Jersey Criminal Disposition Commission	(100,000)	
Family crisis intervention	(225,000*)	
Affirmative action and equal employment opportunity program	(80,000)	
Compensation awards	(59,000)	
Child support and paternity program (State share)	(219,000)	
Intensive probation supervision	(600,000)	
Community Service Program	(650,000)	
Computerized County Jail Information System	(250,000)	
Speedy Trial Program, case processing improvement	(500,000)	
Automobile arbitration	(1,100,000)	
Additions, Improvements and Equipment	(257,000)	
Total Appropriation, Judiciary		$58,345,000*

The unexpended balance as of June 30, 1984 in this account is appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund and the Board of Trial Attorney Certification and Attorney Regulation Fund for services provided to those funds are appropriated.

Total Appropriation, Direct State Services	$2,935,650,355*

STATE AID

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development—State Aid

20-2800	Economic Development	$1,487,000
	Total Appropriation, Department of Commerce and Economic Development	$1,487,000

State Aid:

Debt Service Reserve Fund requirement under C12:11A–14	($1,372,000)
Property Tax Reserve Fund requirement under C12:11A–20	(115,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the Debt Service Reserve Fund under C12:11A–14 and the Property Tax Reserve Fund under C12:11A–20, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020	Housing Services	$3,600,000
04-8030	Local Government Services	80,966,338*
06-8015	Uniform Construction Code	42,000
	Total Appropriation, Community Development Management	$84,608,338*

State Aid:

Revolving Housing Development and Demonstration Grant Fund	($500,000)
Relocation assistance	(600,000)
Neighborhood preservation	(2,500,000)
Municipal aid pursuant to C52:27D–178 et seq.	(39,693,000)
Safe and clean neighborhoods	(24,711,000)
Aid to depressed rural centers	(487,000)
County welfare equalization	(15,000,000*)
Special municipal and safe and clean aid	(450,000)
Tax collectors' training	(50,000)
Municipal finance officers' training	(50,000)
Municipal memberships in building code association	(42,000)

Aid to depressed rural centers:	
Califon	(9,465)
Hamburg	(15,873)
Payment to City of Newark to raze vacant buildings	(500,000*)

Of the sum hereinabove for neighborhood preservation, a sum not to exceed $300,000 may be used as the State match for the Small Cities Block Grant Program, and a sum not to exceed $400,000 may be used for administration of the neighborhood preservation program.

The unexpended balance as of June 30, 1984, not to exceed $100,000, in the relocation assistance account is appropriated.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed $75,000 may be used for administrative and technical assistance.

Notwithstanding the provisions of C52:27D–165, the amount hereinabove for aid to depressed rural centers shall be distributed in the same amount and to the same municipalities which received such aid in calendar year 1983.

Notwithstanding the provisions of C52:27D–162 et seq., the amount hereinabove for aid to depressed rural centers shall be used to provide State aid under the Depressed Rural Centers Aid Act.

The amount hereinabove for Aid to Depressed Rural Centers for Califon and Hamburg shall be paid on or before October 1, 1984.

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 promulgated by the department.

Notwithstanding the provisions of C44:14–1 et seq., funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

Notwithstanding the provisions of C52:27D–118.1 et seq., $3,500,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 84,000; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that this allocation and its matching amount shall be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the Local Government Supervision Act (1947), C52:27BB–54 et seq., are in effect, may be pledged as a guarantee for payment of principal of and interest on any bond anticipation notes issued pursuant to NJS 40A:2–8 and any tax anticipation notes issued pursuant to NJS 40A:4–64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal of and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	$2,625,000*
08-8060	Programs for the Aging	1,628,000
	Total Appropriation, Related Social Services Programs	$4,253,000*

State Aid:

State Legal Services	($850,000*)
Recreation for the handicapped	(150,000)
Office of Hispanic Affairs	(650,000)
Special Olympics	(125,000)
County offices on aging	(420,000)
Older Americans' Act (State share)	(1,208,000)
Cultural development for ethnic groups	(120,000)
Grant to the North Ward Center	(120,000)
Grant to Newark South Ward Boys' Club	(150,000)
International Youth Organization	(150,000)
Grant to Plainfield Community Center	(160,000)
Newark Fresh Air Fund	(150,000)

Government Direction, Management and Control

76 Management and Administration—State Aid

99-8070	Management and Administrative Services	$3,250,000*
	Total Appropriation, Management and Administrative Services	$3,250,000*

State Aid:

Hackensack Meadowlands Development Commission:	
Municipal Committee	($50,000*)
Debt Service	(400,000)
Commission Operations	(2,380,000)
Special Capital Projects	(400,000)

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 Fund and only the amount hereinabove is appropriated for the Hackensack Meadowlands Development Commission; provided, however, that such amounts necessary for the payment of principal and interest for outstanding notes are appropriated, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting; provided further, however, that if receipts are not adequate, the amount hereinabove may, at the discretion of the State Treasurer, be considered to be a loan from the General Fund to be repaid at such interest rate as the Treasurer may establish.

Total Appropriation, Department of Community Affairs	$92,091,338*

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

02-5120	Non-Public School Aid	$29,503,000
03-5120	Miscellaneous Grants-in-Aid	6,475,000*
04-5030	Adult and Continuing Education	4,084,000
07-5120	Special Education	21,956,000
	Total Appropriation, Direct Educational Services and Assistance	$62,018,000*

State Aid:

Aid to non-public education	($4,179,000)
Non-public nutrition aid	(430,000)
Non-public handicapped aid	(10,037,000)
Non-public auxiliary services aid	(14,490,000)
Non-public auxiliary services aid—transportation	(367,000)
Emergency fund	(200,000)

Public School Safety Act	(	2,500,000)
Educational Information and Resource Center	(	525,000*)
Pupil attendance improvement program	(	400,000)
Magnet School Program, Montclair public schools	(	250,000*)
Alternative programs for disruptive pupils	(	600,000)
Computer literacy and training	(	2,000,000)
Evening school for the foreign born	(	253,000)
High school equivalency	(	1,463,000)
Adult education	(	1,137,000)
Adult literacy	(	1,231,000)
Projects for handicapped infants	(	6,956,000)
County special services districts	(	15,000,000)

Of the amount hereinabove for current expense equalization aid, an amount equal to the total earnings on investments of the School Fund shall first be charged to such Fund.

With respect to the amount hereinabove for nonpublic auxiliary services aid—transportation, the department is authorized to allocate this amount to local school districts to provide transportation services to students who are eligible to receive the services (NJS 18A:46A–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.

In the event that sufficient funds are not appropriated to fully fund NJS 18A:50–7, Supervisors of Adult Education in local school districts, the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

The amount hereinabove for non-public auxiliary services to provide compensatory education services, and to provide supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability, shall be apportioned to local school districts by multiplying the Statewide average cost of providing such services to children enrolled in the public schools by the actual number of pupils enrolled in the non-public schools who were eligible to receive such services on June 30, 1983, adjusted by the number of pupils identified in the non-public schools requiring services as of June 30, 1984.

The amount hereinabove for non-public handicapped services to provide Examination and Classification of potentially handicapped pupils and Corrective Speech services shall be apportioned to local school districts based upon the estimated cost and estimated pupils reported on October 31, 1983 adjusted by the estimated costs for actual pupils identified in non-public schools requiring services as of June 30, 1984.

To the extent funds are available under the appropriation for non-public handicapped aid and non-public auxiliary services aid, additional funds may be apportioned for any child identified as needing non-public auxiliary and handicapped services as of October 30, 1984.

33 Supplemental Education and Training Programs—State Aid

20-5040	General Vocational Education Programs	$7,146,000
20-5120	General Vocational Education Programs	7,644,000
	Total Appropriation, Supplemental Education and Training Programs	$14,790,000

State Aid:

District and regional vocational education	($2,000,000)
Schools of industrial education	(21,000)

Vocational education	(4,500,000)
National Guard cooperative education	(125,000)
Work-study	(500,000)
Local vocational aid	(7,644,000)

34 Educational Support Services—State Aid

36-5120	Pupil Transportation Services	$93,654,000
37-5120	School Nutrition	6,993,000
38-5120	Facilities Planning and School Building Aid	102,161,000
39-5095	Teachers' Pension and Annuity Assistance	529,800,000
	Total Appropriation, Educational Support Services	$732,608,000

State Aid:

Computerized bus scheduling	($250,000)
Transportation aid	(93,404,000)
State school lunch aid	(6,993,000)
School building aid debt service	(26,419,000)
School building aid	(75,742,000)
Teachers' Pension and Annuity Fund and Insurance	(267,000,000)
Social Security tax	(176,300,000)
Pension Adjustment Act	(86,500,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1982-1983 school year.

The unexpended balance as of June 30, 1984, not to exceed $250,000, in the account for transportation aid is appropriated for the purpose of effecting the consolidation of school transportation systems.

The unexpended balance in excess of $2,000,000 as of June 30, 1984 in the school building aid debt service account is appropriated for the same purpose.

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 the Teachers' Pension and Annuity Fund shall be paid to the Fund not later than June 30, 1985 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, 1984 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 is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services	$10,027,000
Total Appropriation, Cultural and Intellectual Development Services	$10,027,000

State Aid:

Per capita library aid	($7,817,000)
Area library aid	(1,771,000)
Research library aid	(293,000)
Emergency aid/incentive grants	(146,000)
Total Appropriation, Department of Education	$819,443,000*

The unexpended balances as of June 30, 1984 in the State Aid accounts, not to exceed $650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are received to fund adjustments and other factors, by utilizing the same method used in distributing general formula aid and school building aid in the 1983-84 school year.

The amounts appropriated hereinabove are apportioned to each local school district after adjusting each district's entitlement by an amount equal to the difference between an allocation in fiscal year 1984 based on a district's estimated 1983-84 preschool enrollment and an allocation based on the actual number of preschool pupils enrolled on September 30, 1983.

Any balances realized in any account as a result of this adjustment are appropriated for current expense equalization aid.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below shall first be charged to the State Lottery Fund:

Non-public school aid	($29,503,000)
School building aid debt service	(26,419,000)
School building aid	(75,542,000)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management—State Aid

15-4890	Marine Lands Management	140,000
	Total Appropriation, Natural Resource Management	$140,000*

State Aid:
Borough of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures ..... ($140,000)

There is appropriated from the Shore Protection Bond Act of 1983, P. L. 1983, c. 356, the sum of $500,000 for costs attributable to planning and administration of the shore protection program.

43 Environmental Quality—State Aid

07-4850	Water Monitoring and Planning	$200,000
	Total Appropriation, Environmental Quality	$200,000

State Aid:
Lake Management ..... ($200,000)

44 Hazardous and Toxic Pollution Control—State Aid

23-4910	Waste Management	$500,000
	Total Appropriation, Hazardous and Toxic Pollution Control	$500,000

State Aid:
Implementation and demonstration grants to solid waste management districts, contingent upon no less than 50% participation by such districts ..... ($500,000)

The unexpended balance as of June 30, 1984 in the Major Hazardous Waste Facilities Siting Act—Grants to Municipalities and Major Hazardous Waste Facilities Act—Training accounts is appropriated.

The unexpended balance as of June 30, 1984 in the implementation and demonstration grants to solid waste management districts account is appropriated.

Of the sum hereinabove for implementation and demonstration grants to solid waste management districts, an amount not to exceed $22,000 is allocated for purposes of auditing such grants.

45 Recreational Resource Management—State Aid

21-4895	Navigational Aids	$1,850,000*
	Total Appropriation. Recreational Resource Management	$1,850,000*

State Aid:
Dredging of inland waterways—State aid to counties and municipalities, 100% grants for maintenance dredging projects ($1,850,000)

The unexpended balance, not to exceed $550,000,* as of June 30, 1984 in the dredging of inland waterways account is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800	Management and Administrative Services	$4,114,000
	Total Appropriation, Environmental Planning and Administration	$4,114,000

State Aid:
Payments in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes ($1,209,000)
Reimbursements and loans to the boroughs of Pennington and Hopewell for interest and debt service costs under C58:25–9 (195,000)
Administration, planning and development activities of the Pinelands Commission (1,440,000)
County environmental health (870,000)
Mosquito control, research, administration and operations (400,000)

The unexpended balance as of June 30, 1984 in the mosquito control, research, administration and operations account and the payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes accounts are appropriated.

The amount hereinabove for mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission, provided, however, that an amount not to exceed $105,000 shall be available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts derived from the rental of property acquired under C58:21A–1 et seq.; C58:21B–1 et seq.; PL 1971, c. 165; PL 1974, c. 102 and PL 1978, c. 118, and the unexpended balance as of June 30, 1984, of such receipts are appropriated for payments in lieu of taxes on such properties and for maintenance of such properties.

Total Appropriation, Department of Environmental Protection	$6,804,000*

DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Services—State Aid

10-4225	Local Health and Regional Operations ..	$4,839,000
	Total Appropriation, Health Administration	$4,839,000

State Aid:
Community health services ..... ($4,839,000)

The capitation is set at 50 cents for the year ending June 30, 1985 for the purposes prescribed in C26:2F–1 et seq.

Total Appropriation, Department of Health	$4,839,000

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

5400 Office of the Chancellor

06-5400	Aid to County Colleges	$78,880,000*
	Total Appropriation, Office of the Chancellor	$78,880,000*

State Aid:

	Operational costs	($67,563,000*)
	Debt service under NJS 18A:64A–22	(3,500,000)
	Employer contributions, alternate benefit program	(6,000,000)
	Computer proficiency program	(530,000)
	Technical/Engineering education	(1,192,000)
	Passaic County Community College for the Institute for Citizen Involvement in Education	(95,000)
	Total Appropriation, Department of Higher Education	$78,880,000*

The unexpended balance as of June 30, 1984 in this account is appropriated.

Notwithstanding the provisions of P. L. 1981, c. 329, the State Board of Higher Education shall not have the authority to make appointments to the Board of Trustees of any county college until such time as State Aid to County Colleges for Operational Costs is funded as provided by P. L. 1981, c. 329.

No moneys in excess of $61,188,000 provided for State Aid for operational costs to county colleges shall be distributed to a county college, if the moneys contributed by a county government for the operation of the college are reduced below the level initially certified for fiscal year 1985 by the county board of school estimate pursuant to N. J. S. 18A:64A–17.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's budget first shall be charged to the State Lottery Fund:

Aid to county colleges for operational costs ..... ($69,688,000)

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health—State Aid

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$25,000,000
	Total Appropriation, Division of Mental Health and Hospitals	$25,000,000

State Aid:
Support of patients in county mental hospitals ..... ($25,000,000)

The sums hereinabove shall be available for payment of obligations applicable to prior fiscal years.

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540	General Medical Services	$516,825,000
	Total Appropriation, Division of Medical Assistance and Health Services	$516,825,000

State Aid:
Payments for medical assistance recipients (State share) ..... ($516,825,000)

All funds recovered under C30:4D–1 et seq. during the fiscal year ending June 30, 1985 are appropriated.

The amounts hereinabove for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 47.20%; provided, however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of C44:7–76 et seq., the medical assistance to the aged program is eliminated; provided, however, that necessary medical services be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

No copayment or other form of cost sharing shall be imposed on any individual eligible for medical assistance except as mandated by federal law as a condition of federal financial participation.

Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550	Income Maintenance	$264,516,000*
	Total Appropriation, Division of Public Welfare	$264,516,000*

State Aid:

Payments to municipalities for cost of general assistance (State share)	($56,207,000*)
Payments for dependent children assistance, regular segment (State share)	(170,120,000*)
Payments for emergency assistance (State share)	(1,251,000)
Payments for supplemental security income (State share)	(18,787,000)
Payments for dependent children assistance, unemployment of father (State share)	(12,165,000*)
Payments for dependent children assistance, insufficient employment of parents (State share)	(5,793,000*)
Retroactive AFDC payments	(193,000)

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, C44:10–1 et seq., C30:4B–1 et seq., and RS 44:3–1 et seq. during the fiscal year ending June 30, 1985 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1985 are appropriated.

A portion of the amount hereinabove for payments to municipalities for cost of general assistance (State share), not to exceed $1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program under C44:8–108 et seq. Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined first shall be approved by the Director of the Division of Budget and Accounting.

The funds hereinabove appropriated for a 7%* grant increase to recipients of Aid to Families with Dependent Children and General Assistance recipients are necessary to offset the enormous increase in energy costs low income persons have been subjected to in recent years. Such fund may only be used to assist public assistance recipients in meeting their energy costs and is to be distributed to public assistance recipients in the most administratively efficient manner in accord with all applicable federal and State laws and regulations.

55 Related Social Services Programs—State Aid

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	$375,000
17-7570	Substitute Care	31,607,000
18-7570	General Social Services	4,195,000*
	Total Appropriation, Division of Youth and Family Services	$36,177,000*

State Aid:

Initial response	($375,000)
Substitute family care	(15,129,000)
Family support services	(4,195,000)
Maintenance to children residing in institutions	(16,207,000)
Community based alternative programs	(130,000)
DYFS supervised juveniles in need of supervision	(141,000)

Funds recovered under C30:4C–1 et seq., during the fiscal year ending June 30, 1985, are appropriated.

Of the amount hereinabove appropriated for substitute family care, the Division of Youth and Family Services may expend up to $225,000 for recruitment of foster and adoptive families; provided, however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs first shall be approved by the Director of the Division of Budget and Accounting.

	Total Appropriation, Department of Human Services	$842,518,000*

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535	Museum Services	$1,058,000
07-2540	Development of Historical Resources	50,000*
	Total Appropriation, Cultural and Intellectual Development Services	$1,108,000*

State Aid:
Operational Grant for Newark Museum ..... ($1,058,000)
Senator James F. Murray Jr. Student Historians Fund ..... (50,000*)

	Total Appropriation, Department of State	$1,108,000*

DEPARTMENT OF TRANSPORTATION

Transportation Services

62 Public Transportation—State Aid

72-6210	Construction of Public Transportation Facilities	

72 Grade Crossing Projects

The unexpended balance as of June 30, 1984 in this account is appropriated.

63 Local Highway Facilities—State Aid

80-6220	County and Municipal Aid	$62,700,000
	Total Appropriation, Local Highway Facilities	$62,700,000

State Aid:
County and municipal road and bridge projects .....($61,000,000)
County and municipal aid for lighting .....(1,700,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated for county and municipal road and bridge projects shall be expended only after enactment of a law or laws allocating specific sums of monies to specific projects or purposes or after enactment of a law or laws establishing a formula for the distribution thereof.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

	Total Appropriation, Department of Transportation	$62,700,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

28-2077	County Boards of Taxation	$659,000
29-2088	Locally Provided Services	14,475,000*
30-2081	Railroad Property Taxes	719,402
31-2082	Business Personal Property Tax Replacement	158,704,000
35-2087	Consolidated Police and Firemen's Pension Fund	5,392,000
36-2081	Municipal Purposes Tax Assistance Program	30,500,000
	Total Appropriation, State Subsidies and Financial Aid	$210,449,402*

Personal Services:
County Tax Board members ..... ($659,000)

State Aid:
Payments to municipalities for services to State-owned property ..... (14,400,000*)
Payments to municipalities to replace property tax on business personalty ..... (158,704,000)
Payments to Municipalities in Lieu of Railroad Property Tax pursuant to C54:29A–1 et seq. .. (719,402)
Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program under C54:1–46 et seq. ..... (30,500,000)
Tuition payments for local assessors ..... (75,000)
State contribution to Consolidated Police and Firemen's Pension Fund ..... (5,392,000)

Notwithstanding the provisions of C54:10A–33 et seq., there are appropriated so much of the proceeds derived from the taxes collected from bank-

ing 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; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C54:10B–2 et seq., there are 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; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

There are appropriated from taxes collected from certain insurance companies, pursuant to the Insurance Tax Act, so much as may be required for payment to the local taxing districts pursuant to C54:18A–1 et seq.

The sum appropriated hereinabove for Payments to Municipalities in Lieu of Railroad Property Tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located, the provisions of C54:29A–1 et seq. notwithstanding.

The amount hereinabove appropriated for payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of C54:4–2.2e1.

Of the amount hereinabove for payments to municipalities for services to State-owned property, $900,000 shall be held in reserve to carry out the purposes of Senate Bill No. 144 of 1984, as enacted.

Of the amount appropriated above for payments to municipalities for services to State-owned prop-

erty, a sum of $500,000 shall be paid to the City of Camden, in addition to any other amounts appropriated therein for the City of Camden, as payment in lieu of taxes to the city for the State correctional facility under construction in that city and the $500,000 shall be paid and included in the amounts otherwise payable on November 1, 1984.

Of the sum appropriated for payments to municipalities for services to State-owned property, $7,413,892.30* shall be distributed on November 1, 1984 to qualified municipalities in an amount due to each such municipality pursuant to the provisions of C54:4–2.2a et seq. in order to fully fund the provisions of C54:4–2.2a for calendar year 1984.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association under RS 54:17–4.

The unexpended balance as of June 30, 1984 from the taxes collected pursuant to C54:30A–16 et seq. and C54:30A–49 et seq. shall lapse.

There are appropriated so much of the proceeds derived from the taxes collected, pursuant to the public utility franchise tax and the public utility gross receipts tax, C54:30A–16 et seq. and C54:30A–49 et seq., as may be required for payment of $651 million in calendar year 1984, and $105 million in June 1985 to the municipalities.

Total Appropriation, Department of the Treasury	$210,449,402*
Total Appropriation, State Aid	$2,120,319,740*

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Di-

rector of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other statute which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December 31, 1984, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1985. Such payment shall be made only upon written notification of the Director of the Division of Local Government Services in the Department of Community Affairs and the approval of the State Treasurer, not later than December 31, 1984, and shall be paid solely from funds hereinabove appropriated for distribution to that municipality for which a payment date falling on or after January 1, 1985 is fixed by statute.

CAPITAL CONSTRUCTION

LEGISLATURE

Government Direction, Management and Control

71 Legislative Activities

0003 Office of Legislative Services

03 Management and General Support

Capital Projects:

Restoration and Renovation in the State House and State House Annex ..... ($16,000,000)

Total Appropriation, Legislature $16,000,000

The sums hereinabove appropriated for the restoration and renovation in the State House and State House Annex, shall be made available for the design, planning, construction of life safety improvements, deferred maintenance projects, barrier-free compliance, environmental control, energy conservation and historical restoration projects as may be necessary in order to restore and renovate the State House and State House Annex. No funds shall be expended or otherwise made available, no plan for the restoration or renovation commenced, and no design or other component thereof authorized except upon the approval of the Legislative Services Commission as it shall determine. The Legislative Facilities Committee, or its successor, of the Legislative Services Commission is authorized to act on behalf of the Commission concerning the approval of the expenditure of these funds.

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

16 Detention and Rehabilitation

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

Capital Projects:		
Toms River armory addition, planning and design	($244,000)	
Woodbury armory addition	(143,000)	
Fort Dix regional training center	(60,000)	
Major maintenance and handicapped access projects	(1,141,000)	
Total Appropriation, Department of Defense		$1,588,000

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

5010 Division of Field Services

The unexpended balance as of June 30, 1984 in this account is appropriated.

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:	
Upgrade of water system	($300,000)
Glass replacement	(94,000)
Fire repairs—middle school	(300,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

5070 Division of the State Library

Capital Projects:
Remodel State Library ..... ($1,000,000)
The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of Education $1,694,000

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10 Public Broadcasting Services

Capital Project:
Purchase and replacement of equipment ..... ($400,000)

Total Appropriation, Department of Energy $400,000

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

Capital Projects:
Major Maintenance ..... ($100,000)
Wreck Pond Outfall ..... (280,000)
Deal Lake Flume ..... (235,000)
The unexpended balance as of June 30, 1984 in this account is appropriated.

44 Hazardous and Toxic Pollution Control

The unexpended balance as of June 30, 1984 in this account is appropriated.

45 Recreational Resource Management

Capital Project:
Major maintenance and improvement program ..... ($1,345,000)
Aids to Navigational Facility ..... (100,000)

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.

The unexpended balance as of June 30, 1984 in this account is appropriated.

4876 Palisades Interstate Park Commission

Capital Project:
Parkway improvements ..... ($500,000)

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, 1984 are appropriated for capital projects and plans.

Funds hereinabove shall be provided as the State share for Federal aid highway projects.

The unexpended balance as of June 30, 1984 in this account is appropriated.

46 Environmental Planning and Administration

Capital Projects:
Mosquito Commission equipment replacement ..... ($85,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of Environmental Protection $2,645,000

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

Capital Projects:
Improvement of Laboratories .... ($498,000)
Total Appropriation, Department of Health $498,000

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

Capital Projects:
Renewal and replacement projects—
Higher education facilities ..... ($9,500,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Of the amount hereinabove appropriated, at least $125,000 shall be made available for Life safety projects on the Victor Building at Rutgers, Camden.

State College Construction

The unexpended balance as of June 30, 1984 in this account is appropriated.

36 Higher Educational Services

5630 University of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of Higher Education $9,500,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

Division of Mental Health and Hospitals

The unexpended balance as of June 30, 1984 in this account is appropriated.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

Division of Mental Retardation

The unexpended balance as of June 30, 1984 in this account is appropriated.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

The unexpended balance as of June 30, 1984 in this account is appropriated.

Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

The unexpended balance as of June 30, 1984 in this account is appropriated.

Government Direction, Management and Control

76 Management and Administration

The unexpended balance as of June 30, 1984 in this account is appropriated.

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

The unexpended balance as of June 30, 1984 in this account is appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

The unexpended balance as of June 30, 1984 in this account is appropriated.

12 Law Enforcement

Capital Project:
State Police Headquarters development ..... ($288,000)
Regional Laboratory, Little Falls .. (635,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

19 Central Planning, Direction and Management

Capital Project:
Deferred maintenance ..... ($250,000)

Special Government Services

82 Protection of Citizens' Rights

Capital Project:
Volumetric laboratory—Weights and Measures Complex ..... ($2,807,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of Law and Public Safety $3,980,000

DEPARTMENT OF STATE

Government Direction, Management and Control

74 General Government Services

Capital Project:
Records storage center shelving replacement ..... ($3,128,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of State .. $3,128,000

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

60-6200	Construction of State Transportation Facilities	$124,000,000
	Total Appropriation, State Highway Facilities	$124,000,000

Capital Projects:

State Highway projects funded 100% by State funds ..... ($66,000,000)

Highway projects eligible for funding from the several federal highway projects programs (State share) ..... (58,000,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

From the amount hereinabove for construction there may be allocated such amounts as the Commissioner of Transportation may determine, with 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.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1984 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The department shall be permitted to transfer funds in the amount as approved by the Director of the Division of Budget and Accounting from the Capital Construction betterments accounts to Direct State Services for highway maintenance.

Of the sums hereinabove appropriated for State Highway Projects funded 100% by State funds $31 million shall be expended pursuant to a law

or laws allocating specific sums of monies to specific projects or purposes; and $35 million shall be made available to local governments as State grants in lieu of Federal Aid Urban Systems (FAUS) funds otherwise due local governments, upon certification of the Federal Department of Transportation and the New Jersey Commissioner of Transportation that the State can utilize, for its own purposes, the Federal Aid Urban Systems (FAUS) funds otherwise due the local governments. Upon such certification, the Commissioner of the Department of Transportation may expend such Federal Aid Urban Systems (FAUS) funds after enactment of a law or laws providing for the distribution thereof.

In addition to the amount hereinabove for State highway facilities, such other sums as the Director of the Division of Budget and Accounting shall determine provided in inter-departmental accounts for employee benefits shall be considered as appropriated on behalf of State highway construction and Transportation Construction Engineering and be available for matching federal funds.

62 Public Transportation

60-6210	Construction of Public Transportation Facilities	$50,000,000
	Total Appropriation, Public Transportation Facilities	$50,000,000

Capital Projects:
Public transportation projects eligible for federal funding (State share) ..... ($50,000,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Department of Transportation	$174,000,000

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq., the 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 that act.

DEPARTMENT OF THE TREASURY
Governmental Direction, Management and Control
74 General Government Services

Capital Projects:		
Physical plant operation and maintenance	($150,000)	
Planning and maintenance improvement	(350,000)	
Replace sidewalks, curbs, roads and parking lots, Trenton Complex	(220,000)	
Rebuild chillers and water tower, Capitol Complex	(500,000)	
Renovation work for the Labor and Industry Building	(500,000)	
Marble column replacement, Labor and Industry Building	(600,000)	
Life safety improvements, electrical compliance and deferred maintenance on the Capitol Complex	(2,770,000)	
Facilities utilization study	(150,000)	
Hazardous material removal	(1,500,000)	
Total Appropriation, Department of the Treasury		$6,740,000

The unexpended balance in excess of $6,000,000 as of June 30, 1984 in this account is appropriated.

MISCELLANEOUS EXECUTIVE COMMISSIONS
Community Development and Environmental Management
43 Environmental Quality
9140 Delaware River Basin Commission

Capital Projects:		
Amortization of multipurpose dams	($2,000)	

The unexpended balance as of June 30, 1984 in this account is appropriated.

Government Direction, Management and Control

72 Governmental Review and Oversight

9150 New Jersey Commission on Capital Budgeting and Planning

The unexpended balance as of June 30, 1984 in this account is appropriated.

Total Appropriation, Miscellaneous Executive Commissions	$2,000
Total Appropriation, Capital Construction ..	$220,175,000

Funds derived from the sale of any lands and buildings in excess of the amount anticipated or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE

DEPARTMENT OF AGRICULTURE

Government Direction, Management and Control

76 Management and Administration

99-3370	Interest on Bonds	$148,000
99-3370	Bond Redemption	250,000
	Total Appropriation, Department of Agriculture	$398,000

Special Purpose:

Interest on Farmland Preservation Bonds pursuant to PL 1981, c. 276 (	$148,000)
Redemption of Farmland Preservation Bonds pursuant to PL 1981, c. 276 ..... (	250,000)

DEPARTMENT OF COMMUNITY AFFAIRS

Government Direction, Management and Control

76 Management and Administration

99-8070	Interest on Bonds	$1,831,000
99-8070	Redemption of Bonds	1,390,000
	Total Appropriation, Department of Community Affairs	$3,221,000

Interest on Bonds:
Interest on State Housing Assistance Bonds pursuant to PL 1968, c. 127 .....($330,000)
Interest on State Mortgage Assistance Bonds pursuant to PL 1976, c. 94 .....(1,501,000)

Redemption of Bonds:
Redemption of State Housing Assistance Bonds pursuant to PL 1968, c. 127 .....(600,000)
Redemption of State Mortgage Assistance Bonds pursuant to PL 1976, c. 94 .....(790,000)

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000	Interest on Bonds	$13,026,000
99-7000	Redemption of Bonds	7,452,000
	Total Appropriation, Department of Corrections	$20,478,000

Special Purpose:
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128 .....($630,000)
Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79 .....(2,650,000)

Interest on State Institution Construction Bonds pursuant to PL 1960, c. 156	(60,000)
Interest on New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(157,000)
Interest on Institutions Construction Bonds pursuant to PL 1976, c. 93	(2,918,000)
Interest on Public Purpose Building Construction Bonds pursuant to PL 1980, c. 119	(2,548,000)
Interest on Correctional Facilities Construction Bonds pursuant to PL 1982, c. 120	(4,063,000)
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(871,000)
Redemption of State Institution Construction Bonds pursuant to PL 1960, c. 156	(675,000)
Redemption of New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(1,020,000)
Redemption of Institutions Construction Bonds pursuant to PL 1976, c. 93	(1,567,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(1,433,000)
Redemption of Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(1,886,000)

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5095	Interest on Bonds	$2,127,000
99-5095	Redemption of Bonds	4,138,000
	Total Appropriation, Department of Education	$6,265,000

Interest on Bonds:		
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	(	$817,000)
Interest on State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149	(	736,000)
Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79	(	574,000)
Redemption of Bonds:		
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(	1,128,000)
Redemption of State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149	(	2,700,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(	310,000)

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-4050	Interest on Bonds	$223,000
99-4050	Redemption of Bonds	308,000
	Total Appropriation, Cultural and Intellectual Development Services	$531,000

Special Purpose:		
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	(	$223,000)
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(	308,000)

Community Development and Environmental Management

42 Natural Resource Management

99-4030	Interest on Bonds	$786,000
99-4030	Redemption of Bonds	500,000
	Total Appropriation, Natural Resource Management	$1,286,000

Special Purpose:

	Interest on Energy Conservation Bonds pursuant to PL 1980, c. 68	($786,000)
	Redemption of Energy Conservation Bonds pursuant to PL 1980, c. 68	(500,000)
	Total Appropriation, Department of Energy	$1,817,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800	Interest on Bonds	$44,671,000
99-4800	Redemption of Bonds	37,810,000
	Total Appropriation, Department of Environmental Protection	$82,481,000

Special Purpose:

	Interest on Water Development Bonds pursuant to PL 1958, c. 35	($130,000)
	Interest on State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(290,000)
	Interest on Water Conservation Bonds pursuant to PL 1969, c. 127	(7,505,000)
	Interest on State Recreation and Conservation Land Acquisition Bonds, PL 1971, c. 165	(2,954,000)
	Interest on State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(12,951,000)

Interest on Clean Waters Bonds pursuant to PL 1976, c. 92	(6,364,000)
Interest on Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(1,657,000)
Interest on Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(848,000)
Interest on State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(9,159,000)
Interest on Natural Resources Bonds pursuant to PL 1980, c. 70	(2,482,000)
Interest on Water Supply Bonds pursuant to PL 1981, c. 261	(331,000)
Redemption of Water Development Bonds pursuant to PL 1958, c. 35	(1,000,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(2,600,000)
Redemption of Water Conservation Bonds pursuant to PL 1969, c. 127	(10,825,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1971, c. 165	(2,680,000)
Redemption of State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(8,180,000)
Redemption of Clean Waters Bonds pursuant to PL 1976, c. 92	(4,350,000)
Redemption of Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(900,000)
Redemption of State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(4,650,000)
Redemption of Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(600,000)
Redemption of Natural Resources Bonds pursuant to PL 1980, c. 70	(1,875,000)
Redemption of Water Supply Bonds pursuant to PL 1981, c. 261	(150,000)

DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Administration

99-4210	Interest on Bonds	$39,000
99-4210	Redemption of Bonds	53,000
	Total Appropriation, Department of Health	$92,000

Interest on Bonds:
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128 ..... ($39,000)

Redemption of Bonds:
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128 ..... (53,000)

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

99-5400	Interest on Bonds	$17,178,000
99-5400	Redemption of Bonds	23,010,000
	Total Appropriation, Department of Higher Education	$40,188,000

Interest on Bonds:
Interest on State Higher Education Construction Bonds pursuant to PL 1964, c. 142 ..... ($376,000)
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128 ..... (6,013,000)
Interest on Higher Education Construction Bonds pursuant to PL 1971, c. 164 ..... (5,479,000)
Interest on Medical Education Facilities Bonds pursuant to PL 1977, c. 235 ..... (5,310,000)

Redemption of Bonds:
- Redemption of State Higher Education Construction Bonds pursuant to PL 1964, c. 142 ..... (3,000,000)
- Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128 ..... (8,310,000)
- Redemption of Higher Education Construction Bonds pursuant to PL 1971, c. 164 ..... (7,700,000)
- Redemption of Medical Education Facilities Bonds pursuant to PL 1977, c. 235 ..... (4,000,000)

DEPARTMENT OF HUMAN SERVICES

Government Direction, Management and Control

76 Management and Administration

99–7500	Interest on Bonds	$14,185,000
99–7500	Redemption of Bonds	13,544,000
	Total Appropriation, Department of Human Services	$27,729,000

Special Purpose:
- Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128 ..... ($2,301,000)
- Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79 ..... (5,211,000)
- Interest on State Institution Construction Bonds pursuant to PL 1960, c. 156 ..... (100,000)
- Interest on New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144 ..... (366,000)
- Interest on Institutions Construction Bonds pursuant to PL 1976, c. 93 (2,707,000)
- Interest on Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119 ..... (3,500,000)

Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(3,180,000)
Redemption of State Institution Construction Bonds pursuant to PL 1960, c. 156	(1,125,000)
Redemption of New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(2,380,000)
Redemption of Institutions Construction Bonds pursuant to PL 1976, c. 93	(1,453,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(2,817,000)
Redemption of Public Purpose Building Construction Bonds pursuant to PL 1980, c. 119	(2,589,000)

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99–1050	Interest on Bonds	$398,000
99–1050	Redemption of Bonds	215,000
	Total Appropriation, Department of Law and Public Safety	$613,000

Special Purpose:	
Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79	($398,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(215,000)

DEPARTMENT OF TRANSPORTATION

Transportation Services

64 Planning and General Management Support

61 State Highway Facilities

99–6000	Interest on Bonds	$32,821,000
99–6000	Redemption of Bonds	29,650,000
	Sub-Total Appropriation, State Highway Facilities	$62,471,000

Special Purpose:

Interest on Highway Improvement and Grade Crossing Elimination Bonds pursuant to PL 1930, c. 228	($35,000)
Interest on State Transportation Bonds pursuant to PL 1968, c. 126	(14,477,000)
Interest on Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(18,309,000)
Redemption of Highway Improvement and Grade Crossing Elimination Bonds pursuant to PL 1930, c. 228	(245,000)
Redemption of State Transportation Bonds pursuant to PL 1968, c. 126	(20,254,000)
Redemption of Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(9,151,000)

62 Public Transportation

99–6000	Interest on Bonds	$15,030,000
99–6000	Redemption of Bonds	13,430,000
	Sub-Total Appropriation, Public Transportation	$28,460,000

Special Purpose:

Interest on State Transportation Bonds pursuant to PL 1968, c. 126	($6,580,000)
Interest on Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(8,450,000)

Redemption of State Transportation Bonds pursuant to PL 1968, c. 126	(9,206,000)	
Redemption of Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(4,224,000)	
Total Appropriation, Department of Transportation		$90,931,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

73 Financial Administration

99–2070 Interest on Bonds		$20,234,000
Total Appropriation, Department of the Treasury		$20,234,000

Special Purpose:
For transfer to applicable State departments in order to make payment of interest on future bond sales ..... ($20,234,000)

Total Appropriation, Debt Service	$294,447,000

Such sums as may be necessary for payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investment of such bond proceeds.

There are appropriated from the investment earnings of general obligations bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

FEDERAL FUNDS

DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

01–3310	Animal Disease Control	$21,000
02–3320	Plant Pest and Disease Control	625,000
	Total Appropriation, Natural Resource Management	$646,000

Special Purpose:

Cooperative gypsy moth suppression	($600,000)
Brucellosis eradication	(21,000)
Plant pest survey and detection program	(25,000)

Economic Planning, Development and Security

51 Economic Planning and Development

06–3360	Marketing Services	$10,000
07–3360	Community Distribution	1,359,000
	Total Appropriation, Economic Planning and Development	$1,369,000

Special Purpose:

Bridgeton clerical assistance	($10,000)
Food distribution administrative expense fund	(89,000)
Jobs bill	(1,270,000)

52 Economic Regulation

05–3350	Other Commodity Regulation	$44,000
	Total Appropriation, Economic Regulation	$44,000

Special Purpose:

Cooperative inspection service	($44,000)

Total Appropriation, Department of Agriculture	$2,059,000

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

20–2800	Economic Development	$150,000
	Total Appropriation, Economic Planning and Development	$150,000
	Special Purpose:	
	New Jersey State office of minority business development	($150,000)
	Total Appropriation, Department of Commerce and Economic Development	$150,000

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

02–8020	Housing Services	$39,085,000
	Total Appropriation, Community Development Management	$39,085,000
	Special Purpose:	
	Moderate rehabilitation housing assistance	($393,000)
	Rental assistance for low income families	(2,602,000)
	Community development block grant —technical assistance	(75,000)
	Small cities block grant program	(12,510,000)
	State Aid and Grants:	
	Moderate rehabilitation housing assistance	(4,012,000)
	Rental assistance for low income families	(19,493,000)

Economic Planning, Development and Security

55 Related Social Services Programs

05–8050	Human Resources		$20,314,000
08–8060	Programs for the Aging		27,000,000
	Total Appropriation, Related Social Services Programs		$47,314,000
Special Purpose:			
	Purchase of legal services	($1,437,000)	
	Older Americans' Act—Title III	(963,000)	
	Food distribution—Title VII	(3,400,000)	
	New Jersey advocacy assistance programs	(50,000)	
	Title IV-A training—Aging	(137,000)	
	Weatherization and energy crisis intervention programs	(4,900,000)	
State Aid and Grants:			
	Older Americans' Act—Title III	(22,450,000)	
	Weatherization assistance program	(4,957,000)	
	Community services block grant	(9,020,000)	
	Total Appropriation, Department of Community Affairs		$86,399,000

No federal funds shall be expended on behalf of weatherization and energy crisis intervention programs prior to the submission of detailed spending plans regarding the expenditure of such federal funds to the Director of the Division of Budget and Accounting and the Legislative Budget Officer.

Of the $4,900,000 in Low income energy assistance block grant funds hereinabove appropriated for weatherization and energy crisis intervention programs, $1,500,000 shall be used for an oil furnace retrofit program. The Department of Community Affairs, in cooperation with the Division of Public Welfare, shall select up to 100 households in each of the State's twenty-one counties to participate in the oil furnace retrofit program.

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7040 State Prison, Trenton

10-7040	Education Program	$31,000
	Total Appropriation, State Prison, Trenton	$31,000
	Personal Services:	
	Salaries and wages ($31,000)	

7050 State Prison, Rahway

10-7050	Education Program	$5,000
	Total Appropriation, State Prison, Rahway	$5,000
	Special Purpose:	
	ECIA—Chapter I ($2,000)	
	Library services and construction act—Library grant (3,000)	

7060 State Prison, Leesburg

10-7060	Education Program	$24,000
	Total Appropriation, State Prison, Leesburg	$24,000
	Personal Services:	
	Salaries and wages ($24,000)	

7070 Mid-State Correctional Facility

10-7070	Education Program	$14,000
	Total Appropriation, Mid-State Correctional Facility	$14,000
	Personal Services:	
	Salaries and wages ($8,000)	
	Special Purpose:	
	Chapter I, Education program (3,000)	
	Library services and construction act—Library grant (3,000)	

7080 Correctional Institution for Women, Clinton

10-7080	Education Program	$56,000
	Total Appropriation, Correctional Institution for Women, Clinton	$56,000

Personal Services:
Salaries and wages ..... ($12,000)

Special Purpose:
ECIA—Chapter I ..... (20,000)
Adult basic education ..... (24,000)

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090	Education Program	$20,000
	Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	$20,000

Personal Services:
Salaries and wages ..... ($20,000)

7110 Youth Reception and Correction Center, Yardville

10-7110	Education Program	$173,000
	Total Appropriation, Youth Reception and Correction Center, Yardville	$173,000

Personal Services:
Salaries and wages ..... ($173,000)

7120 Youth Correctional Institution, Bordentown

10-7120	Education Program	$71,000
	Total Appropriation, Youth Correctional Institution, Bordentown	$71,000

Personal Services:
Salaries and wages ..... ($71,000)

7130 Youth Correctional Institution, Annandale

10-7130	Education Program	$118,000
	Total Appropriation, Youth Correctional Institution, Annandale	$118,000

Personal Services:
Salaries and wages ..... ($118,000)

7210 Training School for Boys, Skillman

10-7210	Education Program	$269,000
	Total Appropriation, Training School for Boys, Skillman	$269,000

Personal Services:
Salaries and wages ..... ($260,000)
Employee benefits ..... (9,000)

7220 Training School for Boys, Jamesburg

10-7220	Education Program	$324,000
	Total Appropriation, Training School for Boys, Jamesburg	$324,000

Personal Services:
Salaries and wages ..... ($324,000)

7225 Juvenile Medium Security Center

10-7225	Education Program	$69,000
	Total Appropriation, Juvenile Medium Security Center	$69,000

Personal Services:
Salaries and wages ..... ($69,000)

18 Juvenile Correctional Services

7270 Juvenile Community Programs

12-7270	Residential Care	$317,000
	Total Appropriation, Juvenile Community Programs	$317,000
	Personal Services:	
	Salaries and wages ($317,000)	

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	$228,000
99-7000	Management and Administrative Services	206,000
	Total Appropriation, Central Planning, Direction and Management	$434,000
	Personal Services:	
	Salaries and wages ($170,000)	
	Special Purpose:	
	Central Administration, Chapter I, ECIA (36,000)	
	Social Services Block Grant (228,000)	
	Total Appropriation, Department of Corrections	$1,925,000

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	$42,000
02-3600	Management of National Guard Installations	3,742,000
	Total Appropriation, Military Services	$3,784,000

Special Purpose:		
Training and equipment pool sites	($590,000)	
Army facilities—service contract	(1,056,000)	
Atlantic City Air Base—service contract	(660,000)	
McGuire Air Force Base—service contract	(911,000)	
ANG Sec. Agree.—A. C.	(248,000)	
ANG Sec. Agree.—McGuire	(39,000)	
National Guard communication services	(42,000)	
Firefighter/crash rescue service agreement—Atlantic City	(238,000)	
Total Appropriation, Department of Defense		$3,784,000

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120	Miscellaneous Grants-In-Aid	$11,375,000
04-5064	Adult and Continuing Education Programs	3,865,000
05-5030	Bilingual Education Programs	395,000
06-5066	Compensatory Education	94,924,000
07-5065	Special Education Programs	2,774,000
07-5120	Special Education Programs	38,567,000
	Total Appropriation, Direct Educational Services and Assistance	$151,900,000

Personal Services:		
Salaries and wages	($1,054,000)	
Employee benefits	(229,000)	
Materials and Supplies	(17,000)	
Services Other Than Personal	(109,000)	
Maintenance and Fixed Charges	(25,000)	
Special Purpose:		
Compensation awards	(10,000)	
Adult basic education program	(102,000)	
Technical assistance for bilingual education	(27,000)	

Transition program for refugee children	(	30,000)
New Jersey Initiative	(	50,000)
ESEA, Title I	(	13,000)
ESEA, Title VI (handicapped), Administration	(	1,823,000)
Refugee resettlement	(	49,000)
Special education	(	3,000)
Bilingual education training for SEA staff	(	45,000)
Bilingual education	(	4,000)
Compensatory education	(	77,000)
Adult and continuing education programs	(	14,000)
State Aid and Grants:		
Education block grant—Chapter II —programmatic	(	11,375,000)
ESEA, Title I	(	91,420,000)
Migrant education programmatic	(	2,259,000)
Refugee resettlement	(	252,000)
Cuban-Haitian entrant assistance program	(	658,000)
Cuban-Haitian entrant social service	(	165,000)
Adult basic education program	(	2,358,000)
Transition program for refugee children	(	240,000)
Implementation—preschool handicapped	(	70,000)
Preschool incentive grant	(	855,000)
ESEA, Title VI (handicapped)	(	38,567,000)

32 Operation and Support of Educational Institutions

12-5011	Educational Institutions for the Handicapped	$530,000
12-5012	Millburn Regional School for the Handicapped	78,000
13-5010	Newark Skills Center	55,000

12-5013	Regional Day Schools for the Handicapped	78,000
15-5010	Project COED	67,000
	Total Appropriation, Operation and Support of Educational Institutions	$808,000

Personal Services:	
Salaries and wages	($56,000)
Materials and Supplies	(2,000)
Special Purpose:	
Deaf-blind program	(120,000)
High school vocational education program	(12,000)
Vocational education program	(105,000)
Vocational assessment and guidance	(13,000)
ESEA, Title I	(280,000)
Millburn Regional School: ESEA, Title VI	(78,000)
Regional Day Schools: ESEA, Title VI	(78,000)
Vocational education—basic grants	(55,000)
Additions, Improvements and Equipment	(9,000)

33 Supplemental Education and Training Programs

20-5062	General Vocational Education	$17,318,000
	Total Appropriation, Supplemental Education and Training Programs	$17,318,000

Personal Services:	
Salaries and wages	($1,517,000)
Special Purpose:	
Veterans' readjustment benefits	(200,000)
Consumer and useful homemaking education—administration	(869,000)

Vocational education—program improvement and supportive service—administration	(534,000)
Vocational education—program improvement and supportive service	(2,228,000)
State Aid and Grants:	
Planning and evaluation—vocational education	(99,000)
Vocational education—disadvantaged—programmatic	(397,000)
Vocational education—basic grants—programmatic	(11,474,000)

34 Educational Support Services

30-5063	General Academic Education	$793,000
33-5067	Service to Local Districts	626,000
33-5068	Service to Local Districts	48,000
34-5100	Equal Educational Opportunities	1,061,000
37-5120	School Nutrition Programs	93,787,000
	Total Appropriation, Educational Support Services	$96,315,000

Personal Services:	
Salaries and wages	($2,727,000)
Employee benefits	(482,000)
Materials and Supplies	(31,000)
Services Other Than Personal	(112,000)
Maintenance and Fixed Charges	(41,000)
Special Purpose:	
Division of Youth and Family Services Residential Programs	(485,000)
Education block grant—Chapter 2—administration	(184,000)
Race desegregation	(27,000)
Child nutrition	(184,000)
Child nutrition program—summer	(83,000)
State facilitator project	(97,000)
Equal educational opportunities	(27,000)
Drug and alcohol abuse	(106,000)

New Jersey State Library

Services to local districts	(	9,000)
School nutrition	(	15,000)
General academic education	(	23,000)
Civil rights—national origin desegregation	(	67,000)
Sex desegregation	(	55,000)
State Aid and Grants:		
Child nutrition programs—programmatic	(	86,310,000)
Child nutrition summer—programmatic	(	5,250,000)

35 Education Administration and Management

45-5120	School Finance and Auditing	$450,000
99-5090	Management and Administrative Services	424,000
99-5095	Management and Administrative Services	875,000
	Total Appropriation, Education Administration and Management	$1,749,000

Personal Services:		
Salaries and wages	(	$323,000)
Employee benefits	(	71,000)
Services Other Than Personal	(	13,000)
Maintenance and Fixed Charges	(	15,000)
Special Purpose:		
Child nutrition	(	9,000)
School finance and auditing	(	19,000)
Common core data survey	(	16,000)
Education block grant—Chapter 2—administration	(	1,258,000)
Management and administrative services	(	25,000)

37 Cultural and Intellectual Development Services

51-5070	Library Services	$2,356,000
	Total Appropriation, Cultural and Intellectual Development Services	$2,356,000

Special Purpose:		
LSCA Title I public library services	($1,931,000)	
LSCA Title III interlibrary cooperation	(399,000)	
Library services	(26,000)	
Total Appropriation, Department of Education		$270,446,000

DEPARTMENT OF ENERGY

Community Development and Environmental Management

42 Natural Resource Management

05-4030 Energy Resource Management		$2,761,000
Total Appropriation, Natural Resource Management		$2,761,000
Personal Services:		
Salaries and wages	($554,000)	
Employee benefits	(146,000)	
Materials and Supplies	(37,000)	
Services Other Than Personal	(146,000)	
Maintenance and Fixed Charges	(11,000)	
Special Purpose:		
HUD solar bank	(466,000)	
Appropriate technology information dissemination	(100,000)	
District heating study	(50,000)	
Institutional conservation program —schools and hospitals	(121,000)	
Sec. 155—Oil overcharge fund: loan subsidy program	(1,000,000)	
Natural resource management	(112,000)	
Additions, Improvements and Equipment	(18,000)	
Total Appropriation, Department of Energy		$2,761,000

No federal funds shall be expended on behalf of weatherization and energy crisis intervention programs prior to the submission of detailed spending plans regarding the expenditure of such federal funds to the Director of the Division of Budget and Accounting and the Legislative Budget Officer.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Flood Plain Management	$512,000
11-4870	Forest Resource Management	385,000
13-4880	Hunters' and Anglers' License Fund	1,179,000
14-4885	Shellfish and Marine Fisheries Management	220,000
15-4890	Marine Lands Management	966,000
	Total Appropriation, Natural Resource Management	$3,262,000

Special Purpose:

Water supply—safe drinking water	($480,000)
Hunters' and Anglers' license fund	(750,000)
Rural community fire protection program	(35,000)
Forest resource management—	
Cooperative forest fire control	(150,000)
Consolidated forest management	(170,000)
Marine fisheries enforcement	(35,000)
Striped bass monitoring	(20,000)
Marine fisheries coordination	(25,000)
Shellfish research and inventory	(50,000)
Fisheries management council	(25,000)
Marine fisheries technical assistance	(21,000)
Marine fish life histories study	(26,000)

State assistance program—		
Phase IV	(15,000)	
Hurricane loss study	(17,000)	
Northeast regional biomass program	(30,000)	
Endangered species E-1-6	(16,000)	
Trapper education project	(18,000)	
Marine fisheries investment and management F-15-R-22	(53,000)	
Coastal zone implementation 3rd year	(966,000)	
Hunter safety training	(360,000)	

43 Environmental Quality

02-4825	Air Pollution Control	$3,100,000
07-4850	Water Monitoring and Planning	1,735,000
08-4855	Water Enforcement	1,500,000
09-4860	Public Wastewater Facilities	4,310,000
22-4861	Water Quality Management	2,000,000
	Total Appropriation, Environmental Quality	$12,645,000

Special Purpose:		
Air pollution maintenance program	($3,100,000)	
Water pollution control program	(1,500,000)	
Construction grants program	(4,250,000)	
Statewide pretreatment program	(2,000,000)	
Publicly-owned treatment works training grant	(60,000)	
Underground injection control	(100,000)	
Etra lake restoration program	(273,000)	
N. Hudson park lake restoration	(322,000)	
Monitoring and Planning—205J	(1,040,000)	

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	$34,000
04-4835	Pesticide Control	144,000
19-4815	Spill Prevention, Response and Site Cleanup	35,000,000
23-4910	Hazardous Waste	2,048,000
	Total Appropriation, Hazardous and Toxic Pollution Control	$37,226,000

Special Purpose:		
Environmental monitoring program	($34,000)	
Pesticide technology	(18,000)	
Resource conservation recovery act —hazardous waste	(2,000,000)	
Cooperative pesticide enforcement	(126,000)	
Superfund grants	(35,000,000)	
RCRA 3012 Inventory of hazardous waste sites	(48,000)	

45 Recreational Resource Management

12-4875	Parks Management	$470,000
	Total Appropriation, Recreational Resource Management	$470,000
Special Purpose:		
Historic preservation—survey	($188,000)	
Historic preservation grants—program management	(282,000)	

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	$1,500,000
	Total Appropriation, Environmental Planning and Administration	$1,500,000
Special Purpose:		
Historic conservation and recreation service	($1,500,000)	
	Total Appropriation, Department of Environmental Protection	$55,103,000

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

01-4215	Vital Statistics	$168,000
02-4220	Community Health Services	48,460,000
10-4225	Local Health and Regional Operations	519,000
03-4230	Epidemiology and Disease Control	1,416,000

04-4240	Narcotic and Drug Abuse Control	7,084,000
05-4250	Alcoholism Control	4,520,000
08-4280	Diagnostic Services	176,000
09-4290	Clinical Laboratory Services	42,000
	Total Appropriation, Health Services	$62,385,000

Personal Services:	
Salaries and wages	($6,547,000)
Employee benefits	(1,437,000)
Materials and Supplies	(9,000)
Services Other Than Personal	(37,000)
Special Purpose:	
Supplemental food program—W.I.C.	(26,884,000)
Food inspection program	(48,000)
Maternal and child health block grant	(6,493,000)
Vital statistics	(37,000)
Community health services	(11,000)
Local health and regional operations	(15,000)
Epidemiology and disease control	(220,000)
Tuberculosis control program	(23,000)
Medical care for drug dependent	(13,000)
Health insurance benefits	(8,000)
Perinatal services	(31,000)
Improved pregnancy outcome program	(176,000)
Diabetes research	(36,000)
Family planning program—Title X	(1,902,000)
Alcohol, drug abuse and mental health block grant—narcotic and drug abuse control	(5,348,000)
Alcohol, drug abuse and mental health block grant—alcoholism control	(2,480,000)
State Aid and Grants:	
Migrant dental health	(49,000)
Cuban-Haitian entrant program	(72,000)
Preventive health services block grant (Local health and regional operations)	(211,000)

Vocational counseling project	(16,000)	
Social services block grant—family planning	(1,841,000)	
Energy assistance block grant—maternal and child health services	(496,000)	
Social services block grant—maternal and child health services	(184,000)	
Preventive health and health services block grant (Community health services)	(2,263,000)	
Emergency medical services—training project—highway safety	(175,000)	
Supplemental food program—W.I.C.	(4,612,000)	
Vocational assessment project	(25,000)	
Social services block grant—alcohol rehabilitation program	(655,000)	
Alcohol demonstration program in Medicare and Medicaid	(31,000)	

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	$589,000
07-4270	Health Planning and Resource Development	700,000
	Total Appropriation, Health Planning and Evaluation	$1,289,000

Personal Services:		
Salaries and wages	($767,000)	
Employee benefits	(189,000)	
Special Purpose:		
Certification for Titles XVIII and XIX eligibility	(133,000)	
Health planning and resource development	(200,000)	
Total Appropriation, Department of Health		$63,674,000

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400	Student Financial Support Services	$2,052,000
05-5400	Student Financial Assistance Administration	5,978,000
99-5400	Management and Administrative Services	2,302,000
	Total Appropriation, Office of the Chancellor	$10,332,000

Personal Services:	
Salaries and wages	($2,119,000)
Employee benefits	(434,000)
Materials and Supplies	(197,000)
Services Other Than Personal	(2,238,000)
Maintenance and Fixed Charges	(164,000)
Special Purpose:	
Technical assistance for bilingual education	(21,000)
Tristate institute for the training and certification of developmental educators	(38,000)
Student financial assistance administration	(1,052,000)
State Aid and Grants:	
Vocational education	(2,000,000)
State student incentive grant program	(2,052,000)
Additions, Improvements and Equipment	(17,000)

5500 Glassboro State College

11-5500	Instruction	$379,000
16-5500	Student Services	3,668,000
	Total Appropriation, Glassboro State College	$4,047,000

Personal Services	
Salaries and wages	($1,000,000)
Employee benefits	(42,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(54,000)
Special Purpose:	
National direct student loan program	(500,000)
Basic educational opportunity grant	(2,000,000)
Indo-Chinese refugee assistance program	(2,000)
Instruction	(4,000)
State Aid and Grants:	
Supplemental educational opportunity grant—initial	(434,000)

5510 Jersey City State College

11-5510	Instruction	$153,000
12-5510	Sponsored Research	77,000
15-5510	Academic Support	1,000
16-5510	Student Services	3,583,000
	Total Appropriation, Jersey City State College	$3,814,000

Personal Services:	
Salaries and wages	($181,000)
Employee benefits	(19,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(19,000)
Additions, Improvements and Equipment	(4,000)
Special Purpose:	
Basic educational opportunity grant	(2,800,000)
College work-study program	(450,000)
Supplemental educational opportunity grant—initial	(145,000)
National direct student loan program	(185,000)
Nursing loan program	(3,000)
Veterans' cost of instruction	(3,000)

5520 Kean College of New Jersey

11-5520	Instruction	$52,000
12-5520	Sponsored Programs and Research	24,000
15-5520	Academic Support	1,000
16-5520	Student Services	2,828,000
	Total Appropriation, Kean College of New Jersey	$2,905,000

Special Purpose:		
Basic educational opportunity grant	(	$1,900,000)
National direct student loan program	(	365,000)
Supplemental educational opportunity grant—initial	(	155,000)
Supplemental educational opportunity grant—continuing	(	43,000)
College work-study program	(	365,000)
Project base bilingual and special education	(	52,000)
Woods Hole project	(	24,000)
College library resource program	(	1,000)

5530 The William Paterson College of New Jersey

16-5530	Student Services	$2,432,000
	Total Appropriation, The William Paterson College of New Jersey	$2,432,000

Special Purpose:		
Supplemental educational opportunity grant—initial year	(	$55,000)
Supplemental educational opportunity grant—renewal year	(	75,000)
Basic educational opportunity grant	(	1,850,000)
National direct student loan program	(	150,000)
College work-study program	(	275,000)
Veterans' cost of instruction grant	(	2,000)
Nursing student loans	(	25,000)

5540 Montclair State College

12-5540	Sponsored Programs and Research	$231,000
16-5540	Student Services	3,211,000
	Total Appropriation, Montclair State College	$3,442,000

Special Purpose:		
Supplemental educational opportunity grant—initial	(	$152,000)
Basic educational opportunity grant	(	2,200,000)
College work-study program	(	310,000)
National direct student loan program	(	525,000)
Vocational teacher education	(	37,000)
Veterans' cost of instruction	(	19,000)
Upward bound program	(	175,000)
Cooperative education program	(	24,000)

5550 Trenton State College

12-5550	Sponsored Programs and Research	$173,000
16-5550	Student Services	2,680,000
	Total Appropriation, Trenton State College .	$2,853,000

Special Purpose:		
Basic educational opportunity grant	(	1,700,000)
College work-study program	(	200,000)
Supplemental educational opportunity grant—initial	(	110,000)
Alcoholism program	(	104,000)
Vocational teacher education	(	58,000)
Adult education learning center ...	(	11,000)
State Aid and Grants:		
National direct student loan program	(	600,000)
Nursing student loans	(	70,000)

5560 Ramapo College of New Jersey

15-5560	Academic Support		$1,000
16-5560	Student Services		1,780,000
	Total Appropriation, Ramapo College of New Jersey		$1,781,000
Special Purpose:			
	National direct student loan program	(100,000)	
	College work-study program	(275,000)	
	Special services for disadvantaged students	(75,000)	
	Cooperative education program	(130,000)	
	College library resource program	(1,000)	
State Aid and Grants:			
	Basic educational opportunity grant	(1,100,000)	
	Supplemental educational opportunity grant—initial	(100,000)	

5570 Richard Stockton State College

12-5570	Sponsored Programs and Research		$3,000
15-5570	Academic Support		1,000
16-5570	Student Services		1,910,000
	Total Appropriation, Richard Stockton State College		$1,914,000
Personal Services:			
	Salaries and wages	($161,000)	
Materials and Supplies		(1,000)	
State Aid and Grants:			
	Basic educational opportunity grant	(1,600,000)	
	National direct student loan program	(90,000)	
	Supplemental educational opportunity grant—initial	(30,000)	
	Supplemental educational opportunity grant—continuing	(30,000)	
Additions, Improvements and Equipment		(2,000)	
	Total Appropriation, Department of Higher Education		$33,520,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$15,437,000
	Total Appropriation, Division of Mental Health and Hospitals	$15,437,000
	Personal Services:	
	Salaries and wages .....(	$1,129,000)
	Employee benefits .....(	288,000)
	Materials and Supplies .....(	5,000)
	Services Other Than Personal .....(	13,000)
	Special Purpose:	
	Community services .....(	79,000)
	State Aid and Grants:	
	Mental health block grant services .(	13,923,000)

7710 Greystone Park Psychiatric Hospital

10-7710	Patient Care and Health Services	$67,000
	Total Appropriation, Greystone Park Psychiatric Hospital	$67,000
	Personal Services:	
	Salaries and wages .....(	$67,000)

7720 Trenton Psychiatric Hospital

10-7720	Patient Care and Health Services	$161,000
	Total Appropriation, Trenton Psychiatric Hospital	$161,000
	Personal Services:	
	Veterans' cost of instruction .....(	3,000)
	Salaries and wages .....(	$158,000)
	Special Purpose:	
	Chapter 2 Block Grant ECIA .....(	3,000)

7730 Marlboro Psychiatric Hospital

10-7730	Patient Care and Health Services	$44,000
	Total Appropriation, Marlboro Psychiatric Hospital	$44,000
	Personal Services:	
	Salaries and wages .....(	$44,000)

7740 Ancora Psychiatric Hospital

10-7740	Patient Care and Health Services	$19,000
	Total Appropriation, Ancora Psychiatric Hospital	$19,000
	Personal Services:	
	Salaries and wages .....(	$19,000)

7750 Arthur Brisbane Child Treatment Center

10-7750	Patient Care and Health Services	$115,000
	Total Appropriation, Arthur Brisbane Child Treatment Center	$115,000
	Personal Services:	
	Salaries and wages .....(	$115,000)

24 Special Medical Services

7540 Division of Medical Assistance and Health Services

21-7540	Health Administration Services	$16,260,000
22-7540	General Medical Services	480,294,000
99-7540	Management and Administrative Services	12,045,000
	Total Appropriation, Division of Medical Assistance and Health Services	$508,599,000
	Personal Services:	
	Salaries and wages .....(	$8,290,000)
	Employee benefits .....(	1,655,000)
	Materials and Supplies .....(	111,000)
	Services Other Than Personal .....(	3,733,000)
	Maintenance and Fixed Charges ....(	585,000)

Special Purpose:	
Payments to fiscal agents	(9,063,000)
Eligibility determination	(933,000)
Professional standard review organization—utilization review	(1,523,000)
Administration of U. S. Department of Health and Human Services Programs	(272,000)
Alcoholism services project	(190,000)
Health facilities rate setting	(495,000)
Health facilities inspections	(876,000)
Compensation awards	(32,000)
Affirmative action and equal employment opportunity program	(6,000)
State Aid and Grants:	
Medical assistance	(480,294,000)
Medicaid personal physician plan	(492,000)
Additions, Improvements and Equipment	(49,000)

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	$14,372,000
02-7600	Social Supervision and Consultation	5,453,000
03-7600	Adult Activities	9,725,000
04-7600	Education and Day Training	636,000
99-7600	Management and Administrative Services	7,330,000
	Total Appropriation, Division of Mental Retardation	$37,516,000

Personal Services:	
Salaries and wages	($11,436,000)
Employee benefits	(35,000)
Materials and Supplies	(48,000)
Services Other Than Personal	(69,000)
Maintenance and Fixed Charges	(218,000)

Special Purpose:		
Intermediate care facilities—mental retardation (management and administrative services)	(	1,975,000)
Intermediate care facilities—mental retardation (purchased residential care)	(	171,000)
State Aid and Grants:		
Intermediate care facilities—mental retardation (purchased residential care)	(	8,784,000)
Expansion of social services	(	137,000)
Intermediate care facilities—mental retardation (social supervision and consultation)	(	1,226,000)
Community care waiver (purchased residential care)	(	4,786,000)
Adult activities services—social services block grant	(	1,676,000)
Intermediate care facilities—mental retardation (adult activities)	(	1,334,000)
Community care waiver (adult activities)	(	3,737,000)
Developmental disabilities	(	846,000)
Day care services	(	893,000)
Citizen advocacy program	(	67,000)
Work-study training program for caseworkers	(	78,000)

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	$1,685,000
06-7610	Health Services	422,000
07-7610	Education and Training	185,000
98-7610	Physical Plant and Support Services	547,000
99-7610	Management and Administrative Services	466,000
	Total Appropriation, Green Brook Regional Center	$3,305,000

Personal Services:		
Salaries and wages	(	$3,305,000)

7620 Vineland Developmental Center

05-7620	Residential Care and Habilitation	$5,645,000
06-7620	Health Services	2,816,000
07-7620	Education and Training	106,000
98-7620	Physical Plant and Support Services	617,000
99-7620	Management and Administrative Services	890,000
	Total Appropriation, Vineland Developmental Center	$10,074,000

Personal Services:
Salaries and wages ..... ($10,074,000)

7630 North Jersey Developmental Center

05-7630	Residential Care and Habilitation	$2,780,000
06-7630	Health Services	1,484,000
07-7630	Education and Training	67,000
98-7630	Physical Plant and Support Services	371,000
99-7630	Management and Administrative Services	637,000
	Total Appropriation, North Jersey Developmental Center	$5,339,000

Personal Services:
Salaries and wages ..... ($5,339,000)

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	$4,494,000
06-7640	Health Services	946,000
07-7640	Education and Training	130,000
98-7640	Physical Plant and Support Services	862,000
99-7640	Management and Administrative Services	481,000
	Total Appropriation, Woodbine Developmental Center	$6,913,000

Personal Services:
Salaries and wages ..... ($6,913,000)

7650 New Lisbon Developmental Center

05-7650	Residential Care and Habilitation	$6,531,000
06-7650	Health Services	1,753,000
07-7650	Education and Training	102,000
98-7650	Physical Plant and Support Services	1,068,000
99-7650	Management and Administrative Services	475,000
	Total Appropriation, New Lisbon Developmental Center	$9,929,000

Personal Services:
Salaries and wages ($9,924,000)
Materials and Supplies (2,000)
Additions, Improvements and Equipment (3,000)

7660 Woodbridge Developmental Center

05-7660	Residential Care	$6,650,000
06-7660	Health Services	600,000
07-7660	Education and Training	329,000
98-7660	Physical Plant and Support Services	221,000
99-7660	Management and Administrative Services	874,000
	Total Appropriation, Woodbridge Developmental Center	$8,674,000

Personal Services:
Salaries and wages ($8,674,000)

7670 Hunterdon Developmental Center

05-7670	Residential Care and Habilitation	$3,110,000
06-7670	Health Services	742,000
07-7670	Education and Training	207,000
98-7670	Physical Plant and Support Services	870,000
99-7670	Management and Administrative Services	678,000
	Total Appropriation, Hunterdon Developmental Center	$5,607,000

Personal Services:
Salaries and wages ($5,606,000)
Materials and Supplies (1,000)

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	$171,000
06-7680	Health Services	111,000
07-7680	Education and Training	135,000
98-7680	Physical Plant and Support Services	20,000
99-7680	Management and Administrative Services	55,000
	Total Appropriation, Edward R. Johnstone Training and Research Center	$492,000

Personal Services:
Salaries and wages ..... ($492,000)

7690 North Princeton Developmental Center

05-7690	Residential Care and Habilitation	$2,994,000
06-7690	Health Services	459,000
98-7690	Physical Plant and Support Services	278,000
98-7690	Management and Administrative Services	464,000
	Total Appropriation, North Princeton Developmental Center	$4,195,000

Personal Services:
Salaries and wages ..... ($4,195,000)

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation	$3,983,000
12-7560	Instruction and Community Programs	454,000
99-7560	Management and Administrative Services	2,621,000
	Total Appropriation, Commission for the Blind and Visually Impaired	$7,058,000

Personal Services:
Salaries and wages ..... ($2,869,000)
Employee benefits ..... (519,000)
Materials and Supplies ..... (149,000)
Services Other Than Personal ..... (771,000)
Maintenance and Fixed Charges ..... (835,000)

Special Purpose:		
Vocational rehabilitation—direct services	(	93,000)
Migrant education program	(	6,000)
Rehabilitation Act section 120	(	25,000)
Compensation awards	(	10,000)
State Aid and Grants:		
Migrant education program	(	40,000)
Vocational rehabilitation—direct services	(	1,571,000)
Additions, Improvements and Equipment	(	170,000)

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	$10,713,000
14-7550	Quality Control	1,477,000
15-7550	Income Maintenance	430,087,000*
99-7550	Management and Administrative Services	28,441,000
	Total Appropriation, Division of Public Welfare	$470,718,000*

Personal Services:		
Salaries and wages	(	$4,964,000)
Employee benefits	(	993,000)
Materials and Supplies	(	73,000)
Services Other Than Personal	(	10,635,000)
Maintenance and Fixed Charges	(	742,000)
Special Purpose:		
Public welfare administration	(	580,000)
Food stamp program—county operations	(	21,000,000)
Food stamp program—division operations	(	2,100,000)
Supplemental security income	(	5,300,000)
Title XIX medical assistance administration—county operations	(	8,200,000)
Title XIX medical assistance administration—division operations	(	1,757,000)

Social service county welfare agencies	(21,340,000)
Child support and paternity program—county operations	(9,200,000)
Child support and paternity program—division operations	(1,455,000)
Dependent children assistance	(244,892,000*)
Dependent children assistance—county administration	(40,000,000)
Low income energy assistance block grant—county operations	(4,292,000)
Low income energy assistance block grant—division operations	(1,651,000)
Refugee resettlement program—county operations	(178,000)
Refugee resettlement program—assistance	(1,272,000)
Low income energy assistance block grant—payments	(65,368,000)
Work incentive program—division operations	(2,640,000)
Automated child support enforcement program	(11,360,000)
Implementation of family assistance management information system	(10,724,000)
Additions, Improvements and Equipment	(2,000)

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	$15,922,000
17-7570	Substitute Care	5,259,000
18-7570	General Social Services	48,592,000
17-7571	Cedar Grove Residential Center	202,000
17-7572	Ewing Residential Center	308,000
17-7553	Vineland Residential Center	312,000
17-7574	Woodbridge Emergency Reception and Child Diagnostic Center	326,000

99-7570 Management and Administrative Services	9,957,000
Total Appropriation, Division of Youth and Family Services	$80,878,000

Personal Services:	
Salaries and wages	($12,510,000)
Employee benefits	(3,197,000)
Materials and Supplies	(491,000)
Services Other Than Personal	(4,815,000)
Maintenance and Fixed Charges	(5,232,000)
Special Purpose:	
Administration of U.S. Department of Health and Human Services programs	(679,000)
Title IV-B Child welfare services	(1,350,000)
Compensation awards	(85,000)
DYFS purchase of service contracts—child abuse	(1,000,000)
District office operations—specialized services	(1,600,000)
State Aid and Grants:	
Medicaid payment for children in institutions	(1,400,000)
Work incentive program—social services	(360,000)
Restricted grants	(976,000)
Title IV A/E	(2,977,000)
Title IV-B child welfare services	(367,000)
General social services	(1,000,000)
Social services block grant—Purchase of service contracts	(31,255,000)
Low income energy assistance—Substitute care	(152,000)
Low income energy assistance—Purchase of services	(2,910,000)
Cuban-Haitian entrant program	(2,874,000)
Purchase of service contracts—Substitute care	(1,099,000)

State Aid and Grants:	
Allocation to County Welfare Agencies and County Human Services Advisory Boards—	
Atlantic	($129,800)
Bergen	(461,100)
Burlington	(219,400)
Camden	(265,500)
Cape May	(114,900)
Cumberland	(125,000)
Essex	(601,600)
Gloucester	(151,600)
Hudson	(655,700)
Hunterdon	(18,500)
Mercer	(129,500)
Middlesex	(169,900)
Monmouth	(276,100)
Morris	(93,300)
Ocean	(408,500)
Passaic	(283,800)
Salem	(54,300)
Somerset	(50,300)
Sussex	(64,100)
Union	(173,300)
Warren	(53,800)
Additions, Improvements and Equipment	(49,000)

The $4,100,000 in additional Social Services Block Grant funds shall be expended as follows: $1,200,000 shall be distributed to county welfare agencies in the same amounts as was distributed during FY 1984 and $300,000 shall be distributed among the county welfare agencies in the following manner: one-half of the funds shall be allocated to each county in the same proportion that its Medicaid population during calendar year 1983 bears to the total Medicaid eligible population in the State during 1983, and one-half of the funds shall be allocated to each county in the same proportion that its number of households with incomes below $17,499, adjusted for family size, bears to the total number of households with in-

comes below $17,499, adjusted for family size in the State; furthermore, the funds distributed among county welfare agencies shall be used to provide additional social services as determined by county welfare agencies and shall not be used to offset existing social services expenditures supported by county funds; $1,000,000 shall be distributed among those counties which are underfunded, as determined by computing the amount of social services funds each county is entitled to receive for county welfare agencies and purchased social services under the one-half Medicaid/one-half households below $17,499 formula and comparing it to the amount of social services funds each county received on July 1, 1983 for county welfare agencies and purchased social services; and $1,600,000 shall be provided to the Division of Youth and Family Services for specialized prevention initiatives in the areas of homemaker, day care, parent education and specialized counseling, and to provide assistance to community agencies who provide specialized services to victims of family violence.

The $2,000,000 appropriation for County Human Services Advisory Board formula funding shall be distributed among the counties as follows: one-half of the funds shall be allocated to each county in the same proportion that its Medicaid eligible population during calendar year 1983 bears to the total Medicaid eligible population in the State during calendar year 1983, and one-half of the funds shall be allocated to each county in the same proportion that the number of households with income below $17,499, adjusted for family size, bears to the total number of households with incomes below $17,499, adjusted for family size.

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500	Management and Administrative Services	$13,252,000
	Total Appropriation, Division of Management and Budget	$13,252,000

Special Purpose:		
Medical assistance administration	($750,000)	
Child support and paternity	(127,000)	
Rehabilitation act, section 120	(147,000)	
Title IV-C Work incentive program	(83,000)	
Social services block grant	(1,315,000)	
Food stamp administration	(140,000)	
Adult basic education	(25,000)	
ESEA, Title I	(92,000)	
Education consolidation improvement act II	(42,000)	
Deaf-blind training grant Title VI-C.	(418,000)	
AFDC homemaker/home health and demonstration project	(6,546,000)	
Vocational education and career preparation—subchapter 2	(352,000)	
Human Services library services	(30,000)	
Grant diversion project	(310,000)	
Intermediate care facilities—mental retardation	(2,500,000)	
State Aid and Grants:		
Long-term care channeling project	(375,000)	
Total Appropriation, Department of Human Services		$1,188,392,000*

A pro rata share of all Low Income Energy Assistance Block grant funds received by the Department of Human Services shall be allocated immediately upon their receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570	Planning and Research	$4,683,000
99-4565	Management and Administrative Services	16,544,000
	Total Appropriation, Economic Planning and Development	$21,227,000
	Personal Services:	
	Salaries and wages	($12,963,000)
	Employee benefits	(3,267,000)
	Materials and Supplies	(275,000)
	Services Other Than Personal	(2,413,000)
	Maintenance and Fixed Charges	(1,582,000)
	Special Purpose:	
	Occupational informational coordinating program	(8,000)
	Management and administration	(397,000)
	Planning and research	(103,000)
	Career information delivery system	(160,000)
	Additions, Improvements and Equipment	(59,000)

52 Economic Regulation

12-4550	Enforcement of Workplace Standards	$1,240,000
	Total Appropriation, Economic Regulation	$1,240,000
	Personal Services:	
	Salaries and wages	($832,000)
	Employee benefits	(201,000)
	Materials and Supplies	(20,000)
	Services Other Than Personal	(73,000)
	Maintenance and Fixed Charges	(72,000)
	Special Purpose:	
	Economic regulation	(1,000)
	OSHA on-site consultation	(30,000)
	Mine safety educational program	(2,000)
	Additions, Improvements and Equipment	(9,000)

53 Economic Assistance and Security

01-4510	Unemployment Insurance	$43,153,000
02-4515	Disability Determination	23,957,000
	Total Appropriation, Economic Assistance and Security	$67,110,000

Personal Services:	
Salaries and wages	($31,789,000)
Employee benefits	(8,592,000)
Materials and Supplies	(840,000)
Services Other Than Personal	(9,765,000)
Maintenance and Fixed Charges	(5,633,000)
Special Purpose:	
Unemployment insurance	(907,000)
Old age and survivors' insurance—	
Disability determination	(2,120,000)
Compensation awards	(14,000)
State Aid and Grants:	
Old age and survivors' insurance—	
Disability determination	(7,333,000)
Additions, Improvements and Equipment	(117,000)

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation	$23,680,000
08-4540	Work Incentive Program	7,224,000
09-4545	Employment Services	23,338,000
10-4545	Employment Development Services	90,000,000
	Total Appropriation, Manpower and Employment Services	$144,242,000

Personal Services:	
Salaries and wages	($23,161,000)
Employee benefits	(5,653,000)
Materials and Supplies	(359,000)
Services Other Than Personal	(3,341,000)
Maintenance and Fixed Charges	(3,004,000)

Special Purpose:		
Rehabilitation in-service training	(35,000)	
Vocational rehabilitation services—Federal	(11,027,000)	
Employment services	(524,000)	
Work incentive program	(7,224,000)	
Job Training Partnership Act—Title II-B, Summer youth employment and training program	(25,000,000)	
Job Training Partnership Act—Title III, Dislocated workers	(5,000,000)	
Employment development services	(78,000)	
State Aid and Grants:		
Job Training Partnership Act—Title II-A—Training services for the disadvantaged	(56,885,000)	
Work activity centers	(464,000)	
Independent living program	(300,000)	
Rehabilitation of supplemental security income beneficiaries	(150,000)	
Employment services	(2,000,000)	
Additions, Improvements and Equipment	(37,000)	
Total Appropriation, Department of Labor		$233,819,000

The Commissioner of Labor shall require a Service Delivery Area to provide English language instruction to persons with limited English ability whenever a Service Delivery Area's percentage of persons with limited English exceeds the Statewide Service Delivery Area average of persons with limited English, as determined by the Commissioner.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

03-1110 Driver Control		$2,725,000
Total Appropriation, Vehicular Safety		$2,725,000
State Aid and Grants:		
Federal highway safety program	($2,725,000)	

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	$688,000
07-1200	Police Services and Public Order	50,000
08-1020	Emergency Services	2,789,000
09-1020	Criminal Justice	2,264,000
24-1200	Marine Police Operations	300,000
	Total Appropriation, Law Enforcement	$6,091,000

Special Purpose:

Supplemental patrol traffic accident reduction	($514,000)
State of New Jersey improvement grant	(25,000)
FEMA State assistance program ..	(86,000)
Radiological systems maintenance..	(119,000)
National shelter survey	(55,000)
Emergency operating center	(501,000)
Nuclear civil protection planning ..	(165,000)
Warning and communication	(90,000)
Emergency management training and education	(112,000)
Boating safety	(300,000)
Emergency management assistance program	(1,534,000)
Radiological defense officer project.	(57,000)
Medicaid fraud unit	(2,064,000)
Northwestern traffic administration training program	(50,000)
Maintenance and services	(45,000)
Northeast hazardous waste coordination committee	(200,000)
D.W.I. Training	(104,000)
Sobriety Checkpoint	(70,000)

13 Special Law Enforcement Activities

18-1430	Law Enforcement Planning	$3,246,000
	Total Appropriation, Special Law Enforcement Activities	$3,246,000

State Aid and Grants:		
Juvenile justice administration and grants	($1,079,000)	
SLEPA administration planning and grants	(2,167,000)	
Special Government Services		
82 Protection of Citizens' Rights		
16-1350 Protection of Civil Rights		$725,000
Total Appropriation, Protection of Citizens' Rights		$725,000
Special Purpose:		
New charge resolution project	($432,000)	
Age discrimination project	(85,000)	
Fair housing assistance program	(58,000)	
Fair housing multiple dwelling reporting program	(150,000)	
Total Appropriation, Department of Law and Public Safety		$12,787,000
DEPARTMENT OF THE PUBLIC ADVOCATE		
Special Government Services		
82 Protection of Citizens' Rights		
08-8350 Advocacy for the Developmentally Disabled		$383,000
Total Appropriation, Protection of Citizens' Rights		$383,000
Personal Services:		
Salaries and wages	($287,000)	
Employee benefits	(19,000)	
Materials and Supplies	(3,000)	
Services Other Than Personal	(8,000)	
Maintenance and Fixed Charges	(13,000)	
Special Purpose:		
Clients' assistance project	(53,000)	
Total Appropriation, Department of the Public Advocate		$383,000

DEPARTMENT OF STATE

37 Cultural and Intellectual Development Services

05-2530	Support of the Arts	$517,000
07-2540	Development of Historical Resources	44,000
	Total Appropriation, Cultural and Intellectual Development Services	$561,000
	Personal Services:	
	Salaries and wages	($517,000)
	Special Purpose:	
	National historical publication commission	(15,000)
	NEH Papers of Willliam Livingston	(29,000)
	Total Appropriation, Department of State	$561,000

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

07-6110	Electrical and Traffic Operations	$270,000
10-6200	Federal Aid Interstate Highway Projects	111,200,000
12-6200	Resurfacing	34,200,000
15-6200	Interstate Transfer Program Funds—NJ/NY Metro Area	74,800,000
20-6200	Federal Aid Urban System Highway Projects	55,500,000
25-6200	Federal Aid Consolidated Primary Highway Projects	51,000,000
30-6200	Federal Aid Rural Highway Projects	8,250,000
40-6200	Federal Aid Bridge and Highway Safety Projects	20,800,000
41-6200	High Hazard	5,400,000
42-6200	**Bridge Replacement**	57,600,000
47-6200	**Safer Roads Demonstration Projects**	3,150,000
	Total Appropriation, State Highway Facilities	$422,170,000

Special Purpose:	
Interstate highway projects	($111,200,000)
Interstate resurfacing	(34,200,000)
Interstate transfer program fund	(74,800,000)
Urban systems	(55,500,000)
Consolidated primary projects	(51,000,000)
Discretionary bridge program	(57,600,000)
Rural secondary highway projects	(8,250,000)
Highway road and bridge construction	(20,800,000)
High hazard locations—Federal	(5,400,000)
Safer roads demonstration projects	(3,150,000)
Engineering analysis	(90,000)
Equipment calibrate and correlate skid test equipment	(42,000)
Federal reimbursement for operating costs	(138,000)

62 Public Transportation

05-6070	Aeronautics	$17,000,000
75-6210	Station Improvements	15,000,000
	Total Appropriation, Public Transportation	$32,000,000

Special Purpose:	
Airport fund	($17,000,000)
Erie Lackawanna railroad electrification	(15,000,000)

64 Planning and General Management Support

02-6030	Planning	$9,600,000
03-6040	Research and Demonstration	1,425,000
99-6000	Management and Administrative Services	300,000
	Total Appropriation, Planning and General Management Support	$11,325,000

Special Purpose:	
Metropolitan planning studies	($3,204,000)
Planning and payroll research	(5,796,000)

New Jersey Statewide public transportation grant (NJ 09-8007)	(600,000)	
Research—Federal payroll	(1,425,000)	
Motor carrier safety assistance program	(300,000)	
Total Appropriation, Department of Transportation		$465,495,000

THE JUDICIARY

Public Safety and Criminal Justice

15 Judicial Services

05-9730	Family Part of the Superior Court	$17,500,000
12-9765	Management and Administration	50,000
	Total Appropriation, Judicial Services	$17,550,000
Special Purpose:		
Judicial seminars	($20,000)	
Municipal court manual	(30,000)	
State Aid and Grants:		
Child support and paternity program—Title IV-D	(17,500,000)	
Total Appropriation, The Judiciary		$17,550,000
Total Appropriation, Federal Funds		$2,438,808,000*

Notwithstanding any State law to the contrary, no State agency shall accept or expend any federal funds except as appropriated in this act.

In addition to the federal funds hereinabove appropriated, there are appropriated the following funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required, except, for the purpose of this section, federal funds re-

ceived by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; and Basic Educational Opportunity Grants (Pell Grants) in excess of the amount specifically appropriated, provided, however, that the Director of the Division of Budget and Accounting notify the Legislative Budget Officer of such additional grants; and all other grants of $200,000 or less which have been awarded competitively.

For the purposes of this section: "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or who receives the allocation; and "grants" refer to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances as of June 30, 1984, of federal funds are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting, who shall inform the Legislative Budget Officer of accounts receivable balances which are established and reappropriated.

The unexpended balances as of June 30, 1984, of federal funds are appropriated for the same purpose. The Director of the Division of Budget and Accounting shall inform the Legislative Budget Officer of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

Total Appropriation, General Fund $8,009,400,095*

PROPERTY TAX RELIEF FUND

Direct State Services

Department of the Treasury

Government Direction, Management and Control

73 Financial Administration

15-2080	Processing and Administration	$18,757,000
	Total Appropriation, Financial Administration	$18,757,000

Special Purpose:

Administrative costs of the collection of the gross income tax	($14,600,000)
Administrative costs of paying homestead exemptions	(4,157,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be required for collection of the gross income tax and the administration of the Homestead Exemptions Act, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	$18,757,000
Total Appropriation, Direct State Services	$18,757,000

STATE AID

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

01-5120	General Formula Aid	$1,217,001,000
05-5120	Bilingual Education	21,195,000
06-5120	Compensatory Education	88,058,000
07-5120	Special Education	206,076,000
	Total Appropriation, Direct Educational Services and Assistance	$1,532,330,000

State Aid:

Current expense equalization aid	($1,217,001,000)
Bilingual education aid	(21,195,000)
Compensatory education aid	(88,058,000)
Special education aid	(206,076,000)

34 Educational Support Services—State Aid

36-5120	Pupil Transportation Services	$21,729,000
	Total Appropriation, Educational Support Services	$21,729,000

State Aid:

Transportation aid	($21,729,000)

Total Appropriation, Department of Education	$1,554,059,000

The amounts appropriated hereinabove are apportioned to each local school district after adjusting each district's entitlement by an amount equal to the difference between an allocation in fiscal year 1984 based on a district's estimated 1983-84 preschool enrollment and an allocation based on the actual number of preschool pupils enrolled on September 30, 1983.

Any balances realized in any account as a result of this adjustment are appropriated for current expense equalization aid.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are received to fund adjustments and other factors, by utilizing the same method used in distributing general formula aid and school building aid in the 1983-84 school year.

The amount hereinabove is appropriated from the Property Tax Relief Fund.

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

32-2071	Revenue Sharing	$50,000,000
33-2076	Homestead Exemptions	275,000,000
34-2078	Reimbursement-Senior/Disabled Citizens' and Veterans' Property Tax Exemptions	37,600,000
	Total Appropriation, State Subsidies and Financial Aid	$362,600,000

State Aid:

Distribution of revenue sharing funds to qualifying municipalities ($50,000,000)

Payments to homeowners for homestead exemptions .....(275,000,000)

State reimbursement to municipalities for senior/disabled citizens' property tax exemptions .....(15,400,000)

State reimbursement for veterans' property tax exemptions .....(22,200,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State

reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead exemptions.

Notwithstanding the provisions of C54A:10–4, the amount of revenue sharing paid by the State to municipalities for the calendar year 1984 shall be the same amount which was paid during calendar year 1983.

Total Appropriation, Department of the Treasury	$362,600,000
Total Appropriation, State Aid	$1,916,659,000
Total Appropriation, Property Tax Relief Fund	$1,935,416,000

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

Direct State Services

Department of Law and Public Safety

Public Safety and Criminal Justice

13 Special Law Enforcement Activities

30-1460	Gaming Enforcement	$27,154,000
	Total Appropriation, Special Law Enforcement Activities	$27,154,000

Personal Services:	
Salaries and wages	($12,693,000)
New positions	(966,000)
Cash in lieu of maintenance	(614,000)
Employee benefits	(3,937,000)
Materials and Supplies	(986,000)
Services Other Than Personal	(3,214,000)
Maintenance and Fixed Charges	(2,082,000)
Special Purpose:	
Compensation awards	(10,000)
Indirect costs	(900,000)
Additions, Improvements and Equipment	(1,752,000)

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	$27,154,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

73 Financial Administration

25-2095	Administration of Casino Gambling	$17,148,000
	Total Appropriation, Financial Administration	$17,148,000

Personal Services:	
Chairman and Commissioners	($305,000)
Salaries and wages	(10,076,000)
New positions	(540,000)
Employee benefits	(2,697,000)
Materials and Supplies	(323,000)
Services Other Than Personal	(1,726,000)
Maintenance and Fixed Charges	(952,000)

Special Purpose:
Compensation awards .....(1,000)
Other special purpose .....(496,000)
Additions, Improvements and Equipment .....(32,000)

The amount hereinabove for administration of casino gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for administration of casino gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury $17,148,000

Total Appropriation, Casino Control Fund . $44,302,000

CASINO REVENUE FUND

Direct State Services

Department of Community Affairs

Community Development and Environmental Management

41 Community Development Management

12-8025 Boarding Home Regulation and Assistance $1,000,000

Total Appropriation, Community Development Management $1,000,000

Special Purpose:
Boarding Home Rental Assistance .($1,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to C55:14K–14 and subject to the approval of the Director and Comptroller, Division of Budget and Accounting.

Economic Planning, Development and Security

55 Related Social Services Programs

08-8060	Programs for the Aging	$625,000
	Total Appropriation, Economic Planning, Development and Security	$625,000

Special Purpose:
Congregate housing support services .....($625,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Community Affairs	$1,625,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Health Services

21-7540	Health Services Administration	$124,000
24-7540	Pharmaceutical Assistance to the Aged and Disabled	22,673,000
	Total Appropriation, Special Health Services	$22,797,000

Personal Services:
Salaries and wages .....($723,000)
Employee benefits .....(144,000)
Materials and Supplies .....(19,000)
Services Other Than Personal .....(240,000)
Maintenance and Fixed Charges ....(53,000)

Special Purpose:
Payments to fiscal agents (PAAD) (588,000)
Other special purpose ..... (111,000)
Grants:
Pharmaceutical assistance to the aged and disabled—claims ..... (20,892,000)
Additions, Improvements and Equipment ..... (27,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

Economic Planning, Development and Security

53 Economic Assistance and Security

28-7540	Lifeline Programs	$72,642,000
	Total Appropriation, Economic Assistance and Security	$72,642,000

Personal Services:
Salaries and wages ..... ($1,564,000)
Employee benefits ..... (313,000)
Materials and Supplies ..... (140,000)
Services Other Than Personal ..... (1,180,000)
Maintenance and Fixed Charges .... (298,000)
Special Purpose:
Payments to fiscal agents ..... (66,000)
Other special purpose ..... (380,000)
Grants:
Payments for lifeline credits ..... (45,351,000)
Payments for tenants' lifeline assistance ..... (23,274,000)
Additions, Improvements and Equipment ..... (76,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to persons qualifying for lifeline programs.

Total Appropriation, Department of Human Services $95,439,000

Total Appropriation, Direct State Services—Casino Revenue Fund $97,064,000

STATE AID

Department of Human Services

Physical and Mental Health

24 Special Health Services

22-7540 General Medical Services $17,561,000

State Aid:
Payments for medical assistance recipients (State share) ..... ($17,561,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services $17,561,000

Department of Transportation

Transportation Services

62 Public Transportation

04-6050 Railroad and Bus Operations $10,000,000

State Aid:
Transportation assistance for senior citizens and disabled residents .. ($10,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Transportation $10,000,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

33-2076	Homestead Exemptions	$21,000,000
34-2076	Reimbursement—Senior and Disabled Citizens' Tax Exemptions	30,400,000
	Total Appropriation, State Subsidies and Financial Aid	$51,400,000

State Aid:
Payments to senior citizens or disabled homeowners for the added rebate of $50 permitted under the homestead exemption program .. ($21,000,000)
Reimbursement to municipalities for senior citizens' and disabled citizens' property tax exemptions .. (30,400,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to senior citizens or disabled homeowners, or reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury $51,400,000

Total Appropriation, State Aid—Casino Revenue Fund $78,961,000

Total Appropriation, Casino Revenue Fund $176,025,000

GUBERNATORIAL ELECTIONS FUND

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	$4,000,000
	Total Appropriation, Gubernatorial Elections Fund	$4,000,000

Special Purpose:
Public financing of the gubernatorial election ..... ($4,000,000)

The amount hereinabove for Public financing of the gubernatorial primary and general elections is appropriated from the Gubernatorial Elections Fund.

Grand Total Appropriation, All Funds $10,169,143,095*

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1984 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1984 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; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which nonreimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from Federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to the approval of the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1984 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements, and Equipment, where such unexpended balances exceed $300.00 are appropriated; provided, however, that $5 million shall be lapsed to the General Fund as shall be determined by the Director of the Division of Budget and Accounting.

8. Unless otherwise provided, balances remaining as of June 30, 1984 in accounts of appropriations enacted subsequent to April 1, 1984 are appropriated.

9. 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; provided that such transfer is not between or among a State Aid, Direct State Services, Capital Construction or a Debt Service account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget Officer upon the effective date thereof. Cumulative transfers or allotments in excess of $200,000 from or to any account and any transfer or allotment, regardless of amount, to or from a line item in the category of accounts identified as Grant or Special Purpose, other than those in the category of Salary and Other Benefits in the Interdepartmental Accounts, shall be transmitted to the Legislative Budget Officer for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within 10 working days. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires

approval of the Legislative Budget Officer, the request shall be deemed to be approved by the Legislative Budget Officer, if, within 20 working days of the physical receipt of the request, the Legislative Budget Officer does not disapprove the request and so inform the requesting officer. Except as otherwise provided, no sum appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance. However, any item for capital improvement may be transferred to any other item of capital improvement. Transfers or allotments between or among State Aid, Direct State Services, Capital Construction, or Debt Service accounts may be made only if approved by the Legislative Budget Officer at the direction of the Subcommittee on Transfers of the Joint Appropriations Committee. The Subcommittee on Transfers of the Joint Appropriations Committee is empowered to review all transfers submitted to the Legislative Budget Officer and may direct said Legislative Budget Officer to approve or disapprove any such transfer.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget Officer upon the effective date thereof. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be 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.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance and postage to credit

or transfer to the Department of the Treasury, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of 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 Legislative Budget Officer, upon the effective date of such ruling.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal insurance administration requirements.

15. 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 department for its share of costs of such data processing center, including the replacement of data processing equipment and the purchase of additional data processing equipment.

16. The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any

appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of costs of the Microfilm Section.

17. 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.

18. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

19. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

20. There is 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 Revenue, Finance and 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 Appropriations Committee.

21. Federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund. The Director of the Division of Budget and Accounting may reallocate that portion of the federal appropriation of the Department so determined for the purpose of reimbursing the General Fund for agency and central support services, indirect and administrative costs into a special account for that purpose. The Director of the Division of Budget

and Accounting shall not permit any reduction in the amount an agency transmits to the Department of the Treasury without first notifying the Legislative Budget Officer and providing him with documentation to support that reduction. 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.

22. Notwithstanding the provisions of P. L. 1954, c. 48 (C52:34–6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJECN) as if they were State government agencies pursuant to P. L. 1954, c. 48, s. 5(a) (C52:34–10(a)).

23. The Director of the Division of Budget and Accounting may settle any claim not exceeding $100 due and owing to the State.

24. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $750 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $750, 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.

25. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

26. Any unexpended balance as of June 30, 1984 not exceeding $100, in the several Federal, dedicated, other non-State, and revolving funds where there has been no activity in the account during the preceding twelve months shall be transferred to a suspense account for a period not to exceed three years; provided, however, that such sums as may be required for refunds are appropriated.

Any unclaimed or unexpended balances remaining after three years shall be lapsed to the credit of the General Fund, as determined by the Director of the Division of Budget and Accounting.

27. 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. 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.

28. The Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust the appropriations bill to reflect any reorganizations which have been implemented since the formulation of the Governor's Budget.

29. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

30. The Director of the Division of Budget and Accounting shall provide the Legislative Budget Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposal or grant application with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the Director's approval or disapproval of the application.

31. The appropriate executive agencies shall prepare and submit to the Joint Appropriations Committee by March 1, 1985, reports on proposed expenditures during fiscal year 1986 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income

energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; and the social services block grant. Such reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

32. State agencies shall prepare and submit a copy of their departmental spending plan involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget Officer by October 1, 1984 and updated spending plans on January 1 and April 1, 1985. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

34. The Director of the Division of Budget and Accounting shall provide detailed affirmative action data for the various departments and agencies of State government in the fiscal year 1985-1986 budget document. This data shall include, but not be limited to, a presentation of personnel by sex, salary group and job categories, for both all employees and various EEO personnel groups based upon Department of Civil Service Report CSSA3020. The Director, as part of the budget request process, is hereby authorized and directed to provide such affirmative action data for fiscal year 1986 requested and recommended, fiscal year 1985 budgeted, and fiscal year 1984 and fiscal year 1983 actual, with November as the representative month for fiscal year reporting.

35. The Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is hereby directed and empowered to cause this act to be printed in bill form, including such addenda as may be attached, subject to the approval of the Chairman of the Joint Appropriations Committee, and is empowered to make such corrections before printing as are necessary to make the appropriations herein available in accordance with legislative intent.

36. There is constituted a Subcommittee on Personnel of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of a Subcommittee Chairman from the majority members of

the Assembly Committee on Revenue, Finance and Appropriations, and four other members, two from each political party from the members of the Joint Appropriations Committee.

37. The Director of the Division of Budget and Accounting is hereby authorized to review the total complement of budgeted positions now maintained among the various Executive Departments and abolish not less than 500 positions which will have remained vacant for nine months or more, as of June 30, 1985.

38. This act shall take effect July 1, 1984.

Approved June 29, 1984.

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* Reduced by line-item veto of the Governor. See statement following.

STATEMENT TO CHAPTER 58
(SENATE BILL No. 1900)

I am today returning Senate Bill No. 1900 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto.

In its basic component, this budget is essentially the one which I delivered to the Legislature on January 30 of this year. It is a budget which is designed not only to meet the current needs of New Jersey's citizens, but to build a better tomorrow for our State.

In short, this budget is an investment in New Jersey's future. It contains several major programs which will enable us to plan a more prosperous future—to chart a course for a stronger New Jersey economy. The investments we are making today will plant the seeds for new jobs for our State in the years ahead.

The keystone of this budget is the initiation of the most ambitious transportation capital program in the history of our State. I applaud the Legislature for its cooperation in crafting this program, which is so vital to New Jersey's ability to attract jobs. The program we have agreed to will allow us to attract the maximum amount of federal funding, and will enable us to undertake $3.3 billion in needed highway and mass transit construction and repair over the next four years.

For the first time, New Jersey will have a stable transportation program in place; one characterized by sound planning, increased highway and rail safety, continued economic development, and, most importantly, more jobs for the people of New Jersey.

This budget also makes a historic investment in New Jersey's system of higher education, long the neglected stepchild of the State budget process. It contains funding for the high technology and higher education initiatives which I presented in my Annual Message to the Legislature. Together with funds from the Higher Education and Technology bond issue, the budget provides for the largest investment in higher education in over a decade.

This investment is essential if New Jersey is to continue to lead the way into the high technology age. It will help us implement the recommendations of my Commission on Science and Technology for making New Jersey a center of advanced research in emerging technologies, and a center of strength in the high tech economy.

The budget also contains the largest increase in aid to local school districts since the enactment of the Public School Education Act of 1975. Aid to the schools constitutes the largest single expenditure in this budget, and it is also the area which has been increased the most since last year. I can think of no wiser an investment in our State's future than this investment in our system of public education. It will enable us to develop our most precious resource—the minds of our young people.

The budget contains a number of other increases in high priority areas, including the environment, health, management improvements, and welfare assistance. It meets the current pressing needs of the State even as we anticipate future needs. It addresses the priority areas of today, and plans to meet the priority needs of tomorrow.

I am proud to sign into law a budget that is, in the truest sense, an investment—one which will help us fulfill the great promise which the future holds for our proud State.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 1900 are available to support appropriations made by Senate Bill No. 1900 for the fiscal year ending June 30, 1985.

General Fund

Undesignated Fund Balance July 1, 1984	$414,654,343
Major taxes:	
Sales	2,135,000,000
Corporation	925,000,000
Motor Vehicle Fees	286,000,000
Motor Fuels	292,000,000
Business Personal Property	34,000,000
Pari-mutuel	7,000,000
Transfer Inheritance	170,000,000
Insurance	99,000,000
Savings Institutions	2,500,000
Realty Transfer	30,000,000
All Other Major Taxes same as S1900	525,000,000
Miscellaneous Taxes, Fees and Revenues:	
Department of Higher Education	
Tuition—Regular	49,694,000
Department of Human Services	
Psychiatric Hospitals	64,000,000
Recoveries	2,000,000
Department of Insurance	
Licensing and Enforcement	3,800,000
Real Estate Commission	1,500,000
Department of the Treasury	
Public Utility Gross Receipt and Franchise Tax	80,000,000
New Jersey Sports and Exposition Authority	1,000,000
Sale of Land	1,000,000
Judicial Retirement System Reimbursement	0
All Other Miscellaneous, Taxes, Fees and Revenues same as S1900	351,921,000
Interfund Transfers	
Transportation Rehabilitation and Improvement Fund of 1979	3,000,000
All Other Interfund Transfers same as S1900	428,130,000
Total General Fund Resources	$5,907,199,343

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 1984	$50,042,350
Gross Income Tax	1,875,000,000
Total Resources, Property Tax Relief Fund	$1,925,042,350

Casino Revenue Fund

All Resources same as S1900	$216,337,483

Casino Control Fund

All Resources same as S1900	$44,302,000

Gubernatorial Elections Fund

All Resources same as S1900	$2,582,233
Grand Total Resources	$8,095,463,409

Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prohibits me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to C. 52:27B–26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal grants to support any expenditure are receivable or have been received by the State.

Pursuant to Article V, Section 1, paragraph 15 of the Constitution, I am appending to Senate Bill No. 1900 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.

"Direct State Services"

"Legislative Branch"

On Page 21:

"09-0018 State Commission of Investigation .. $1,940,000"

This item is reduced to $1,892,000.

On Page 21:
"Total Appropriation,
State Commission of Investigation ..... 1,940,000"
This item is reduced to $1,892,000.

On Page 21:
"Expenses of Commission ..... (1,940,000)"
This item is reduced to $1,892,000.

On Page 21:
"09-0025 Commission to Study Sex
Discrimination in the Statutes ..... 80,000"
This item is reduced to $65,000.

On Page 21:
"Total Appropriation, Commission to Study Sex
Discrimination in the Statutes ..... 80,000"
This item is reduced to $65,000.

On Page 21:
"Expenses of Commission ..... (80,000)"
This item is reduced to $65,000.

On Page 23:
"Total Appropriation,
Legislative Commissions ..... 2,739,000"
This item is reduced to $2,676,000.

On Page 23:
"Total Appropriation, Legislative Branch ..... 36,331,000"
This item is reduced to $36,268,000.

"Department of Agriculture"

On Page 24:
"02-3320 Plant Pest and Disease Control ..... 2,042,000"
This item is reduced to $1,542,000.

On Page 24:
"Total Appropriation,
Natural Resource Management ..... 3,727,000"
This item is reduced to $3,227,000.

On Page 24:
"Gypsy moth control ..... (600,000)"
This item is reduced to $100,000.

On Page 27:
"Total Appropriation,
Department of Agriculture ..... 7,040,000"
This item is reduced to $6,540,000.

"Department of Corrections"

On Page 45:
"02-7000 Program Operations Support ..... 18,588,000"
This item is reduced to $18,538,000.

On Page 46:
"Total Appropriation, Central Planning,
Direction and Management ..... 26,082,000"
This item is reduced to $26,032,000.

On Page 47:
"Joint connection program ..... (146,000)"
This item is reduced to $96,000.

On Page 47:
"Total Appropriation,
Department of Corrections ..... 211,451,000"
This item is reduced to $211,401,000.

"Department of Energy"

On Page 54:
"10-4050 Public Broadcasting Services ..... 5,278,000"
This item is reduced to $5,258,000.

On Page 54:
"Total Appropriation, Cultural and
Intellectual Development Services ..... 5,278,000"
This item is reduced to $5,258,000.

On Page 54:
"Grant to Newark Public Radio ..... (50,000)"
This item is reduced to $30,000.

On Page 56:
"Total Appropriation,
Department of Energy ..... 17,976,000"
This item is reduced to $17,956,000.

"Department of Environmental Protection"

On Page 57:
"05-4840 Water Supply and Watershed Management ..... 5,454,000"
This item is reduced to $2,454,000.

On Page 57:
"Total Appropriation, Natural Resource Management ..... 18,133,000"
This item is reduced to $15,133,000.

On Page 57:
"Municipal water testing ..... (3,000,000)"
This item is deleted in its entirety.

On Page 58:
"Of the amount hereinabove appropriated for Water Supply and Watershed Management, $3,000,000 shall be made available to defray the costs imposed upon the various municipalities of this State under the provisions of C58:12A–12 et al."
The quoted language is deleted in its entirety.

On Page 61:
"04-4835 Pesticide Control ..... 473,000"
This item is reduced to $246,000.

On Page 61:
"Total Appropriation, Hazardous and Toxic Pollution Control ..... 15,980,000"
This item is reduced to $15,735,000.

On Page 61:
"Salaries and wages ..... (4,948,000)"
This item is reduced to $4,771,000.

On Page 62:
"Additions, Improvements and Equipment ..... (217,000)"
This item is reduced to $167,000.

On Page 63:
"Of the amount hereinabove appropriated for Pesticide Control, ($350,000) shall be made avail-

able for expansion of field investigation and enforcement activities.''
The amount quoted in the parentheses is reduced to $123,000.

On Page 68:
''Total Appropriation,
Department of Environmental Protection ..... 64,304,000''
This item is reduced to $61,077,000.

''Department of Health''

On Page 69:
''02-4220 Community Health Services ..... 6,696,000''
This item is reduced to $6,571,000.

On Page 69:
''Total Appropriation, Health Services ..... 28,711,000''
This item is reduced to $28,586,000.

On Page 69:
''Establish detoxification center for
homeless persons ..... (125,000)''
This item is deleted in its entirety.

On Page 73:
''Total Appropriation,
Department of Health ..... 36,090,000''
This item is reduced to $35,965,000.

''Department of Higher Education''

On Page 73:
''02-5400 Support to Independent Institutions 21,187,000''
This item is reduced to $20,782,000.

On Page 73:
''04-5400 Student Financial Support Services 48,955,000''
This item is reduced to $45,955,000.

On Page 73:
''99-5400 Management and Administrative
Services ..... 26,651,000''
This item is reduced to $20,051,000.

On Page 73:
''Total Appropriation,
Office of the Chancellor ..... 109,825,000''
This item is reduced to $105,820,000.

On Page 74:
"Cooperative education ..... (600,000)"
This item is deleted in its entirety.

On Page 75:
"Aid to independent colleges and universities ..... (13,200,000)"
This item is reduced to $12,795,000.

On Page 75:
"Tuition aid grants, C18A:71–41 et seq. ..... (44,900,000)"
This item is reduced to $41,900,000.

On Page 77:
"Of the amount provided hereinabove for Tuition Aid Grants, C18A:71–41 et seq., an amount of $2,250,000 shall be used to increase grants for present award holders and $750,000 shall be used to extend eligibility to moderate and middle income students."
The quoted language is deleted in its entirety.

On Page 88:
"Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,329 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollment exceeds (30,775), the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above (30,775), any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting."
The numbers within parentheses are reduced to 29,915.

On Page 89:
"12-5620 Sponsored Programs and Research .. 8,817,000"
This item is reduced to $7,797,000.

On Page 89:
"Sub-Total, General Operations ..... 13,104,000"
This item is reduced to $12,084,000.

On Page 89:
"Total All Operations ..... 22,520,000"
This item is reduced to $21,500,000.

On Page 89:
"Sub-Total Appropriation ..... 13,104,000"
This item is reduced to $12,084,000.

On Page 89:
"Salaries and wages ..... (11,170,000)"
This item is reduced to $10,150,000.

On Page 90:
"Total Appropriation,
Rutgers, The State University ..... 152,905,000"
This item is reduced to $151,885,000.

On Page 96:
"Total Appropriation,
Department of Higher Education ..... 561,628,671"
This item is reduced to $556,603,671.

"Department of Human Services"

On Page 112:
"99-7550 Management and Administrative
Services ..... 3,958,000"
This item is reduced to $3,458,000.

On Page 112:
"Total Appropriation,
Division of Public Welfare ..... 12,064,000"
This item is reduced to $11,564,000.

On Page 113:
"Job readiness project for adolescent AFDC parents and prevention of adolescent pregnancies among AFDC children ..... (500,000)"
This item is deleted in its entirety.

On Page 114:
"17-7570 Substitute Care ..... 6,896,000"
This item is reduced to $5,946,000.

On Page 114:
"Total Appropriation, Division of
Youth and Family Services ..... 48,584,000"
This item is reduced to $47,984,000.

On Page 114:
"Social services for the homeless ..... (1,950,000)"
This item is reduced to $1,350,000.

On Page 118:
"Total Appropriation, Department of
Human Services ..... 511,936,000"
This item is reduced to $510,836,000.

"Department of Labor"

On Page 125:
"10-4545 Employment Development Services .. 1,640,000"
This item is reduced to $640,000.

On Page 125:
"Total Appropriation, Manpower and
Employment Services ..... 14,286,000"
This item is reduced to $13,286,000.

On Page 125:
"Summer youth employment program ..... (1,000,000)"
This item is reduced in its entirety.

On Page 126:
"The sum hereinabove for a summer youth employment program shall be expended for the provision of summer jobs in State agencies for residents age 16 to 22 of municipalities eligible for municipal aid with populations exceeding 84,000, according to guidelines developed by the Commissioner of Labor and based on such factors as population, youth unemployment rates and family income."
The quoted language is deleted in its entirety.

On Page 126:
"Total Appropriation,
Department of Labor ..... 40,894,684"
This item is reduced to $39,894,684.

"Department of the Treasury"

On Page 154:
"99-2000 Management and Administrative Services ..... 50,174,000"
This item is reduced to $28,674,000.

On Page 154:
"Total Appropriation, Management and Administration ..... 50,799,000"
This item is reduced to $29,299,000.

On Page 154:
"For credit to the Surplus Revenue Fund .... (20,000,000)"
This item is deleted in its entirety.

On Page 155:
"Repair and renovation of Trenton War Memorial in accordance with capital improvement master plan adopted by Trenton War Memorial Commission ..... (1,500,000)"
This item is deleted in its entirety.

On Page 155:
"The sum hereinabove appropriated for credit to the "Surplus Revenue Fund" shall be credited to the "Surplus Revenue Fund" on or before July 5, 1984."
This item is deleted in its entirety.

On Page 155:
"The amount appropriated hereinabove for repair and renovation of the Trenton War Memorial shall be made available only upon adoption of a capital improvement master plan by the Trenton War Memorial Commission and the subsequent approval of that plan by the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury. The amount appropriated hereinabove shall be expended by the commission in accordance with the provisions of that plan."
This item is deleted in its entirety.

On Page 156:
"Total Appropriation, Department of the Treasury ..... 123,756,000"
This item is reduced to $102,256,000.

"Inter-Departmental Accounts"

On Page 162:
"04-9420 State Contingency Fund ..... 28,075,000"
This item is reduced to $27,625,000.

On Page 162:
"Total Appropriation,
State Contingency Fund ..... 28,075,000"
This item is reduced to $27,625,000.

On Page 162:
"To the Governor's Office for office automation
and word processing ..... 450,000"
This item is deleted in its entirety.

On Page 165:
"Total Appropriation,
Inter-departmental Accounts ..... 690,390,000"
This item is reduced to $689,940,000.

"The Judiciary"

On Page 165:
"05-9730 Family Part of the Superior Court .. 4,609,000"
This item is reduced to $4,309,000.

On Page 165:
"Total Appropriation, Judicial Services ..... 58,645,000"
This item is reduced to $58,345,000.

On Page 166:
"Family crisis intervention ..... (525,000)"
This item is reduced to $225,000.

On Page 166:
"Total Appropriation, Judiciary ..... 58,645,000"
This item is reduced to $58,345,000.

On Page 167:
"Total Appropriation, Direct State Services ... 2,969,010,355"
This amount is reduced to $2,935,650,355.

"State Aid"

"Department of Community Affairs"

On Page 168:
"04-8030 Local Government Services ..... 97,526,375"
This item is reduced to $80,966,338.

On Page 168:
"Total Appropriation,
Community Development Management ..... 101,168,375"
This item is reduced to $84,608,338.

On Page 168:
"Safe and clean neighborhoods,
supplemental aid ..... (9,750,360)"
This item is deleted in its entirety.

On Page 168:
"County welfare equalization ..... (19,809,677)"
This item is reduced to $15,000,000.

On Page 168:
"Special assistance to Essex County ..... (1,250,000)"
This item is deleted in its entirety.

On Page 168:
"Payment to City of Newark to raze
vacant buildings ..... (750,000)"
This item is reduced to $500,000.

On Page 169:
"Payment to Trenton to raze
vacant buildings ..... (500,000)"
This item is deleted in its entirety.

On Page 170:
"The amount hereinabove for special municipal safe and clean neighborhoods aid shall be distributed according to the provisions of P. L. 1983, c. 384."
This item is deleted in its entirety.

On Page 170:
"Notwithstanding the provisions of C52:27D–178 et seq., the amount hereinabove for Safe and Clean Neighborhoods Supplemental Aid shall be

allocated among the municipalities which are qualified to receive State aid pursuant to that act. Allocations shall be based on their populations, according to the 1980 federal decennial census, as follows: (a) in excess of 300,000, $1,450,000.00; (b) in excess of 200,000, but not exceeding 300,000, $940,000.00; (c) in excess of 125,000, but not exceeding 200,000, $865,000.00; (d) in excess of 84,000, but not exceeding 125,000, $665,000.00; (e) in excess of 70,000, but not exceeding 84,000, $450,000.00; (f) in excess of 50,000, but not exceeding 70,000, $110,000.00; and (g) 50,000 or less, $65,000.00. The above amounts shall be used exclusively to avert layoffs of policemen or firemen, or to increase police and fire services within the municipality.

"The amount hereinabove for Safe and Clean Neighborhoods supplemental aid shall be paid during calendar year 1985."

This item is deleted in its entirety.

On Page 172:

"05-8050 Human Resources ..... 3,255,000"

This item is reduced to $2,625,000.

On Page 172:

"Total Appropriation,
Related Social Services Program ..... 4,883,000"

This item is reduced to $4,253,000.

On Page 172:

"State Legal Services ..... (1,450,000)"

This item is reduced to $850,000.

On Page 172:

"North Hudson Council of Mayors ..... (30,000)"

This item is deleted in its entirety.

On Page 173:

"99-8070 Management and Administrative
Services ..... 3,290,000"

This item is reduced to $3,250,000.

On Page 173:
"Total Appropriation, Management and
Administrative Services ..... 3,290,000"
This item is reduced to $3,250,000.

On Page 173:
"Hackensack Meadowlands Development
Commission: Municipal Committee ..... (110,000)"
This item is reduced to $50,000.

On Page 173:
"Total Appropriation, Department of
Community Affairs ..... 109,341,375"
This item is reduced to $92,091,338.

"Department of Education"

On Page 174:
"03-5120 Miscellaneous Grants-in-Aid ..... 6,850,000"
This item is reduced to $6,475,000.

On Page 174:
"Total Appropriation, Direct Educational
Services and Assistance ..... 62,393,000"
This item is reduced to $62,018,000.

On Page 174:
"Educational Information and
Resource Center ..... (650,000)"
This item is reduced to $525,000.

On Page 174:
"Magnet School Program,
Montclair public schools ..... (500,000)"
This item is reduced to $250,000.

On Page 178:
"Total Appropriation,
Department of Education ..... 819,818,000"
This item is reduced to $819,443,000.

"Department of Environmental Protection"

On Page 180:
"05-4840 Water Supply and Watershed
Management ..... 300,000"
This item is deleted in its entirety.

On Page 180:
"Total Appropriation,
Natural Resource Management ..... 440,000"
This item is reduced to $140,000.

On Page 180:
"Lake Matawan/Lake Lefferts dam repairs .... (300,000)"
This item is deleted in its entirety.

On Page 181:
"12-4875 Parks Management ..... 150,000"
This item is deleted in its entirety.

On Page 181:
"21-4895 Navigational Aids ..... 2,300,000"
This item is reduced to $1,850,000.

On Page 181:
"Total Appropriation, Recreational
Resource Management ..... 2,450,000"
This item is reduced to $1,850,000.

On Page 182:
"Gloucester City Parks ..... (150,000)"
This item is deleted in its entirety.

On Page 182:
"Dredging and Silt Control of Deal Lake,
Monmouth County ..... (450,000)"
This item is deleted in its entirety.

On Page 182:
"The unexpended balance, not to exceed ($1,000,000), as of June 30, 1984 in the dredging of inland waterways account is appropriated [and of that amount $450,000 shall be retained for the dredging of Deal Lake, Monmouth County]."
The number within the parentheses is reduced to $550,000 and the language within the brackets is deleted.

On Page 184:
"Total Appropriation, Department of
Environmental Protection ..... 7,704,000"
This item is reduced to $6,804,000.

"Department of Higher Education"

On Page 184:
"06-5400 Aid to County Colleges ..... 81,005,000"
This item is reduced to $78,880,000.

On Page 184:
"Total Appropriation,
Office of the Chancellor ..... 81,005,000"
This item is reduced to $78,880,000.

On Page 184:
"Operational costs ..... (69,688,000)"
This item is reduced to $67,563,000.

On Page 185:
"Total Appropriation, Department of
Higher Education ..... 81,005,000"
This item is reduced to $78,880,000.

"Department of Human Services'

On Page 188:
"15-7550 Income Maintenance ..... 273,669,000"
This item is reduced to $264,516,000.

On Page 188:
"Total Appropriation,
Division of Public Welfare ..... 273,669,000"
This item is reduced to $264,516,000.

On Page 188:
"Payments to municipalities for cost of general
assistance (State share) ..... (57,922,000)"
This item is reduced to $56,207,000.

On Page 188:
"Payments for dependent children assistance,
regular segment (State share) ..... (176,987,000)"
This item is reduced to $170,120,000.

On Page 188:
"Payments for dependent children assistance,
unemployment of father (State share) ..... (12,530,000)"
This item is reduced to $12,165,000.

On Page 188:

"Payments for dependent children assistance, insufficient employment of parents (State share) .. (5,999,000)"

This item is reduced to $5,793,000.

On Page 189:

"The funds hereinabove appropriated for a (10%) grant increase to recipients of Aid to Families with Dependent Children and General Assistance recipients are necessary to offset the enormous increase in energy costs low income persons have been subjected to in recent years. Such fund may only be used to assist public assistance recipients in meeting their energy costs and is to be distributed to public assistance recipients in the most administratively efficient manner in accord with all applicable federal and State laws and regulations."

The amount in parentheses is reduced to 7%.

On Page 190:

"18-7570 General Social Services ..... 4,695,000"

This item is reduced to $4,195,000.

On Page 190:

"Total Appropriation, Division of Youth and Family Services ..... 36,677,000"

This item is reduced to $36,177,000.

On Page 190:

"County welfare agencies' adult protective services ..... (500,000)"

This item is deleted in its entirety.

On Page 191:

"Total Appropriation, Department of Human Services ..... 852,171,000"

This item is reduced to $842,518,000.

"Department of State"

On Page 191:

"07-2540 Development of Historical Resources ..... 100,000"

This item is reduced to $50,000.

On Page 191:
"Total Appropriation, Cultural and Intellectual Development Services ..... 1,158,000"
This item is reduced to $1,108,000.

On Page 191:
"Senator James F. Murray Jr. Student Historians Fund ..... (100,000)"
This item is reduced to $50,000.

On Page 191:
"Total Appropriation, Department of State .... 1,158,000"
This item is reduced to $1,108,000.

"Department of the Treasury"

On Page 193:
"29-2088 Locally Provided Services ..... 22,675,000"
This item is reduced to $14,475,000.

On Page 193:
"27-2085 Other Distributed Taxes ..... 6,234,000"
This item is deleted in its entirety.

On Page 193:
"Total Appropriation, State Subsidies and Financial Aid ..... 224,883,402"
This item is reduced to $210,449,402.

On Page 194:
"Payments to municipalities for services to State-owned property ..... (22,600,000)"
This item is reduced to $14,400,000.

On Page 194:
"Calendar year 1984 supplemental payments under C54:30A–24.1 and C54:30A–61.1 ..... (6,234,000)"
This item is deleted in its entirety.

On Page 195:
"The amount hereinabove appropriated for calendar year 1984 supplemental payments under C54:30A–24.1 and C54:30A–61.1 is appropriated to bring the total amount available for distribution to municipalities in calendar year 1984 to

the amounts certified by the Director of the Division of Taxation on April 30, 1984."

This item is deleted in its entirety.

On Page 196:

"Of the sum appropriated for payments to municipalities for services to State-owned property, ($12,040,347.44) shall be distributed on November 1, 1984 to qualified municipalities in an amount due to each such municipality pursuant to the provisions of C54:4–2.2a et seq. in order to fully fund the provisions of C54:4–2.2a for calendar year 1984."

The amount in parentheses is reduced to $7,413,892.30.

On Page 197:

"There are appropriated so much of the proceeds derived from the taxes collected, pursuant to the public utility franchise tax and the public utility gross receipts tax, C54:30A–16 et seq. and C54:30A–49 et seq., as may be required for payment (of $651 million in calendar year 1984, and $105 million in June 1985) to the municipalities."

The language in parentheses added to the above item.

On Page 197:

"Total Appropriation,
Department of the Treasury ..... 224,883,402"

This item is reduced to $210,449,402.

On Page 197:

"Total Appropriation, State Aid ..... 2,165,106,777"

This item is reduced to $2,120,319,740.

"Federal Funds"

"Department of Human Services"

On Page 260:

"15-7550 Income Maintenance ..... 439,730,000"

This item is reduced to $430,087,000.

On Page 260:

"Total Appropriation,
Division of Public Welfare ..... 480,361,000"

This item is reduced to $470,718,000.

On Page 260:
"Dependent children assistance ..... (254,535,000)"
This item is reduced to $244,892,000.

On Page 266:
"Total Appropriation,
Department of Human Services ..... 1,198,035,000"
This item is reduced to $1,188,392,000.

On Page 275:
"Total Appropriation, Federal Funds ..... 2,448,451,000"
This item is reduced to $2,438,808,000.

On Page 277:
"Total Appropriation, General Fund ..... 8,097,190,132"
This item is reduced to $8,009,400,095.

On Page 290:
"Grand Total Appropriation, All Funds ..... 10,256,933,132"
This item is reduced to $10,169,143,095.

On Page 299:
"33. There is hereby created a special fund to be known as the "Surplus Revenue Fund." The Treasurer shall credit to the "Surplus Revenue Fund," in addition to any sums appropriated to it: (1) all resources in the General Fund and the Property Tax Relief Fund in excess of those certified by the Governor upon approval of this act; and (2) any unexpended balances of appropriations for Direct State Services or State Aid at the end of the fiscal year except as may be provided in the appropriation act for the subsequent fiscal year. Balances in the "Surplus Revenue Fund" may be appropriated by the Legislature only: (1) upon separate certification by the Governor that anticipated revenues in the General Fund or the Property Tax Relief Fund are less than those certified by him upon approval of this act; or (2) upon certification by the Governor that an emergency exists pursuant to law and that sufficient funds to meet the emergency are not available within the resources certified by the Governor upon approval of this act. Balances in

the "Surplus Revenue Fund" from the Property Tax Relief Fund shall be used only for those purposes for which the Property Tax Relief Fund may be used. Balances in the "Surplus Revenue Fund" shall not be anticipated by the Governor in his budget message or at any other time as part of the total resources available in support of appropriations in the fiscal year which is the subject of his budget message, except that if such balances exceed an amount equivalent to 5% of the amount certified by the Governor as available resources in the General Fund and the Property Tax Relief Fund upon approval of this act, then the amount of that excess balance may be anticipated as part of total resources available. For the purpose of this section, resources in the General Fund shall not include Federal Funds."

This item is deleted in its entirety.

SUMMARY

This appropriation bill, with my veto recommendations, provides a spending plan for fiscal year 1985. The total appropriation for all State funds is $7.7 billion.

This bill provides for an increase in Direct State Services spending of approximately $331 million; a $300 million increase in State Aid; and $173 million for capital construction. Total State aid spending will be approximately $4.1 billion in fiscal year 1985, and represents in excess of 53 percent of all State spending. The largest single appropriation in the budget and the largest single increase in the budget is aid to local school districts. For fiscal year 1985, such aid will amount to $2.4 billion and is $212 million more than is funded currently.

My veto recommendations are based on the fact that a budget of $7.7 billion must have an adequate surplus. Therefore, my veto recommendations of $78.2 million will provide for an undesignated fund balance in the General Fund and Property Tax Relief Fund of $313 million, and $40 million in the Casino Revenue Fund, prior to enactment of several major expenditures which the Legislature has approved or which currently are pending before the Legis-

lature. The Legislature already has approved additional fiscal year 1985 spending of $30.3 million, which, if enacted, would reduce the General Fund and Property Tax Relief Fund surplus to $283 million. Moreover, several major bills pending in the Legislature, totaling $168 million, are expected to win approval. Enactment of them would bring the surplus to $115 million.

I have reduced the funds for the following programs in the amounts indicated in order to achieve the above-stated purposes:

"Direct State Services"

DEPARTMENT OF AGRICULTURE

— $500,000 Gypsy moth program (leaves $90,000 added by the Joint Appropriations Committee, which is sufficient for spraying State lands and providing assistance to local agencies.)

DEPARTMENT OF CORRECTIONS

— 50,000 Joint Connection Program (the remaining $96,000 increase added by the Joint Appropriations Committee shall be used for the Joint Connection Program, to provide vocational screening and job placement services for parolees; together with the $40,000 increase already in the budget, this totals a $136,000 or more than 70 percent increase over last year.)

PUBLIC BROADCASTING AUTHORITY

— 20,000 Newark Public Radio (leaves $10,000 added by the Joint Appropriations Committee, which, together with the $20,000 recommended in the original budget, is sufficient for this program.)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

— 227,000 Pesticide Control (leaves $123,000 added by the Joint Appropriations Committee.) This doubles the amount already provided in this account.

DEPARTMENT OF HIGHER EDUCATION

— 405,000 Aid to independent colleges and universities (leaves $1,220,000 added by the Joint Appropriations Committee, which raises the State's total commitment to $12.7 million—an increase of almost 17 percent over the past two years.)

DEPARTMENT OF HUMAN SERVICES

— 600,000 Social services for the homeless (leaves $1,000,000 of the increase recommended by the Joint Appropriations Committee, and brings this particular line item to $1,350,000. Also, almost $13 million has been added to the Division of Youth and Family Services budget for fiscal year 1985, and such increases can be used to augment this program, if necessary.)

"State Aid"

DEPARTMENT OF COMMUNITY AFFAIRS

— 250,000 Demolition of vacant buildings in Newark (leaves $500,000 of the increase added by the Joint Appropriations Committee.) This has been an ongoing program in Newark, and the $500,000 represents a continuation level of funding.

— 600,000 Legal Services (leaves $100,000 of the increase added by the Joint Appropriations Committee, which results in $850,000 being allocated for this program, which is three and one-half times the amount expended in fiscal year 1983.)

DEPARTMENT OF EDUCATION

— 125,000 Aid to the Educational Information and Resource Center (leaves $25,000 of the increase added by the Joint Appropriations Committee and provides $525,000 in total.)

— 250,000 Aid for the Montclair Public School Magnet School Program (leaves $250,000 of the amount added by the Joint Appropriations Committee.) This program has been in existence for 10 years and has been very effective. This funding will provide sufficient additional resources to further improve the program.

DEPARTMENT OF HIGHER EDUCATION

— 2,125,000 Aid for County Colleges (leaves $6,375,000 or 75 percent of the amount added by the Joint Appropriations Committee.) This provides for a $9.3 million increase over the current year, and represents the largest single increase ever provided for county college assistance.

DEPARTMENT OF STATE

— 50,000 Grant to the Senator Murray Jr. Student Historians Fund (leaves $50,000 of the amount added by the Joint Appropriations Committee.) This will provide funds for the first time since fiscal year 1982, and will augment State dollars for these kinds of activities provided through the Historical Commission.

The following items are vetoed for the reasons provided:

"Direct State Services"

— $48,000 in the Legislature for the State Commission of Investigation, for operating expenses of the Commission. A bill pending in the Legislature would address this issue, and thus, additional funds should be provided in that legislation.

— 15,000 in the Legislature to increase funds for the Commission to Study Sex Discrimination in the Statutes. The budget already contains $65,000, and additional funds are not necessary.

— 3,000,000 in the Department of Environmental Protection for water supply testing. This appropriation is unnecessary since the Safe Drinking Water Act includes a fee of $.01/1,000 gallons of water for administrative costs incurred by the department, and municipalities have the ability to recover testing costs through water rates paid by users.

— 125,000 in the Department of Health for detoxification and treatment centers for homeless alcoholics. The department has sufficient funds for these activities, due to the recently enacted special alcohol tax increase (P. L. 1983, c. 531) providing dedicated revenues for alcoholism treatment programs.

— 600,000 in the Department of Higher Education for the Cooperative Education Program. This program was not recommended by the Board of Higher Education. At the present time the program is ill-defined, and further review and analysis are needed.

— 1,020,000 in the Department of Higher Education for additional staff for the Agricultural Experiment Station. Sufficient funds are available for this program.

— 3,000,000 in the Department of Higher Education for Tuition Aid Assistance. The dollars included in the budget ($41.9 million—a $3.9 million increase over fiscal year 1984) represent funding for the full amount recommended by the Board of Higher Education. Additional funds are not necessary.

— 500,000 in the Department of Human Services for a Job Readiness Project for Adolescent AFDC Parents. This project already has been expanded in Hudson, Monmouth, and Union Counties. The budget already contains sufficient funds to cover this expansion.

— 1,000,000 in the Department of Labor for a Summer Youth Employment Program. The Job Training Partnership Act already provides $21 million for Summer Youth Employment Programs in fiscal year 1985. Also, there is not sufficient time to set up the proper administrative apparatus to implement an additional $1,000,000 program in time for summer 1985.

— 1,500,000 in the Department of the Treasury for the Trenton War Memorial building for maintenance and repairs. In keeping with the usual general pattern of the budget process, it would be more appropriate for this matter to be handled by separate legislation. Assembly Bill No. 1295, presently pending in the Senate, will provide the necessary funds, safeguards, and mechanism to address this issue. I look forward to the Senate's expeditious passage of that legislation.

—20,000,000 in the Department of the Treasury for a surplus revenue fund. The overall concept of a "rainy day fund" has merit, but the language associated with this appropriation is too restrictive, and the process is not the best that could be devised. Further study is necessary.

— 450,000 in the Interdepartmental Accounts for office automation in the Governor's Office. Additional funds are not necessary to implement the necessary changes.

— 300,000 in the Judiciary for the Family Crisis Intervention Unit. These funds are not necessary as the budget already includes $225,000 for this program.

"State Aid"

— 30,000 for North Hudson Council of Mayors.

— 1,250,000 for Essex County.
Neither of these programs was requested by the Department of Community Affairs. State Aid would be provided here without any specific statutory provision or any grant application review process.

— 500,000 in the Department of Community Affairs for the demolition of vacant buildings in Trenton. This program has never been funded in the past, and there was no request made by the department.

— 4,809,677 in the Department of Community Affairs for County Welfare Equalization. The amount being vetoed was not anticipated by the counties in their current budgets, and the amount recommended for fiscal year 1985 is the same level as fiscal year 1984.

— 60,000 in the Department of Community Affairs for the Hackensack Meadowlands Municipal Committee. The amount in the budget is sufficient for this committee.

— 9,750,360 in the Department of Community Affairs for supplemental aid for Safe and Clean Neighborhoods. Separate legislation should be introduced for this program so that proper discussion of the formula can be undertaken.

— 300,000 for Lake Matawan and Lake Lefferts dam repairs.

— 150,000 for aid to Gloucester City for park maintenance.

— 450,000 for the dredging of Lake Deal.
None of these three aid programs were requested by the Department of Environmental Protection, and it is not clear that these projects represent the highest priority items. Such priorities should be determined by the department.

— 500,000 in the Department of Human Services for protective services to vulnerable adults. Adequate funding is available for this program from the almost $13 million increase provided in the Division of Youth and Family Services budget for fiscal year 1985.

— 9,153,000 in the Department of Human Services for an additional 3 percent welfare grant increase. The budget already contains a 7 percent grant increase, which is sufficient for this year. This is the first increase in four years for the AFDC component and 10 years for the General Assistance component.

— 8,200,000 in the Department of the Treasury for the In Lieu of Tax Program. This reduction together with the change in language still will permit the municipalities to receive almost $14 million in calendar year 1984, an increase of $1 million over the prior year.

— 6,234,000 in the Department of the Treasury for supplemental payments under the provisions of the Gross Receipt and Franchise Tax Law. These additional funds were not anticipated by the local governments in their 1984 budgets, and such aid would accrue to surplus.

"Federal Funds"

— 9,643,000 in the Department of Human Services, which is the match to the additional 3 percent welfare grant increase. With the veto of State-matching funds, this appropriation is not necessary.

"Other Provisions"

In addition, I have reduced the language appropriation on page 197 for the gross receipt and franchise taxes to the amount ($651 million) originally recommended in my budget. Such revenue was not anticipated in the local budgets.

Language has been added on page 300, section 34, regarding affirmative action data. I am concerned with the extraordinary amount of detail being directed by the Legislature to be included in the annual budget message. The budget message already contains a wealth of information and data concerning State programs, including affirmative action for each department. If the Joint Appropriations Committee wishes additional supplemental data concerning any State program, including expanded data on affirmative action, we will be most pleased to submit such information in a separate report.

Language has been added to the budget to require a study of the ramifications of the State takeover of the Port Authority Transit Corporation (PATCO), to be completed within six months. While we welcome the idea of providing such a study, it should be noted at this time that we could not reasonably anticipate completion within six months; 12 months would be a more realistic date. We will do everything possible to expedite this study.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,
/s/ Thomas H. Kean,
Governor.

(seal)
Attest:
/s/ W. Cary Edwards,
Chief Counsel to the Governor.

CHAPTER 59

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. The following items on pages 182, 193, 208, 209 and 210 of P. L. 1984, c. 58 are amended to read as follows:

2. In addition to the sums appropriated under P. L. 1984, c. 58, there are appropriated out of the General Fund the following sums for the purposes specified:

STATE AID

DEPARTMENT OF TRANSPORTATION
Transportation Services
62 Public Transportation—State Aid

72-6210 Construction of Public Transportation Facilities .....

72 Grade Crossing Projects

The unexpended balance as of June 30, 1984 in this account is appropriated.

63 Local Highway Facilities—State Aid

80-6220	County and Municipal Aid	$1,700,000
	Total Appropriation, Local Highway Facilities	$1,700,000

State Aid:
County and municipal aid for lighting ($1,700,000)

The unexpended balance as of June 30, 1984 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

	Total Appropriation, Department of Transportation	$1,700,000

CAPITAL CONSTRUCTION

Department of Transportation

Transportation Services

60-6200	Transportation Trust Fund Account	$198,000,000
	Total Appropriation, Transportation Services	$198,000,000

Payment to New Jersey Transportation Trust Fund Authority ..... ($198,000,000)

From the amount hereinabove for construction there may be allocated such amounts as the Commissioner of Transportation may determine, with 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.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1984 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The department shall be permitted to transfer funds in an amount as approved by the Director of the Division of Budget and Accounting from Capital Construction betterments accounts to Direct State Services for highway maintenance.

In addition to the amount hereinabove for State highway facilities, such other sums as the Director of the Division of Budget and Accounting shall determine provided in interdepartmental accounts for employee benefits shall be considered as appropriated on behalf of State highway construction and Transportation Construction Engineering and be available for matching federal funds.

Total Appropriation, Department of Transportation $198,000,000

The unexpended balance as of June 30, 1984 in this account is appropriated.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq., the 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 that act.

There are appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, $249,000,000.00 for the following:

Capital Projects:	
Federal Aid Interstate Projects	($21,700,000)
Federal Aid Interstate Dedesignation Projects	(18,500,000)
Federal Aid Urban System Projects	(17,000,000)
Federal Aid Safety Projects	(950,000)
Federal Aid Rural Projects	(2,750,000)
Betterments; Construction, Reconstruction, Improvement or Rebuilding of State Highways, including resurfacing and major bridge repairs and rehabilitation	(25,000,000)
Non-Federal Aid Transportation Projects:	
Highway Projects Public Transportation Projects Physical Plant Projects Rail Freight Projects	(92,700,000)
Federal Aid Public Transit Projects	(16,400,000)
Non-Federal Local Aid Projects	(35,000,000)
Municipal Aid Projects	(19,000,000)

In order that there be flexibility in the handling of appropriations out of the New Jersey Transportation Trust Fund Authority, the Department may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any program appropriation to any other program appropriation. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to the Subcommittee on Transfers of the Joint Appropriations Committee for its approval or disapproval and return to the Director of the Division of

Budget and Accounting. If within 20 working days of the physical receipt of the request, the subcommittee does not disapprove the request and so inform the Director, the request shall be deemed to be approved.

From the amounts hereinabove there may be allocated such amounts as the Commissioner of Transportation may determine, with 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 program.

Sums received from the Transportation Trust Fund Authority are appropriated for programs approved for financing by the Authority and shall be described in a Construction Program prepared by the Commissioner of Transportation and not be expended without the approval of the Director of the Division of Budget and Accounting and the Governor.

From the amount hereinabove, there may be allocated such amounts as the commissioner may determine for grade crossing projects.

3. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 60

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, 1984 and regulating the disbursement thereof," approved June 30, 1984 (P. L. 1983, c. 240).

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

1. Upon certification by the Director, Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	$38,057
	Total Appropriation, Department of Human Services	$38,057
	Total Appropriation, Federal Funds	$38,057

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 61

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570 Community Family Services		
Title IV-B, Child Welfare Services		$25,101
17-7570 Residential Services		
Title IV-E, Foster Care	$900,000	
Title IV-E, Adoption Assistance	175,000	
Sub-Total Residential Services		$1,075,000
Total Appropriation, Department of Human Services		$1,100,101
Total Appropriation, Federal Funds		$1,100,101

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 62

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, C. 240).

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

1. Upon certification by the Director, Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

99-7600	Management and Administrative Services	$ 636,051
State Aid and Grants:		
	Developmental disabilities ($636,051)	
	Total Appropriation, Department of Human Services	$ 636,051
	Total Appropriation, Federal Funds	$ 636,051

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 63

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal monies to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

03-4230	Epidemiology and Disease Control		$611,295
	Total Appropriation, Epidemiology and Disease Control		$611,295
	Personal Services:		
	Salaries and wages	($298,252)	
	Employee benefits	(73,668)	
	Total Personal Services	(371,920)	
	Materials and Supplies:		
	Printing and office	(3,280)	
	Total Materials and Supplies	(3,280)	
	Services Other Than Personal:		
	Travel	(10,542)	
	Telephone	(3,500)	
	Data processing	(116,293)	
	Other services	(1,000)	
	Total Services Other Than Personal	(131,335)	
	Maintenance and Fixed Charges:		
	Rent—Central motor pool	(25,425)	
	Total Maintenance and Fixed Charges	(25,425)	
	Special Purpose:		
	Other—Indirect cost	(79,335)	
	Total Special Purpose	(79,335)	
	Total Appropriation, Department of Health		$611,295
	Total Appropriation, Federal Funds		$611,295

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 64

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, 1984 and regulating the disbursement thereof," approved June 30, 1984 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF STATE

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	$95,988
State Aid and Grants	
Arts in Education Grant	($91,910)
Visual Arts	(4,078)
Total Appropriation, Department of State	$95,988

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 65

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5540 Montclair State College

16-5540 Student Services	$17,537
Total Appropriation, Montclair State College	$17,537
Personal Services:	
Salaries and Wages	($17,537)
Total Appropriation, Department of Higher Education	$17,537

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 66

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

06-5066	Compensatory Education Programs	$198,375
07-5065	Special Education Programs	212,649
	Total Appropriation, Direct Educational Services and Assistance	$411,024
	Personal Services:	
	Salaries and Wages	($295,000)
	Employee Benefits	(64,600)
	Special Purpose:	
	Other Special Purpose	(7,150)
	Regional Day Schools	(44,274)

34 Educational Support Services

33-5067	Service to Local Districts	$251,339
37-5120	School Nutrition Programs	330,000
	Total Appropriation, Educational Support Services	$581,339

Personal Services:		
Salaries and Wages	($265,000)	
Employee Benefits	(58,300)	
Special Purpose:		
Education Block Grant, Chapter 2	($202,807)	
Grants in Aid (To State Institutions)	(48,532)	
Other Special Purpose	(6,700)	
Total Appropriation, Department of Education		$992,363

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved June 29, 1984.

CHAPTER 67

AN ACT concerning the revaluation of real property in certain municipalities.

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

1. Notwithstanding the provisions to the contrary of any law, rule, regulation or judicial order, no city of the fourth class having a population in excess of 40,000, according to the latest federal decennial census, shall be required to implement a revaluation of real property for the 1984 tax year. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and implementing any partial or complete reassessment of real property in the city during the time covered by this act.

2. At the request of a municipality that, pursuant to section 1 of this act, does not implement a revaluation of real property for the 1984 tax year, the State Treasurer shall have the authority to extend the temporary moratorium on the implementation of the

revaluation for the 1985 tax year, upon the Treasurer's determination that an extension of the moratorium is in the best interest of the municipality. The municipality shall make its request for the extension to the State Treasurer on or before January 1, 1985. The Treasurer shall inform the municipality of his decision on or before January 31, 1985.

3. This act shall take effect immediately.

Approved July 2, 1984.

CHAPTER 68

AN ACT concerning child labor, and amending P. L. 1940, c. 153.

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

1. Section 3 of P. L. 1940, c. 153 (C. 34:2–21.3) is amended to read as follows:

C. 34:2-21.3 Limitations on minors' working hours.

3. Except as provided in section 15 and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 6 p.m. of any day; nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a.m. or after 11 p.m. of any day; provided that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular vacation season, and on days which do not precede a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work; provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p.m. and following 12:01 a.m. of the next day, if that employment is a continuation of a workday which began before

11 p.m., either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work, except that in no case shall minors between 16 and 18 years of age be employed after 3 a.m. or before 6 a.m. on a day which precedes a regularly scheduled school day; provided, further, that minors may be employed in a concert or a theatrical performance up to 11:30 p.m.; and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters only in public bowling alleys up to 11:30 p.m., but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal, as the case may be, which permit must state that the minor has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal, may be so employed, without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the minor has had a physical examination and the minor's health is not being injured by said work; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The combined hours of work and hours in school of minors under 16 employed outside school hours shall not exceed a total of eight per day.

This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is primarily general maintenance work or food service activities.

2. This act shall take effect immediately.

Approved July 6, 1984.

CHAPTER 69

AN ACT concerning the "Teachers' Pension and Annuity Fund Law" and amending N. J. S. 18A:66–71.

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

1. N. J. S. 18A:66–71 is amended to read as follows:

One-half pay on retirement.

18A:66–71. a. Any public employee veteran member in office, position or employment of this State or of a county, municipality, or school district, board of education or other employer who (1) has or shall have attained the age of 60 years and has or shall have been for 20 years continuously or in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer, or (2) has or shall have attained the age of 55 years and has or shall have been for 25 years continuously or in the aggregate in that office, position or employment, shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under N. J. S. 18A:66–44, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made.

b. (Deleted by amendment, P. L. 1984, c. 69.)

c. Any public employee veteran member who has been for 20 years in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer as of January 1, 1955, shall have the privilege of retiring for ordinary disability and of receiving, instead of the retirement allowance provided under N. J. S. 18A:66–41, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made. Such retirement shall be subject to the provisions governing ordinary disability retirement in N. J. S. 18A:66–39 and N. J. S. 18A:66–40.

d. The death benefit provided in N. J. S. 18A:66–44 shall apply in the case of any member retiring under the provisions of subsection a. of this section and in the case of any member who has

previously retired under the provisions of subsection b. of this section before said subsection was amended by this act. The death benefit provided in N. J. S. 18A:66–41 shall apply in the case of any member retiring under the provisions of subsection c. of this section.

2. This act shall take effect July 1, 1984.

Approved July 9, 1984.

CHAPTER 70

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the sums appropriated under P. L. 1983, c. 240, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

INTER-DEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits $18,000,000

Extraordinary:

To the Director of the Division of Budget and Accounting for allotment as he determines to the various departments, agencies, commissions or institutions of higher education for the cost of advancing the forthcoming

July 1, 1984, 3% increase for certain State employees back to December 24, 1983 ..... ($18,000,000)

2. This act shall take effect immediately and shall apply to all eligible employees on the State payroll during the pay period ending on June 22, 1984.

Approved July 9, 1984.

CHAPTER 71

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated by P. L. 1984, c. 58, there is appropriated out of the General Fund the following amount for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 New Jersey Council on the Arts $1,000,000.00

Special Purpose:
Cultural projects ..... ($1,000,000.00)

2. This act shall take effect immediately.

Approved July 9, 1984.

CHAPTER 72

AN ACT concerning members of the immediate family of certain State employees.

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

1. Notwithstanding the provisions of section 4 of P. L. 1981, c. 142 (C. 52:13D–17.2) or any other law to the contrary, a member of the immediate family of a State employee, other than a State employee included in the definition of person in that section, may hold employment with a holder of, or an applicant for, a casino license, or any holding or intermediary company with respect thereto. For the purpose of this act, "member of the immediate family" of the State officer or employee means the officer's or employee's spouse, child, parent, or sibling residing in the same household.

2. This act shall take effect immediately and shall expire on the 180th day following enactment.

Approved July 10, 1984.

CHAPTER 73

AN ACT concerning financing for the State's transportation system, creating the New Jersey Transportation Trust Fund Authority and defining its functions, duties and powers, including the authorization to issue bonds, notes and other obligations, creating the Transportation Trust Fund Account within the General Fund, providing for the credit to the Transportation Trust Fund Account of $88 million and amounts equivalent to increases authorized in motor vehicle registration fees and other fees and in the tax on diesel fuel, providing for payment of funds of the New Jersey Transportation Trust Fund Authority to the Special Transportation Fund, and amending "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16), the "New Jersey Expressway Authority Act," approved February

19, 1962 (P. L. 1962, c. 10), and the "New Jersey Turnpike Authority Act of 1948," approved October 27, 1948 (P. L. 1948, c. 454) to provide authority for contractual payments by these toll road authorities to the State or the New Jersey Transportation Trust Fund Authority, amending various other parts of the statutory law and supplementing Title 27 of the Revised Statutes.

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

C. 27:1B-1 Short title.

1. (New section) This act shall be known and may be cited as the "New Jersey Transportation Trust Fund Authority Act of 1984."

C. 27:1B-2 Findings, declarations.

2. (New section) The Legislature finds and declares that:

a. A sound, balanced transportation system is vital to the future of the State and is a key factor in its continued economic development.

b. The transportation infrastructure of the State is among the most heavily used in the nation and has deteriorated alarmingly in recent years, with parts of the highway system reaching the end of their useful lives. This deterioration has been caused, in part, because New Jersey, unlike most states and the federal government, has not provided a stable source of transportation funding.

c. There exists an urgent need for a stable and assured method of financing the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the State's transportation system, including the financing of the State's share under federal aid highway laws of the cost of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing, and rehabilitation of public highways and of the State's share of the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of public transportation projects and other transportation projects in the State, that will enable the State to construct and maintain the safe, balanced, sound and efficient transportation system necessary for the well-being of the State's citizens.

d. Unless additional State funding is provided immediately for the State's transportation system, the cost of repair and reconstruction will increase geometrically and the economic well-being and

safety of users of the State's transportation system will be endangered.

e. Transportation facilities under the jurisdiction of counties and municipalities form an integral and vital part of the State's transportation system. Without State aid, counties and municipalities will be unable to meet the cost of maintaining, rehabilitating and improving these facilities.

f. The State's commitment to the payment for and financing of the State transportation system in a stable fashion, thus ensuring a predictable and continuing public investment in transportation and allowing the State to take full advantage of funds provided by the federal government, is a public use and public purpose for which public money may be expended and tax exemptions granted. The powers and duties of the New Jersey Transportation Trust Fund Authority and the other measures hereinafter described are necessary and proper for the purpose of achieving the ends herein recited.

C. 27:1B-3 Definitions.

3. (New section) The following words or terms as used in this act shall have the following meanings unless a different meaning clearly appears from the context:

a. "Act" means this New Jersey Transportation Trust Fund Authority Act of 1984.

b. "Authority" means the New Jersey Transportation Trust Fund Authority created by section 4 of this act.

c. "Bonds" means bonds issued by the authority pursuant to the act.

d. "Commissioner" means the Commissioner of Transportation.

e. "Department" means the Department of Transportation.

f. "Federal aid highway" means any highway within the State in connection with which the State receives payment or reimbursement from the federal government under the terms of Title 23, United States Code or any amendment, successor, or replacement thereof, for the purposes contained in the act.

g. "Federal government" means the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.

h. "New Jersey Expressway Authority" means the public corporation created by section 4 of chapter 10 of the Laws of New Jersey of 1962 as amended or its successor.

i. "New Jersey Highway Authority" means the public corporation created by section 4 of chapter 16 of the Laws of New Jersey of 1952 as amended or its successor.

j. "New Jersey Turnpike Authority" means the public corporation created by section 4 of chapter 454 of the Laws of New Jersey of 1948 as amended or its successor.

k. "Notes" means the notes issued by the authority pursuant to the act.

l. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, and any facilities, equipment, property, rights of way, easements and interests therein needed for the construction, improvement and maintenance of highways.

m. "Public transportation project" means, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbuses and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service.

n. "State agency" means any officers, department, board, commission, bureau, division, agency or instrumentality of the State.

o. "Toll road authorities" means and includes the New Jersey Turnpike Authority, the New Jersey Highway Authority and the New Jersey Expressway Authority.

p. "Transportation project" means, in addition to public highways and public transportation projects, any equipment, facility or property useful or related to the provision of any ground, waterborne or air transportation for the movement of people and goods.

q. "Transportation system" means public highways, public transportation projects, other transportation projects, and all other methods of transportation for the movement of people and goods.

C. 27:1B-4 Transportation Trust Fund Authority.

4. (New section) a. There is hereby established in the department a public body corporate and politic, with corporate succession,

to be known as the "New Jersey Transportation Trust Fund Authority." For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is hereby allocated within the Department of Transportation, but notwithstanding said allocation, the authority shall be independent of any supervision or control by the department or by any board or officer thereof. The authority is hereby constituted as an instrumentality of the State, exercising public and essential governmental functions, no part of whose revenues shall accrue to the benefit of any individual, 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.

b. The authority shall consist of five members as follows: the commissioner and the State Treasurer, who shall be members ex officio, and three public members, one of whom shall be appointed by the Governor, with the advice and consent of the Senate, and the two remaining to be appointed by the Governor, one of whom upon recommendation of the President of the Senate and the other upon recommendation of the Speaker of the General Assembly. No more than three members of the authority shall be of the same political party. The public members appointed by the Governor shall serve a four year term, except that the public member appointed by the Governor upon recommendation of the President of the Senate shall serve for a four year term and the public member appointed upon recommendation of the Speaker of the General Assembly shall serve for a two year term.

With respect to those public members first appointed by the Governor: the Senate shall advise and consent to the appointment of the member not appointed upon recommendation of the President and the Speaker, within 30 days of the receipt thereof from the Governor, such appointment having been sent by the Governor to the Senate within 20 days following the effective date of this act; the President of the Senate and the Speaker of the General Assembly shall send their recommendations for public members to the Governor within 20 days following the effective date of this act. The Governor has an additional 10 days to accept or reject in writing these recommendations.

Each public member shall hold office for the term of the member's appointment and until the member's 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 public member, except those appointed upon recommendation of the President of the Senate and the Speaker of the General Assembly, may be removed from office by the Governor, for cause, after public hearing, and may be suspended by the Governor pending the completion of such hearing. All members before entering upon their duties shall take and subscribe an oath to perform the duties of their office faithfully, impartially and justly to the best of their ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. The authority shall not be deemed to be constituted and shall not take action or adopt motions or resolutions until at least three authorized members shall have been appointed and qualified in the manner provided in this section. The commissioner shall serve as chairperson of the authority. Prior to the authority being constituted, the chairperson is authorized to transfer up to $75 million to the department from the appropriations made to the authority for the fiscal year commencing July 1, 1984. The members shall annually elect one of their members as vice chairperson. The members 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 three 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 three 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, except that the authority shall not have the power to issue its initial offering of bonds, notes or other obligations unless all five members of the authority shall have been appointed and qualified.

e. 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 member shall be deemed to have forfeited nor shall the member forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the authority or the member's services therein.

f. Each ex officio member may designate an employee of the member's department or agency to represent the member at meetings of the authority. All designees may lawfully vote and otherwise act on behalf of the member for whom they constitute the designee. The designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended in writing delivered to the authority.

g. 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 the 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 this 15-day period the Governor shall approve in writing the same or any part thereof, in which case the action shall become effective upon approval. If, in said 15-day period, the Governor returns a copy of the minutes with his veto of any action taken by the authority or any member thereof at the meeting, the action shall be null and void and of no effect. Notwithstanding the foregoing, if the last day of the 15-day period shall be a Saturday, Sunday or legal holiday, then the 15-day period shall be deemed extended to the next following business day. The powers conferred in this paragraph upon the Governor shall be exercised with due regard for the rights of the holders of bonds, notes or other obligations of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph 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, notes or other obligations or for the benefit, protection or security of the holders thereof.

h. The authority shall continue in existence until dissolved by act of the Legislature, except that it shall not continue in existence beyond 17 years unless the Legislature shall by law prescribe otherwise. However, any dissolution of this authority, by act of the Legislature or otherwise, shall be on condition that the authority has no debts, contractual duties or obligations outstanding, or that provision has been made for the payment, discharge or retirement of these debts, contractual duties or obligations. Upon any dissolution of the authority, all property, rights, funds and assets thereof shall pass to and become vested in the State.

C. 27:1B-5 Financing function.

5. (New section) It shall be the sole purpose of the authority created under this act to provide the payment for and financing of all, or a portion of, the costs incurred by the department for the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the State's transportation system, including, without limitation, the State's share (including State advances with respect to any federal share) under federal aid highway laws of the costs of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways, the State's share (including State advances with respect to any federal share) of the costs of planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of public transportation projects and other transportation projects in the State, and State aid to counties and municipalities for transportation projects, all in furtherance of the public policy declared in section 2 of the act, in the manner provided for in the act.

C. 27:1B-6 Additional powers.

6. (New section) In addition to all other powers granted to the authority in the act, the authority shall have power:

a. To sue and be sued;

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

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

d. To maintain an office at a 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, own, lease as lessee or lessor, hold, use, sell, transfer, and dispose of real or personal property for its purposes;

g. To borrow money and to issue its bonds, notes or other obligations and to secure the same by its revenues or other funds and otherwise to provide for and secure the payment thereof and to provide for the rights of the holders thereof and to provide for the refunding thereof, all as provided in the act;

h. To issue subordinated indebtedness and to enter into bank loan agreements, lines of credit, letters of credit and other security agreements as provided for in the act;

i. In its own name or in the name of the State, to apply for and receive and accept appropriations or grants of property, money, services or reimbursements for money previously spent and other

assistance offered or made available to it by or from any person, government agency, public authority or any public and private entity whatever for any lawful corporate purpose of the authority, including, without limitation, grants, appropriations or reimbursements from the State or federal government with respect to their respective shares under federal aid highway laws of the costs of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways or the costs of planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of public transportation projects and other transportation projects in the State and the authority's operating expenses and to apply and negotiate for the same upon such terms and conditions as may be required by any person, government agency, authority or entity or as the authority may determine to be necessary, convenient or desirable;

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

k. Subject to any agreements with holders of bonds, notes or other obligations, to purchase bonds, notes or other obligations of the authority out of any funds or moneys of the authority available therefor, and to hold, cancel or resell the bonds, notes or other obligations;

l. For its sole purpose as established in section 5 of this act, to appoint and employ an executive director and such additional officers, who need not be members of the authority and such other personnel and staff as it may require, at an annual expense not to exceed $100,000.00, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

m. 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 contract with any person, firm or corporation or any public body;

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

o. To make and enter into any and all contracts and agreements which the authority determines are necessary, incidental, convenient or desirable to the performance of its duties and the execution of its powers under the act; and

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

C. 27:1B-7 Power over appropriations.

7. (New section) The authority shall have the power to accept and use any funds appropriated and paid by the State to the authority, including, without limitation, appropriations and payments from the Transportation Trust Fund Account established pursuant to the act, for the purposes for which the appropriations and payments are made.

C. 27:1B-8 Contracts with toll road authorities.

8. (New section) The authority shall have the power to enter into contracts (or take an assignment of the rights and interests in contracts entered into by the treasurer or commissioner) with each toll road authority or other State agency to provide for payments to it by each toll road authority or other State agency from available revenues of the amount or amounts that may be set forth in, or determined in accordance with, the contract; provided however, that no such contract shall contain specific provisions which direct such toll road authority or other State agency to increase tolls. Subject as aforesaid, each contract, or assignment, may contain conditions and covenants as shall be agreed to by the authority and by the affected toll road authority or other State agency and, in the case of an assignment, as agreed to by the treasurer or commissioner, including but not limited to conditions and covenants necessary and desirable to facilitate the issuance and sale of bonds, notes and other obligations of the authority. The authority may receive and use (and contract for the use of) the amounts paid to it pursuant to the contracts for any one or more of its corporate purposes or powers.

C. 27:1B-9 Issuance of bonds.

9. (New section) a. The authority shall have the power and is hereby authorized after November 15, 1984 and from time to time thereafter to issue its bonds, notes or other obligations in principal amounts as in the opinion of the authority shall be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves

to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations, the authority shall have the power to issue subordinated indebtedness, which shall be subordinate in lien to the lien of any or all of its bonds or notes. No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations 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.

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 provide the security and payment provisions for its 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 from and secured by all or any portion of the revenues of and payments to the authority, and other moneys or funds as the authority shall determine. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government for federal aid highways or public transportation systems, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants, reimbursements or other funds or revenues of the authority. The authority may also enter into bank loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Whether or not the bonds and notes are of the 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.

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 the date, or dates, mature at the time or times, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption (with or without premium) as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the authority and a corporate trustee within or without the State. All other obligations of the authority shall be authorized by resolution containing terms and conditions as the authority shall determine.

e. Bonds, notes or other obligations of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine. Every bond shall mature and be paid not later than 17 years from the date thereof, except that no bond, note or other obligation shall mature and be paid later than 17 years from the effective date of this act, nor shall any refunding of such obligations mature or be paid later than that date.

Notes, the initial series of bonds and bonds issued for refunding purposes of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine.

Except as noted above, all bonds of the authority shall be sold at such price or prices and in such manner as the authority shall determine, after notice of 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 the City of New York, the first notice to be at least five days prior to the day of bidding. The 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 authority, 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 authority 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.

f. Bonds or notes may be issued and other obligations incurred under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Bonds, notes and other obligations of the authority issued or incurred 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 political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond, note or other obligation 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 the 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 the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the authority.

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 or pursuant to 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.

i. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the authority, may not exceed $600,000,000.00. If in any fiscal year appropriations by the Legislature to the authority, and amounts received in accordance with contracts entered into with the toll road authori-

ties, if those amounts are not included in legislative appropriations, shall be in excess of $143,000,000.00, the aggregate principal amount of $600,000,000.00 shall be reduced by an amount equal to the excess. In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the authority, which shall be issued for refunding purposes, provided that the refunding shall be determined by the authority to result in a debt service savings.

The authority shall minimize debt incurrence by first relying on appropriations and other revenues available to the authority before incurring debt to meet its statutory purposes.

The authority shall not incur debt at any time in any fiscal year in excess of the difference between the amount of appropriations and other revenues to the authority theretofore made in that fiscal year and the amount which the Department of Transportation is permitted to commit for transportation projects under the act in that fiscal year as indicated in the budget, plus reasonably necessary expenses, required debt reserve funds, debt service and outstanding financial obligations from prior fiscal years of the authority.

Debt which would have been incurred pursuant to this section, which is not incurred in any fiscal year, may be issued in subsequent years.

C. 27:1B-10 Contract provisions.

10. (New section) In any resolution of the authority authorizing or relating to the issuance of any bonds, notes or other obligations or in any indenture securing the bonds, notes or other obligations, the authority, in order to secure the payment of the bonds, notes or other obligations and in addition to its other powers, shall have the power by provisions therein, which shall constitute covenants by the authority and contracts with the holders of the bonds, notes or other obligations:

a. To pledge all or any part of its revenues or receipts to which its right then exists or may thereafter come into existence and other moneys or funds as the authority shall determine and the moneys derived therefrom, and the proceeds of any bonds, notes or other obligations;

b. To pledge any agreement, including, without limitation, the contract or contracts referred to in section 23 of the act, contracts with the toll road authorities or other State agencies, and any

grant, contract, or agreement with the federal government or the revenues or payments thereunder and the proceeds thereof;

c. To covenant against pledging all or any part of its revenues or receipts or its agreements and the revenues derived thereunder or the proceeds thereof and other moneys or funds as the authority shall determine and the moneys derived therefrom or against permitting or suffering any lien on any of the foregoing;

d. To covenant with respect to limitations on any right to sell, lease or otherwise dispose of any property of any kind;

e. To covenant as to any bonds, notes and other obligations to be issued and the limitations thereof and the terms and conditions thereof and as to the custody, application, investment, and disposition of the proceeds thereof;

f. To covenant as to the issuance of additional bonds, or notes or other obligations or as to limitations on the issuance of additional bonds, notes or other obligations and on the incurring of other debts by it;

g. To covenant as to the payment of the principal of or interest on the bonds, notes, or other obligations, as to the sources and methods of payment, as to the rank or priority of any bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any bonds, notes or obligations;

h. To provide for the replacement of lost, stolen, destroyed or mutilated bonds, notes or other obligations;

i. To covenant against extending the time for the payment of bonds, notes or other obligations or interest thereon;

j. To covenant as to the redemption of bonds, notes or other obligations and privileges of exchange thereof for other bonds, notes or other obligations of the authority;

k. Subject to the rights and security interests of the holders from time to time of bonds, notes or other obligations heretofore or hereafter issued by each of the toll road authorities or other State agencies, to covenant as to the enforcement of any term in any agreement entered into pursuant to the act, to which the authority is a party or an assignee, fixing amounts of funds of the toll road authorities or other State agencies to be paid over to and received by the authority in each year or other period of time, including any term concerning the fixing of tolls and other charges by the toll road authorities or other State agencies, at rates as shall be necessary to provide the amounts of funds;

l. To covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for payment or re-

demption of bonds, notes, or other obligations, reserves or other purposes and as to the use, investment, and disposition of the moneys held in the funds;

m. To establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds, notes or other obligations may be amended or abrogated, the amount of bonds, notes or other obligations the holders of which must consent thereto, and the manner in which the consent may be given;

n. To provide for the release of property, agreements, or revenues and receipts from any pledge and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge;

o. To provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the authority shall become or may be declared due and payable before maturity and the terms and conditions upon which any declaration and its consequences may be waived;

p. To vest in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine, and to limit the rights, duties and powers of such trustee;

q. To execute all bills of sale, conveyances, deeds of trust and other instruments necessary or convenient in the exercise of its powers or in the performance of its covenants or duties;

r. To pay the costs or expenses incident to the enforcement of the bonds, notes or other obligations or of the provisions of the resolution or of any covenant or agreement of the authority with the holders of its bonds, notes or other obligations;

s. To limit the rights of the holders of any bonds, notes or other obligations to enforce any pledge or covenant securing the bonds, notes or other obligations; and

t. To make covenants, in addition to the covenants herein expressly authorized, of like or different character, and to make covenants to do or refrain from doing acts and things as may be necessary, or convenient and desirable, in order to better secure bonds, notes or other obligations or which in the absolute discretion of the authority will tend to make bonds, notes or other obligations more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

C. 27:1B-11 Pledge of funds.

11. (New section) Any pledge of revenues, moneys, funds or other property made by the authority shall be valid and binding from the time when the pledge is made; the revenues, moneys, funds or other property so pledged and thereafter received by the authority shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge of revenues, moneys or funds is created need be filed or recorded, except in the records of the authority.

C. 27:1B-12 No personal liability.

12. (New section) Neither the members of the authority nor any person executing bonds or notes or other obligations issued pursuant to this act shall be liable personally on the bonds, notes or other obligations by reason of the issuance thereof.

C. 27:1B-13 Establishment of reserves.

13. (New section) The authority may establish reserves, funds or accounts as may be, in its discretion, necessary or desirable to further the accomplishment of the purposes of the authority or to comply with the provisions of any agreement made by or any resolution of the authority.

C. 27:1B-14 State covenant.

14. (New section) The State does hereby pledge to and covenant and agree with the holders of any bonds, notes or other obligations issued or incurred pursuant to the authorization of the act that the State will not limit or alter the rights or powers hereby vested in the authority in any way that would jeopardize the interest of the holders or inhibit or prevent performance or fulfillment by the authority of the terms of any agreement made with the holders of the bonds, notes or other obligations, or prevent the authority from obtaining sufficient revenues which, together with other available funds, shall be sufficient to meet all expenses of the authority and fulfill the terms of any agreement made with the holders of the bonds, notes or other obligations, 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 the holders, or from receiving payment of funds of the toll road authorities or other State agencies, as provided in any agreement provided for in the act, until the bonds, notes or

other obligations, together with interest thereon, are fully met and discharged or provided for. The standards required to be followed by the State in complying with the foregoing covenant shall be no more or less restrictive than the standards required to be followed by the State under its covenants with the toll road authorities in section 7 of P. L. 1948, c. 454 (C. 27:23–7), section 11 of P. L. 1952, c. 16 (C. 27:12B–11) and section 41 of P. L. 1962, c. 10 (C. 27:12C–41). The failure of the State to appropriate moneys for any purpose of the act shall not be deemed or construed to be a violation of this section.

C. 27:1B-15 Authorized investment.

15. (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 carrying 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 the act, and the bonds or notes shall be authorized security for any and all public deposits.

C. 27:1B-16 Tax exemption.

16. (New section) All property of the authority is 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. All bonds, notes or other obligations issued pursuant to the act are hereby declared to be issued by a body corporate and politic of the State and for an essential public and governmental purpose and the bonds, notes and other obligations, 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 the bonds, notes and other obligations, or interest thereon, shall at all times be exempt from taxation, except for transfer inheritance and estate taxes.

C. 27:1B-17 Annual report.

17. (New section) On or before the first day of September in each year the authority shall make an annual report of its activities for the preceding fiscal year to the Governor and to the Legislature,

in addition to responding to other requests made by the Legislature from time to time. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the authority and a copy thereof shall be filed with the Comptroller of the Treasury. Notwithstanding the provisions of any law to the contrary, the State Auditor or his legally authorized representative may examine the accounts and books of the authority.

Not later than the end of the fifth year following the effective date of this act, the Senate Transportation and Communications Committee and the Assembly Transportation and Communications Committee, or their successors, shall undertake a review of the implementation of this act and of the operation of the authority and make such recommendations as they deem necessary.

The department shall, from time to time, but not less than every six months, report to the Senate and Assembly Transportation and Communications Committees on the status of each project, including public highways, financed pursuant to this act. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

C. 27:1B-18 Services of State agencies.

18. (New section) All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any and all services to the authority as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the authority. Insofar as possible, the cost and expense of any services shall be met and provided for by such officers, departments, boards, agencies, divisions and commissions.

C. 27:1B-19 Rules, regulations.

19. (New section) The commissioner is authorized to adopt such rules and regulations, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), as he deems necessary to effectuate the purposes of the act.

C. 27:1B-20 Transportation Trust Fund Account.

20. (New section) There is hereby established in the General Fund an account entitled "Transportation Trust Fund Account." During the fiscal year beginning July 1, 1984 and during each succeeding fiscal year in which the authority has bonds, notes or

other obligations outstanding, the treasurer shall credit to this account, commencing with the last business day of August 1984 and on the last business day of each succeeding calendar month, an amount not less than $7,333,333.00, provided that if the effective date of the act shall be later than July 1984, the initial credit shall be an amount equal to that which would have been credited to the account had the act become effective on July 1, 1984, and further provided that the amount credited during any fiscal year shall not be less than $88,000,000.00; and an amount equivalent to moneys received by the State in accordance with contracts entered into with toll road authorities or other State agencies. The treasurer shall also credit to this account, in accordance with a contract between the treasurer and the authority, an amount equivalent to the sum of the revenues due from the increase of fees for motor vehicle registrations collected pursuant to the amendment to R. S. 39:3–20 made by this act and from the increase of fees for motor fuels user identification markers collected pursuant to the amendment to section 10 of P. L. 1963, c. 44 (C. 54:39A–10) made by this act and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R. S. 54:39–27 made by this act, provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than $20,000,000.00 and that the total amount credited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than $30,000,000.00. No later than the fifth business day of the month following the month in which a credit has been made, the treasurer shall pay to the authority, for its purposes as provided herein, the amounts then credited to the Transportation Trust Fund Account, provided that the payments to the authority shall be subject to and dependent upon appropriations being made from time to time by the Legislature of the amounts thereof for the purposes of the act.

C. 27:1B-21 Special Transportation Fund.

21. a. (New section) There is hereby established a separate fund entitled "Special Transportation Fund." This fund shall be maintained by the State Treasurer and may be held in depositories as may be selected by the treasurer and invested and reinvested as other funds in the custody of the treasurer, in the manner provided by law. The commissioner may from time to time (but not more frequently than monthly) certify to the authority an amount necessary to fund payments made, or anticipated to be made by or on behalf of the department, from appropriations established for or made to the department from revenues or other funds of the

authority. The commissioner's certification shall be deemed conclusive for purposes of the act. The authority shall, within 15 days of receipt of the certificate, transfer from available funds of the authority to the treasurer for deposit in the Special Transportation Fund the amount certified by the commissioner, provided that all funds transferred shall only be expended by the department pursuant to appropriations or authorizations made from time to time by the Legislature for the purposes of the act.

b. The department shall not expend any money except as appropriated by law. Commencing with appropriations for the fiscal years beginning on July 1, 1985 or for any subsequent fiscal years, the Legislature shall make a categorical or specific appropriation by project or authorization of funds to be expended by the department in the annual appropriations act or in a supplemental appropriations act, which shall be passed by June 30 preceding the fiscal year to which it pertains. This section shall apply to appropriations for the fiscal years beginning July 1, 1985.

c. No funds appropriated, authorized or expended pursuant to this act shall be used to finance the resurfacing of highways by department personnel, where that resurfacing would require the use of more than 150,000 tons of bituminous concrete for that purpose in any calendar year, except that the commissioner may waive this provision when he determines the existence of emergency conditions requiring the use of department personnel for the resurfacing of highways, after the department has effectively reached the 150,000 ton limit.

C. 27:1B-22 Master plan.

22. (New section) To the end that the transportation system of the State shall be planned in an orderly and efficient manner and that the Legislature shall be advised of the nature and extent of public highways, public transportation projects and other transportation projects contemplated to be financed under this act, the department shall submit a master plan, as provided in subsection (a) of section 5 of P. L. 1966, c. 301 (C. 27:1A–5). Notwithstanding the provisions of that act, the plan shall be for a period of five years and shall be submitted to the Commission on Capital Budgeting and Planning, the Chairman of the Senate Transportation and Communications Committee and the Chairman of the Assembly Transportation and Communications Committee, or their successors, and the Legislative Budget Officer, on or before December 15, 1984, and at five year intervals thereafter.

On or before April 1 of each year, the commissioner shall submit a report of proposed projects, including but not limited to public highways, to be financed in an ensuing fiscal year, including therewith a description of the projects, the county or counties within which they are to be located, a distinction between State and local projects, and the amount estimated to be expended on each project. The report shall be submitted to the Senate and General Assembly. Within 21 days of the receipt thereof, the Senate or the General Assembly may object in writing to the commissioner in regard to any project or projects it disapproves or which it is of the opinion should be modified or added to or any additional or alternative projects considered. The commissioner shall consider the objections and recommendations and resubmit the report within 10 days, containing therein any modifications based upon his consideration of the objections or recommendations. The Senate or General Assembly may, at its discretion, or at the request of the Joint Appropriations Committee, report to the Joint Appropriations Committee its findings and recommendations concerning appropriations to the department for the ensuing fiscal year, for consideration by the Joint Appropriations Committee in reviewing the Governor's recommended appropriations for the ensuing fiscal year.

C. 27:1B-23 Contracts.

23. (New section) In order to implement the arrangement provided for in the act, the treasurer, the commissioner and the authority are hereby authorized to enter into one or more contracts. The contracts shall commence with the fiscal year beginning July 1, 1984, and provide for the credit to the Transportation Trust Fund Account in the amounts provided for in section 20 of the act and for the payment to the authority of the amounts credited to the Transportation Trust Fund Account in accordance with the provisions of section 20 of the act. The contracts shall also provide for the payment by the authority of the amounts provided for in section 21 of the act and for expenditures from the Special Transportation Fund, as provided in section 21 of the act. The contract or contracts shall be on terms and conditions as determined by the parties and may contain terms and conditions necessary and desirable to secure the bonds, notes and other obligations of the authority, provided, however, that the incurrence of any obligation by the State under the contract or contracts, including any payments to be made thereunder from the Transportation Trust Fund Account or the Special Transportation Fund, shall be subject to

and dependent upon appropriations being made from time to time by the Legislature for the purposes of the act.

C. 27:1B-24 Percentages for businesses of disadvantaged, women.

24. (New section) Subject to those definitions and procedures as the commissioner may prescribe by regulation, with respect to moneys appropriated or authorized pursuant to this act and expended with private firms for construction and professional services, not less than 10% of the moneys shall be expended, either directly or through subcontracting requirements, with business concerns owned and controlled by socially and economically disadvantaged individuals and, in addition to and exclusive of this requirement, not less than 4% of the moneys shall be expended, either directly or through subcontracting requirements, with business concerns owned and controlled by women.

C. 27:1B-25 Allocations to counties, municipalities.

25. (New section) a. Notwithstanding the provisions of subtitle 4 of Title 27 of the Revised Statutes and P. L. 1946, c. 301 (C. 27:15A–1 et seq.), the commissioner may, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate to counties and municipalities funds for the planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways and the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of public transportation projects and of other transportation projects which a county or municipality may be authorized by law to undertake. In the case of a county or municipality for which an allocation has been made for the federal fiscal year beginning October 1, 1983, of an amount of federal aid for the federal aid urban system, as defined in 23 U. S. C. § 103, the amount of State aid allocated under this section in any fiscal year shall not be less than the amount of federal aid so allocated, together with the amount of matching funds required under federal law. No allocation shall be made to a county or municipality without certification by the commissioner: (1) that there exists with respect to that county or municipality a comprehensive plan, or plans, which he has approved, for the effective allocation, utilization and coordination of available federal and State transportation aid, and (2) that the county or municipality has agreed that State aid provided under this section is provided in lieu of federal aid for the federal aid urban system program and that any federal aid for the federal aid urban system program attributable to the area will be programmed by the Department of Transportation for projects of

regional significance. In any year in which insufficient funds have been appropriated to meet the minimum county allocations established in this section, or if no appropriation is provided, the commissioner shall determine on a prorated basis the amount of the deficiency for each county having a minimum allocation and allocate from funds available under the federal aid urban system program sufficient funds to meet the minimum allocations.

b. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at his discretion State aid to municipalities for public highways under their jurisdiction and for emergency transportation projects, except that the amount to be appropriated for this program shall be 4/19 of the aggregate amount appropriated pursuant to subsections b. and c. of this section.

c. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate State aid to municipalities for public highways under their jurisdiction, except that the amount to be appropriated for this purpose shall be 15/19 of the aggregate amount appropriated pursuant to subsections b. and c. of this section. The amount to be appropriated shall be allocated on the basis of the following distribution factor:

$$DF = \frac{Pc}{Ps} + \frac{Cm}{Sm}$$

where, DF equals the distribution factor
Pc equals county population
Ps equals State population
Cm equals municipal road mileage within the county
Sm equals municipal road mileage within the State.

After the amount of aid has been allocated based on the above formula, the commissioner shall determine priority for the funding of municipal projects within each county, based upon criteria relating to volume of traffic, safety considerations, growth potential, readiness to obligate funds and local taxing capacity.

For the purposes of this subsection, (1) "population" means the official population count as reported by the New Jersey Department of Labor; and (2) "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the department.

C. 27:1B-26 State aid in budgets.

26. (New section) It shall be lawful for each county and municipality, upon notification by the commissioner of approval for and the amount of State aid allocated to a project, to include an amount equal to the amount of such State aid in its annual budget and any amendments and supplements thereto. Immediately thereafter, commitments may be made by counties and municipalities against the amounts so included in their budgets and amendments and supplements thereto.

C. 27:1B-27 Temporary loans.

27. (New section) When the commissioner shall notify the governing body of a county or municipality of the amount of State funds allocated to a project, the governing body may borrow money on temporary loan to an amount not to exceed the amount of the State funds allocated to the project, in anticipation of the payment of the amount of State funds so allocated to the county or municipality, and may apply the proceeds of the loan to the payment of the cost of the project. The temporary loan shall be repaid upon payment to the county or municipality of the sum, in anticipation of payment of which the loan was made.

28. Section 5 of P. L. 1952, c. 16 (C. 27:12B–5) is amended to read as follows:

C. 27:12B-5 Highway Authority powers.

5. The authority shall be a body corporate and politic and shall have perpetual succession and shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places within or without the State as it may designate;

(d) To sue and be sued in its own name;

(e) To acquire, construct, maintain, repair and operate projects;

(f) To acquire, lease, build, improve, maintain and operate one or more ferryboats and other craft between a point in Cape May county, New Jersey, and a point in Lewes, Delaware, and to transport passengers and freight between said points by means of such boats;

(g) To acquire in cooperation with the Department of Environmental Protection limited roadside areas adjoining said projects and transfer any or all of such areas to the Department of Environ-

mental Protection, so that said department may maintain such areas as roadside parks;

(h) To issue bonds or notes of the authority and to provide for the rights of the holders thereof, as provided in this act;

(i) In the exercise of any of its powers, to fix and revise from time to time and charge and collect tolls or other charges for transit over or use of any project acquired or constructed by it;

(j) To establish and enforce rules and regulations for the use of any project;

(k) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(l) 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 by the exercise of the power of eminent domain, any land and other property, including land under water and riparian rights, within or without the State of New Jersey, which it may determine is reasonably necessary for any project or for the relocation or reconstruction of any public highway by the authority under the provisions of this act or for the construction of any feeder road, which the authority is or may be authorized to construct and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the State of New Jersey 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 projects;

(m) To locate and designate, and to establish, limit and control such points of ingress to and egress from each project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(n) To take title or any lesser interest to any land or other property in the State of Delaware in any manner permitted by the laws of Delaware. Whenever such property located in the State of Delaware cannot be acquired by the authority in its name or in that of its nominee or trustee by agreement, and the Highway

Department of the State of Delaware is willing to condemn such property for the use of the project, if reimbursed by the authority for the condemnation money or damages awarded in such condemnation and the expenses thereof, the authority is authorized and empowered to enter into an agreement of reimbursement with the Highway Department of the State of Delaware for such condemnation money or damages and expenses and to secure the same by a deposit of cash or otherwise and to reimburse the Highway Department of the State of Delaware or other proper department or agency of the State of Delaware for all condemnation money or damages and costs legally awarded or incurred in such condemnation;

(o) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(p) To construct, maintain, repair and operate any feeder road or any public highway connecting parts of a project or two or more projects, which in the opinion of the authority will increase the use of a project or projects, to take over for maintenance, repair and operation any existing public highway as a feeder road, and to realign any such existing public highway and build additional sections of road over new alignment in connection with such existing public highway;

(q) To appoint such additional officers (who need not be members of the authority) and employ such consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and other employees and agents as the authority deems advisable and as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes;

(r) To receive and accept from any federal agency, subject to the approval of the Governor, grants for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions, except appropriations by the Legislature, from any source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(s) Subject to the rights and security interests of the holders from time to time of bonds or notes heretofore or hereafter issued by the New Jersey Highway Authority, to enter into contracts with

the State or the New Jersey Transportation Trust Fund Authority established by section 4 of the "New Jersey Transportation Trust Fund Authority Act of 1984," P. L. 1984, c. 73 (C. 27:1B–4), providing for the payment from the revenues of the Highway Authority to the State or to the New Jersey Transportation Trust Fund Authority of the amount or amounts of revenues that may be set forth in or determined in accordance with the contracts. Any contracts authorized pursuant to this section may include conditions and covenants necessary and desirable to facilitate the issuance and sale of bonds, notes and other obligations of the New Jersey Transportation Trust Fund Authority. Any agreements entered into between the State and the Highway Authority pursuant to this subsection shall terminate upon the effective date of any agreement entered into between the New Jersey Transportation Trust Fund Authority and the Highway Authority providing for the payment of revenues of the Highway Authority directly from the Highway Authority to the New Jersey Transportation Trust Fund Authority;

(t) To do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this act; and

(u) To exercise all of the foregoing powers in the State of Delaware insofar as permitted by the laws of that state, and to apply to the authorities in the State of Delaware for all franchises, permits and licenses necessary to exercise such powers.

Nothing contained in this act shall be construed to authorize or empower the authority to acquire State property by the exercise of the power of eminent domain.

29. Section 11 of P. L. 1962, c. 10 (C. 27:12C–11) is amended to read as follows:

C. 27:12C-11 Expressway Authority powers.

11. The authority shall be a public body corporate and politic and shall have perpetual succession and shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt and have an official common seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued;

(e) To acquire, construct, maintain, improve, repair and operate projects;

(f) To construct, maintain, improve, repair and operate feeder roads;

(g) To issue bonds or notes of the authority and to provide for the rights of the holders thereof, as provided in this act;

(h) In the exercise of any of its powers, to fix and revise from time to time and charge and collect tolls or other charges for transit over or use of any project acquired or constructed by it;

(i) To establish rules and regulations for the use of any project;

(j) To acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act;

(k) 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 by the exercise of the power of eminent domain, any land and other property which it may determine is reasonably necessary for any project or for the relocation or reconstruction of any public highway by the authority under the provisions of this act or for the construction of any feeder road, which the authority is or may be authorized to construct and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways or parkways, owned by or in which any county, municipality or other governmental 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 projects;

(l) To locate and designate, and to establish, limit and control such points of ingress to and egress from each project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(m) Subject to the limitations of this act, to acquire, construct, maintain, improve, repair or operate any public highway connecting with any one or more projects, which in the opinion of the authority will increase the use of a project or projects, to take over for maintenance, improvement, repair or operation any existing public highway as a feeder road, and to realign any such existing

public highway and build additional sections of road over new alignment in connection with such existing public highway;

(n) To receive and accept from any federal agency, subject to the approval of the Governor, grants for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(o) Subject to the limitations of this act, to determine the location, type and character of any project and all other matters in connection with such project;

(p) Subject to the rights and security interests of the holders from time to time of bonds or notes heretofore or hereafter issued by the New Jersey Expressway Authority, to enter into contracts with the State or the Department of Transportation or the New Jersey Transportation Trust Fund Authority established by section 4 of the "New Jersey Transportation Trust Fund Authority Act of 1984," P. L. 1984, c. 73 (C. 27:1B–4), providing for the payment from the revenues of the New Jersey Expressway Authority to the State or to the New Jersey Transportation Trust Fund Authority of the amount or amounts of revenues that may be set forth in or determined in accordance with the contracts, provided that the payments shall be used solely for financing highway and transportation projects in the counties of Ocean, Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland and Cape May, including the payment of principal and interest on any bonds, notes or other obligations issued or entered into by the New Jersey Transportation Trust Fund Authority, the proceeds of which shall be allocated by the New Jersey Transportation Trust Fund Authority to highway and transportation projects within the counties aforesaid; any contracts authorized pursuant to this section may include conditions and covenants necessary and desirable to facilitate the issuance and sale of bonds, notes and other obligations of the New Jersey Transportation Trust Fund Authority. Any agreements entered into between the Department of Transportation and the Expressway Authority pursuant to this subsection shall terminate upon the effective date of any agreement entered into between the Expressway Authority and the New Jersey Transportation Trust Fund Authority providing for payment of revenues of the Expressway Authority directly from the Expressway Authority to the New Jersey Transportation Trust Fund Authority;

(q) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act.

30. Section 1 of P. L. 1966, c. 8 (C. 27:23–5.8) is amended to read as follows:

C. 27:23-5.8 Additional powers of Turnpike Authority.

1. The New Jersey Turnpike Authority shall have, in addition to the powers heretofore granted to it, power:

a. To pay or make any advance or contribution to the United States Government or the State of New Jersey or any agency thereof for the purpose of paying the State's share or any portion thereof under the federal aid highway laws of the cost of construction of any highway improvement determined by the authority to be a major improvement necessary to restore or prevent physical damage to the turnpike project, for the safe or efficient operation of such project, or to prevent loss of revenues therefrom.

b. Subject to the rights and security interests of the holders from time to time of bonds or notes heretofore or hereafter issued by the New Jersey Turnpike Authority, to enter into contracts with the State or the New Jersey Transportation Trust Fund Authority established by section 4 of the "New Jersey Transportation Trust Fund Authority Act of 1984," P. L. 1984, c. 73 (C. 27:1B–4), providing for the payment from the revenues of the New Jersey Turnpike Authority to the State or to the New Jersey Transportation Trust Fund Authority of the amount or amounts of revenues that may be set forth in or determined in accordance with the contracts. Any contracts authorized pursuant to this section may include conditions and covenants necessary and desirable to facilitate the issuance and sale of bonds, notes and other obligations of the New Jersey Transportation Trust Fund Authority. Any agreements entered into between the State and the Turnpike Authority pursuant to this subsection shall terminate upon the effective date of any agreement entered into between the Turnpike Authority and the New Jersey Transportation Trust Fund Authority providing for the payment of revenues of the Turnpike Authority directly from the Turnpike Authority to the New Jersey Transportation Trust Fund Authority.

31. Section 9 of P. L. 1948, c. 454 (C. 27:23–9) is amended to read as follows:

C. 27:23-9 Revenues.

9. Revenues.

(A) The authority is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, and restaurants, or for any other purpose, except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use; provided that a sufficient number of gas stations may be authorized to be established in each service area along any such highway to permit reasonable competition by private business in the public interest; and provided further that no contract shall be required, and no rent, fee or other charge of any kind shall be imposed for the use and occupation of any turnpike project for the installation, construction, use, operation, maintenance, repair, renewal, relocation or removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or other equipment or appliances in, on, along, over or under any such turnpike project by any public utility as defined in R. S. 27:7–1, which is subject to taxation pursuant to either chapter 4 of the laws of 1940, as amended (R. S. 54:31–15.14 et seq.), or chapter 5 of the laws of 1940, as amended (R. S. 54:31–45 et seq.), or pursuant to any other law imposing a tax for the privilege of using the public streets, highways, roads or other public places in this State. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The use and disposition of tolls and revenues shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same.

(B) At any time that tolls are not required for the purpose of carrying out and performing the terms and provisions of any contract with or for the benefit of bondholders, the authority shall cause tolls for the use of the turnpike projects to be charged and collected at the same rates as were last charged and collected by the authority under the provisions of subsection (A) hereof and no change or revision shall be made in such rates, except as shall be specifically authorized by law.

(C) All revenues and other funds of the authority not pledged or otherwise required to pay or secure the payment of principal and interest on any indebtedness of the authority existing from time to time under, and not otherwise required for the purpose of, this act shall be deposited to the credit of the State in such depositories and shall be reported to the State Treasurer and to the Director of the Division of Budget and Accounting at such times and in such manner as shall be designated and prescribed by the State Treasurer and said director. The requirement of this paragraph shall be deemed to be satisfied during any period the New Jersey Turnpike Authority shall have a contract providing for payment of funds to the State or New Jersey Transportation Trust Fund Authority created pursuant to P. L. 1984, c. 73 (C. 27:1B–1 et seq.), and no payment in addition to that required by the contract or any amendment thereto shall be payable pursuant to this paragraph.

32. R. S. 39:3–20 is amended to read as follows:

Commercial motor vehicle registrations.

39:3–20. For the purpose of this act, gross weight means the weight of the vehicle or combination of vehicles, including load or contents.

a. The director is authorized to issue registrations for commercial motor vehicles other than omnibuses or motor-drawn vehicles upon application therefor and payment of a fee based on the gross weight of the vehicle, including the gross weight of all vehicles in any combination of vehicles of which the commercial motor vehicle is the drawing vehicle. The gross weight of a disabled commercial vehicle or combination of disabled commercial vehicles being removed from a highway shall not be included in the calculation of the registration fee for the drawing vehicle.

Except as otherwise provided in this subsection, every registration for a commercial motor vehicle other than an omnibus or motor-drawn vehicle shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued. The minimum registration fee for registrations issued after July 1, 1984 shall be as follows:

For vehicles not in excess of 5,000 pounds, $53.50.

For vehicles in excess of 5,000 pounds and not in excess of 18,000 pounds, $53.50 plus $8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

For vehicles in excess of 18,000 pounds and not in excess of 50,000 pounds, $53.50 plus $9.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

For vehicles in excess of 50,000 pounds, $53.50 plus $10.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Commercial motor vehicles other than omnibuses or motor-drawn vehicles for which commercial motor vehicle registrations had been issued prior to the effective date of this act and which expire March 31, 1982 shall be issued commercial registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months nor later than 16 months following the date of issuance of the registration. The fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

b. The director is also authorized to issue registrations for commercial motor vehicles having three or more axles and a gross weight over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work.

Except as otherwise provided in this subsection, every registration for these commercial motor vehicles shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

The registration fee for registrations issued after July 1, 1984 shall be $19.50 for each 1,000 pounds or portion thereof.

For purposes of calculating this fee, weight means the gross weight, including the gross weight of all vehicles in any combination of which such commercial motor vehicle is the drawing vehicle. "Constructor" registrations issued prior to the effective date of this act, which expire June 30, 1982, shall be issued contractor vehicle registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months nor later than 16 months following the date of issuance of the registration. The fees for the registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

Such commercial motor vehicle shall be operated in compliance with the speed limitations of Title 39 of the Revised Statutes and shall not be operated at a speed greater than 30 miles per hour when one or more of its axles has a load which exceeds the limitations prescribed in R. S. 39:3–84.

c. The director is also authorized to issue registrations for each of the following solid waste vehicles: two-axle vehicles having a gross weight not exceeding 42,000 pounds; tandem three-axle and four-axle vehicles having a gross weight not exceeding 60,000 pounds; four-axle tractor-trailer combination vehicles having a gross weight not exceeding 60,000 pounds. Registration is based upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utilities.

Except as otherwise provided in this subsection, every registration for a solid waste vehicle shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

The registration fee shall be $50.00 plus $8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Solid waste vehicles for which commercial motor vehicle registrations had been issued prior to the effective date of this act and which shall expire June 30, 1982 shall be issued solid waste registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months or later than 16 months following the date of issuance of the registration. The fees for the registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

d. The director is also authorized to issue registrations for commercial motor-drawn vehicles upon application therefor. The registration year for commercial motor-drawn vehicles shall be April 1 to the following March 31 and the fee therefor shall be $18.00 for each such vehicle.

At the discretion of the director, an applicant for registration for a commercial motor-drawn vehicle may be provided the option of registering such vehicle for a period of four years. In the event that the applicant for registration exercises the four-year option, a fee of $64.00 for each such vehicle shall be paid to the director in advance.

If any commercial motor-drawn vehicle registered for a four-year period is sold or withdrawn from use on the highways, the director may, upon surrender of the vehicle registration and plate, refund $16.00 for each full year of unused prepaid registration.

e. It shall be unlawful for any vehicle or combination of vehicles registered under this act, having a gross weight, including load or contents, in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

The owner, lessee, bailee or any one of the aforesaid of a vehicle or combination of vehicles, including load or contents, found or operated on any public road, street or highway or on any public or quasi-public property in this State with a gross weight of that vehicle or combination of vehicles, including load or contents, in excess of the weight limitation permitted by the certificate of registration for the vehicle or combination of vehicles, pursuant to the provisions of this section, shall be assessed a penalty of $500.00 plus an amount equal to $100.00 for each 1,000 pounds or fractional portion of 1,000 pounds of weight in excess of the weight limitation permitted by the certificate of registration for that vehicle or combination of vehicles. A vehicle or combination of vehicles for which there is no valid certificate of registration is deemed to have been registered for zero pounds for the purposes of the enforcement of this act, in addition to any other violation of this Title, but is not deemed to be lawfully or validly registered pursuant to the provisions of this Title.

This section shall not be construed to supersede or repeal the provisions of section 39:3–84, 39:4–75, or 39:4–76 of this Title.

33. R. S. 39:3–25 is amended to read as follows:

"Farmer" plates.

39:3–25. In addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this chapter, the director shall issue, upon application therefor, a license plate for trucks marked "farmer," which shall be issued upon evidence satisfactory to the director that the applicant is a farmer and is actually engaged in the growing, raising and producing of farm products as an occupation. License plates issued under authority of this section shall be placed upon motor trucks engaged exclusively in the carrying or transportation of applicant's farm products, raised or produced on his farm, and farm supplies, and not engaged in hauling for hire.

Applicants for license plates herein authorized shall pay a registration fee of $25.00 plus $4.25 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Except as otherwise provided in this section, every registration for a farm truck shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

Farm trucks for which farm truck registrations had been issued prior to the effective date of this act and which expire June 30, 1982 shall be issued registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months nor later than 16 months following the date of issuance of the registration. The fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this section.

The term "farmer" as used in this section means any person engaged in the commercial raising, growing and producing of farm products on a farm not less than five acres in area, and who does not engage in the business of buying farm products for resale; and the term "farm products" means any crop, livestock or fur products.

34. Section 10 of P. L. 1963, c. 44 (C. 54:39A–10) is amended to read as follows:

C. 54:39A-10 Motor fuels user identification.

10. The director shall issue to every user a motor fuels user identification card, which shall be safely preserved in the user's offices for as long as the card is valid. The user shall place a photographic or xerographic copy of said card in the cab of each motor vehicle in his fleet. The director shall also issue for each vehicle in the user's fleet a motor fuels user identification marker, which the user shall affix to the vehicle in such manner as shall be prescribed by the director. The fee for each original such marker and any replacement marker shall be $25.00. Every identification card and marker shall remain the property of the State and may be recalled for any violation of this act or of the regulations promulgated hereunder, or for failure to pay any moneys due the State under this act or any other law administered by the director. Identification cards and markers shall be issued on an annual basis as of April 1 of the year and shall be valid through the next succeeding March 31. The form and content of the card and

marker shall be as prescribed by the director. Any card and marker issued pursuant to this act may be deemed by the director as satisfying the equivalent requirements of any other law administered by him, and any marker and card issued by him pursuant to any other law, regulation, reciprocity agreement or arrangement, or declaration may be deemed as satisfying the equivalent requirements of this act. It shall be illegal to operate or cause to be operated in this State any motor vehicle, unless the vehicle bears the identification marker and carries the copy of the identification card required by this section; provided, however, that upon the request of a user the director may issue by mail or telecommunication a permit valid for the operation of a vehicle for a period not exceeding 25 days, pending the application for and issuance of an identification card or marker, or both. The fee for such permit shall be $8.00, which may be credited against the identification marker fee applicable to the same vehicle. A user whose vehicles in the aggregate make not more than six trips into or through this State in a 12-month period may be issued single trip permits valid for 96 hours for each round trip so made. The fee for such trip permit shall be $5.00, which shall be in lieu of reports, fees and taxes which may otherwise be applicable to said trip under this act.

35. R. S. 54:39-27 is amended to read as follows:

Fuel tax.

54:39-27. Every distributor and gasoline jobber shall, on or before the twenty-second day of each month, render a report to the Director of the Division of Taxation, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. A tax of $0.08 per gallon on each gallon so reported, except diesel fuel, and a tax of $0.11 per gallon on each gallon of diesel fuel so reported, used, offered for sale, or sold for use to propel motor vehicles with diesel type engines on the public highways shall be paid by each distributor and gasoline jobber, such payment to accompany the filing of the report. Such report shall contain such further information as the director may require. Under such regulations as the director may prescribe, sales of fuel and diesel fuel may be made by one licensed distributor or gasoline jobber to another licensed distributor or gasoline jobber free of such tax. If any distributor or gasoline jobber shall fail, neglect or refuse to file the report within the time prescribed by this section, the director shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use

of said distributor or gasoline jobber, assessing the tax thereon, adding to said tax a penalty of 20% thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the director from such distributor or gasoline jobber; provided that if a good and sufficient cause or reason is shown for such delinquency, the director may remit or waive the payment of the whole or any part of the penalty as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public, anything contained in section 54:50–8 to the contrary notwithstanding.

36. R. S. 54:39–66 is amended to read as follows:

Tax refunds.

54:39–66. Any person:

(1) Who shall use any fuels as herein defined for any of the following purposes:

(a) (Deleted by amendment.)

(b) Autobuses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein, under the provisions of R. S. 48:16–25 and autobuses while being operated over the highways of this State to provide regular route passenger service under operating authority conferred pursuant to R. S. 48:4–3,

(c) Agricultural tractors not operated on a public highway,

(d) Farm machinery,

(e) Aircraft,

(f) Ambulances,

(g) Rural free delivery carriers in the dispatch of their official business,

(h) Such vehicles as run only on rails or tracks, and such vehicles as run in substitution therefor,

(i) Such highway motor vehicles as are operated exclusively on private property,

(j) Motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,

(k) Motor boats or motor vessels used exclusively for commercial fishing,

(l) Motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties,

(m) Cleaning,

(n) Fire engines and fire-fighting apparatus,

(o) Stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways,

(p) Heating and lighting devices,

(q) Fuels previously taxed under this chapter and later exported or sold for exportation from the State of New Jersey to any other state or country; provided proof satisfactory to the director of such exportation is submitted,

(r) Motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America,

(s) Emergency vehicles used exclusively by volunteer first-aid or rescue squads, and

(t) Diesel fuel, the increase in the tax thereof as imposed by P. L. 1984, c. 73, as used by passenger automobiles and motor vehicles of less than 5,000 pounds gross weight;

(2) Who shall have paid the tax for such fuels, hereby required to be paid, shall be reimbursed and repaid the amount of tax so paid upon presenting to the director an application for such reimbursement or repayment, in form prescribed by the director, which application shall be verified by a declaration of the applicant that the statements contained therein are true. Such application for reimbursement or repayment shall be supported by an invoice, or invoices, showing the name and address of the person from whom purchased, the name of the purchaser, the date of purchase, the number of gallons purchased, the price paid per gallon, and an acknowledgment by the seller that payment of the cost of the fuel, including the tax thereon, has been made. Such invoice, or invoices, shall be legibly written and shall be void if any corrections or erasures shall appear on the face thereof.

The director may, in his discretion, permit a distributor entitled to a refund under the provisions of this section to take credit therefor, in lieu of such refund, in such manner as the director may require, on a report filed pursuant to R. S. 54:39–27.

Any refund granted to a person under subsection (1) (e), for fuel used in aircraft, shall be paid from the moneys deposited in the Airport Safety Fund established by section 4 of the "New Jersey

Airport Safety Act of 1983," P. L. 1983, c. 264 (C. 6:1–92). Such refunds shall be granted on an annual basis.

C. 27:1B-28 Contract rights unimpaired.

37. (New section) Nothing in the act shall be deemed or construed so as to limit, alter or impair in any way the rights and obligations of the toll road authorities or other State agencies under the provisions of the contracts made with the holders from time to time of bonds and notes heretofore or hereafter issued by said toll road authorities or other State agencies or in any way impair the rights and security of the holders under the contracts.

C. 27:1B-29 Severability.

38. (New section) If any clause, sentence, paragraph, section or part of the act shall be adjudged by any court of competent jurisdiction to be invalid, the 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 the judgment shall have been rendered.

C. 27:1B-30 Liberal construction.

39. (New section) This act shall be interpreted liberally to effect the purposes set forth herein.

C. 27:1B-31 Powers supplementary.

40. (New section) This act shall be deemed to provide an additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to any powers conferred by other laws on public agencies and not in derogation of any such powers now existing, provided that, insofar as the provisions of this act are inconsistent with the provisions of any other law, general, special or local, now in existence or hereafter (unless with specific reference to this act) adopted, the provisions of this act shall be controlling.

41. Section 5 of P. L. 1948, c. 454 (C. 27:23–5) is amended to read as follows:

C. 27:23-5 General grant of powers.

5. General grant of powers. The authority shall be a body corporate and politic and shall have perpetual succession and shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued in its own name;

(e) To construct, maintain, repair and operate turnpike projects at such locations as shall be established by law;

(f) To issue turnpike revenue bonds of the authority, for any of its corporate purposes, payable solely from the tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this act;

(g) In the exercise of any of its powers, to fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(h) To establish rules and regulations for the use of any project;

(i) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(j) 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 by the exercise of the power of eminent domain, any land and other property which it may determine is reasonably necessary for any turnpike project or for the relocation or reconstruction of any highway by the authority under the provisions of this act or for the construction of any feeder road, which the authority is or may be authorized to construct and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the State of New Jersey 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 turnpike projects.

Upon the exercise of the power of eminent domain, the compensation to be paid thereunder shall be ascertained and paid in the manner provided in chapter 1 of Title 20 of the Revised Statutes insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this act. The authority may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts or parcels of land or

property to be condemned and the names of any number of owners and other parties who may have an interest therein and all such land or property included in said petition or complaint may be condemned in a single proceeding; provided, however, that separate awards be made for each tract or parcel of land or property; and provided, further, that each of said tracts or parcels of land or property lies wholly in or has a substantial part of its value lying wholly within the same county.

Upon the filing of such petition or complaint or at any time thereafter the authority may file with the clerk of the county in which such property is located and also with the Clerk of the Superior Court a declaration of taking, signed by the authority, declaring that possession of one or more of the tracts or parcels of land or property described in the petition or complaint is thereby being taken by and for the use of the authority. The said declaration of taking shall be sufficient if it sets forth: (1) a description of each tract or parcel of land or property to be so taken sufficient for the identification thereof, to which there may or may not be attached a plan or map thereof; (2) a statement of the estate or interest in the said land or property being taken; (3) a statement of the sum of money estimated by the authority by resolution to be just compensation for the taking of the estate or interest in each tract or parcel of land or property described in said declaration; and (4) that, in compliance with the provisions of this act, the authority has established and is maintaining a trust fund as hereinafter provided.

Upon the filing of the said declaration, the authority shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration. In addition to the said deposits with the Clerk of the Superior Court, the authority at all times shall maintain a special trust fund on deposit with a bank or trust company doing business in this State, in an amount at least equal to twice the aggregate amount deposited with the Clerk of the Superior Court, as estimated compensation for all property described in declarations of taking with respect to which the compensation has not been finally determined and paid to the persons entitled thereto or into court. Said trust fund shall consist of cash or securities readily convertible into cash, constituting legal investments for trust funds under the laws of this State. Said trust fund shall be held solely to secure and may be applied to the payment of just compensation for the land or other property described in such declarations of taking. The authority shall be

entitled to withdraw from said trust fund from time to time so much as may then be in excess of twice the aggregate of the amount deposited with the Clerk of the Superior Court, as estimated compensation for all property described in declarations of taking with respect to which the compensation has not been finally determined and paid to the persons entitled thereto or into court.

Upon the filing of the said declaration as aforesaid and depositing with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration, the authority, without other process or proceedings, shall be entitled to the exclusive possession and use of each tract of land or property described in said declaration and may forthwith enter into and take possession of said land or property, it being the intent of this provision that the proceedings for compensation or any other proceedings relating to the taking of said land or interest therein or other property shall not delay the taking of possession thereof and the use thereof by the authority for the purpose or purposes for which the authority is authorized by law to acquire or condemn such land or other property or interest therein.

The authority shall cause notice of the filing of said declaration and the making of said deposit to be served upon each party in interest named in the petition residing in this State, either personally or by leaving a copy thereof at his residence, if known, and upon each party in interest residing out of the State, by mailing a copy thereof to him at his residence, if known. In the event that the residence of any such party or the name of such party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county or counties in which the land is located. Such service, mailing or publication shall be made within 10 days after filing such declaration. Upon the application of any party in interest and after notice to other parties in interest, including the authority, any judge of the Superior Court assigned to sit for said county may order that the money deposited with the Clerk of the Superior Court or any part thereof be paid forthwith to the person or persons entitled thereto for or on account of the just compensation to be awarded in said proceeding; provided that each such person shall have filed with the Clerk of the Superior Court a consent in writing that, in the event the award in the condemnation proceeding shall be less than the amount deposited, the court, after notice as herein provided and hearing, may determine his liability, if any, for the return of such difference or any part thereof and enter judgment therefor. If the amount

of the award as finally determined shall exceed the amount so deposited, the person or persons to whom the award is payable shall be entitled to recover from the authority the difference between the amount of the deposit and the amount of the award, with interest at the rate of six per centum (6%) per annum thereon from the date of making the deposit. If the amount of the award shall be less than the amount so deposited, the Clerk of the Superior Court shall return the difference between the amount of the award and the deposit to the authority, unless the amount of the deposit or any part thereof shall have theretofore been distributed, in which event the court, on petition of the authority and notice to all persons interested in the award and affording them an opportunity to be heard, shall enter judgment in favor of the authority for such difference against the party or parties liable for the return thereof. The authority shall cause notice of the date fixed for such hearing to be served upon each party thereto residing in this State, either personally or by leaving a copy thereof at his residence, if known, and upon each party residing out of the State, by mailing a copy to him at his residence, if known. In the event that the residence of any party or the name of such party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county or counties in which the land is located. Such service, mailing or publication shall be made at least 10 days before the date fixed for such hearing.

Whenever under chapter 1 of Title 20 of the Revised Statutes the amount of the award may be paid into court, payment may be made into the Superior Court and may be distributed according to law. The authority shall not abandon any condemnation proceeding subsequent to the date upon which it has taken possession of the land or property as herein provided;

(k) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(l) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(m) To appoint such additional officers, who need not be members of the authority, as the authority deems advisable, and to employ consulting engineers, attorneys, accountants, construction and fi-

nancial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes;

(n) To receive and accept from any federal agency, subject to the approval of the Governor, grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions, except appropriations by the Legislature, from any source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(o) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

42. This act shall take effect immediately, except that sections 35 and 36 amending R. S. 54:39–27 and R. S. 54:39–66 shall take effect on September 1, 1985.

Approved July 10, 1984.

CHAPTER 74

AN ACT relating to the transportation system of the State and making an appropriation from the "New Jersey Bridge Rehabilitation and Improvement Fund" therefor.

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

1. The appropriations herein made are appropriated out of the New Jersey Bridge Rehabilitation and Improvement Fund established in section 14 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363.

2. There is appropriated to the Department of Transportation the sum of $33,243,510 for the cost of rehabilitation and improvement of bridges carrying county and municipal roads, to be allocated the following projects:

Project	*County*	*Estimated Cost Through 6/30/85*
Poplar Avenue Bridge (Construction)	Atlantic	$1,000,000
Mays Landing—Somers Point Road over English Creek (Engineering)	Atlantic	100,000
Demarest Avenue over Tenakill Brook (Engineering, Right-of-Way)	Bergen	110,500
Lincoln Avenue Bridge over Conrail (Construction)	Bergen	2,100,000
State Street Bridge over Conrail (Construction)	Bergen	800,000
Birmingham Road over Rancocas Creek (Construction)	Burlington	550,000
County Route 545 over Blacks Creek (Construction)	Burlington	350,000
Hillards Bridge over South Branch Rancocas Creek (Construction)	Burlington	350,000
Marne Highway Bridge (Right-of-Way)	Burlington	100,000
New Freedom Road over South Branch Rancocas Creek (Construction)	Burlington	500,000
Broadway over Newton Creek (Construction)	Camden	1,500,000
Middle Thorofare Bridge (Right-of-Way)	Cape May	50,000
25th Street over Avalon Canal (Engineering, Construction)	Cape May	610,000
21st Street over Avalon Canal (Engineering, Construction)	Cape May	510,000
Jericho Road over Stow Creek (Construction)	Cumberland	1,000,000
Mill Road over Blackwater Branch (Construction)	Cumberland	600,000
Haleyville Road over Mill Creek (Construction)	Cumberland	300,000

Project	*County*	*Estimated Cost Through 6/30/85*
Highland Avenue/Baldwin Street over Conrail (Engineering, Construction)	Essex	$470,000
Oakland Road over East Branch of Rahway River (Construction)	Essex	212,500
Bay Street/NJ Transit, Montclair (Engineering)	Essex	33,000
13th Street/NJ Transit, Newark (Engineering)	Essex	48,000
Bathgate Place/NJ Transit, Newark (Engineering)	Essex	129,000
7th Avenue/NJ Transit, Newark (Engineering)	Essex	228,000
Oakview Avenue over East Branch of Rahway River (Construction)	Essex	500,000
Oak Place/Forest Street over Toney's Brook (Construction)	Essex	500,000
Deck Replacements: Sharps Road over Hospitality Branch; Aura-Willow Grove Road over Reeds Branch; Royal Avenue over Reeds Branch; Russel Mill Road over Raccoon Creek; Tomlin Station Road over Raccoon Creek (Construction)	Gloucester	600,000
Porches Mill Road over Oldman's Creek (Engineering, Construction)	Gloucester	300,000
Piney Hollow Road over Great Egg Harbor (Engineering, Construction)	Gloucester	300,000
Franklin Street over Narraticon Run (Engineering, Construction)	Gloucester	300,000
Linden Avenue over Raritan Valley Line (Engineering, Construction)	Hudson	2,700,000

Project	*County*	*Estimated Cost Through 6/30/85*
14th Street Viaduct (Construction)	Hudson	$4,000,000
Asbury Bridge over Musconetcong River (Construction)	Hunterdon	1,610,000
Old Clinton Road over Assiscong River (Construction)	Hunterdon	200,000
Spruce Run Road over Spruce Run (Engineering, Right-of-Way)	Hunterdon	125,000
Harrison Street Bridge, Princeton (Engineering)	Mercer	300,000
Warren Street Bridge (Construction)	Mercer	600,000
Frackler Road over Shipataukin Creek (Construction)	Mercer	675,000
Iron Bridge Road over Crosswicks Creek (Construction)	Mercer	262,500
Washington Street Bridge, Perth Amboy (Construction)	Middlesex	6,500,000
Florida Grove Road over LVRR (Construction)	Middlesex	1,500,000
Bordentown Avenue Bridge/ Conrail, South Amboy (Engineering)	Middlesex	85,000
Major Road Bridge over Amtrak (Right-of-Way)	Middlesex	20,000
Cranbury Neck Road over Millstone River (Engineering Right-of-Way)	Middlesex	140,000
Bridge H-2 (Construction)	Monmouth	1,100,000
Laurel Drive over Big Brook (Construction)	Monmouth	440,000
5 Bridge Deck Replacements: Strickland Road over DeBois Creek; Cooper Road over McCless Creek; Morningside		

Project	*County*	*Estimated Cost Through 6/30/85*
Avenue over Flat Creek; Wall Church Road over Wreck Pond; Ocean Boulevard over Wreck Pond (Construction)	Monmouth	$375,000
Gully Road over Shark River (Construction)	Monmouth	320,000
Texas Road over Deep Run (Construction)	Monmouth	260,000
Hominy Hill Road over Mine Brook (Construction)	Monmouth	200,000
Abbett Avenue Bridge (Construction)	Morris	600,000
North Main Street over NJ Transit (Engineering, Construction)	Morris	1,050,000
Morris Avenue over Rockaway River (Right-of-Way, Construction)	Morris	950,000
Morris Avenue over Tributary of Rockaway River (Right-of-Way, Construction)	Morris	750,000
Center Street over Whippany River, Bridge #119 (Construction)	Morris	240,000
Strickland Boulevard over Inwood Thorofare (Construction)	Ocean	800,000
Bayview Boulevard over Pottes Creek (Construction)	Ocean	250,000
Bay Avenue over South Creek (Construction)	Ocean	200,000
Bennetts Mill Road over Metedeconk River (Construction)	Ocean	500,000
Arch Street Bridge (Right-of-Way)	Passaic	100,000
Straight Street Bridge (Engineering)	Passaic	250,000

Project	*County*	*Estimated Cost Through 6/30/85*
Pacific Avenue over Conrail (Engineering, Construction)	Passaic	$210,000
Dixon Avenue over Slippery Rock Brook (Engineering, Construction)	Passaic	200,000
Old Turnpike Road over Singac Brook (Engineering, Construction)	Passaic	250,000
Snake Den Road over West Brook (Engineering)	Passaic	50,000
Caldwell Avenue over Slippery Rock Brook (Engineering, Construction)	Passaic	200,000
Black Bridge over Game Creek (Construction)	Salem	380,000
Elmer—Hardingville Road over Muddy Run (Construction)	Salem	360,000
Lincoln Mill Road over Oldmans Creek (Construction)	Salem	375,000
Queens Bridge (Construction)	Somerset	1,000,000
Washington Street Bridge (Construction)	Somerset	800,000
Finderne Avenue Bridge (Construction)	Somerset	2,000,000
Black Point Road over Neshanic River #B0505 (Construction)	Somerset	225,000
Province Line Road Bridge #C0104, Montgomery Township (Construction)	Somerset	340,000
Grandview Road Bridge #C0306, Montgomery Township (Construction)	Somerset	312,000
River Road Bridge #C1001, Bedminster Township (Construction)	Somerset	360,000

Project	*County*	*Estimated Cost Through 6/30/85*
Burnt Hill Road Bridge #D0207, Montgomery Township (Construction)	Somerset	$320,000
Harlingen Road Bridge #E0304, Montgomery Township (Construction)	Somerset	234,000
Bridge S-20 over Paulins Kill Lake (Right-of-Way, Construction)	Sussex	1,400,000
County Road 615 over Little Flat Brook (Engineering, Right-of-Way)	Sussex	120,000
Clove Road (County Road 653) over Mill Brook (Engineering, Right-of-Way)	Sussex	170,000
Price Brook Street over West Brook (Construction)	Union	842,000
Mountain Avenue Bridge (Construction)	Union	600,000
Terrill Road Railroad Bridge over CRRNJ (Construction)	Union	2,000,000
North Brook Street over West Brook	Union	300,000
South Brook Street over West Brook	Union	300,000
Tuttle Parkway/NJ Transit, Westfield	Union	274,000
Knopf Street over West Brook (Construction)	Union	385,000
South Main Street Bridge (Construction)	Warren	1,300,000
Bridge #52, Lambert Road over Paulins Kill (Construction)	Warren	500,000
County Road 643 over Pohatcong Creek (Right-of-Way, Construction)	Warren	600,000

Project	*County*	*Estimated Cost Through 6/30/85*
Shurts Road over Musconetcong River (Engineering, Right-of-Way)	Warren	$200,000
County Road 649 over Pohatcong Creek (Engineering, Right-of-Way)	Warren	200,000
Bridge Inspections	Statewide	3,355,000

Local Bridges (Non-federal Aid—State Share) Project	*County*	*Estimated Cost Through 6/30/85*
Dorset Avenue Bridge over Inside Thorofare, Ventnor City	Atlantic	$480,000
Hillsdale Avenue Bridge, Hillsdale Borough	Bergen	902,400
Salem Street Bridge, Hackensack/Bogota		653,360
Doty Road Bridge, Oakland Borough		238,240
Lenola Road Bridge, Moorestown and Maple Shade	Burlington	560,000
North Pemberton Road, Pemberton		320,000
Almonesson-Blenheim Road over Big Timber Creek (Bridge 7B3)	Camden	288,000
Sickleville Road over Great Egg Harbor, Winslow Township (Bridge 11F13)		220,000
Cherry Hill over South Branch of Pennsauken Creek (Bridge 3E7)		352,000
Elmira Street Bridge, Cape May City and Borough of West Cape May	Cape May	350,000
Great Channel Bridge, Middle Township and Borough of Stone Harbor		150,000

Local Bridges (Non-federal Aid—State Share) Project	*County*	*Estimated Cost Through 6/30/85*
Sharp Street Bridge, Millville	Cumberland	$240,000
Beaver Dam Bridge, Downe Township		260,000
Jefferson Avenue Bridge, Maplewood	Essex	150,000
Glen Avenue Bridge, Millburn		440,000
Pierson Road Bridge, Maplewood		280,000
James Street Bridge, Bloomfield		400,000
Fairfield Avenue Bridge, Fairfield		320,000
Almonesson-Blenheim Road over Big Timber Creek	Gloucester	385,500
Kings Highway over Oldmans Creek		72,000
Union Road, East Greenwich Township		76,000
Shoppers Lane Bridge, Washington Township		120,000
Park Avenue, Weehawken and Hoboken	Hudson	160,000
County Road, Secaucus and Jersey City		320,000
Baldwin Avenue, Jersey City		200,000
Newark Avenue, Jersey City		120,000
Montgomery Street, Jersey City		207,000
County Route 512, Califon Borough	Hunterdon	480,000
Trenton Avenue, Frenchtown Borough		188,000
County Route 579, Franklin Township		176,000
County Route 519, Holland Township		192,000

Local Bridges (Non-federal Aid—State Share) Project	*County*	*Estimated Cost Through 6/30/85*
Princeton Junction-Cranbury Road, West Windsor Township	Mercer	$320,000
Washington Crossing-Pennington Road, Hopewell Township		164,000
Pennington-Centerville Road, Pennington Borough and Hopewell Township		268,000
Prospect Plains, Monroe Township	Middlesex	488,000
Bordentown Avenue Bridge, Sayreville		800,000
Shrewsbury Avenue, Shrewsbury Borough	Monmouth	240,000
Branchport Avenue, Long Branch and Oceanport		360,000
Tinton Avenue, Tinton Falls Borough		510,000
County Route 1, Millstone Township		200,000
Main Street, Middletown Township		200,000
Tanners Brook/Route 24, Washington Township	Morris	285,600
Savage Road, Denville Township		269,600
Valley Road, Boonton Township		233,600
Rockaway Valley Road, Boonton Township		173,600
North Four Bridges Road, Washington Township		245,600
Main Street Bridge, Plumstead Township	Ocean	544,000
Great Bay Boulevard Bridge, Little Egg Harbor Township		184,000
West Broadway, Paterson City/Haledon Borough	Passaic	560,000

Local Bridges (Non-federal Aid—State Share) Project	*County*	*Estimated Cost Through 6/30/85*
Spruce Street, Paterson City		$520,000
Long Bank Bridge, Lower Alloways Creek Township	Salem	384,000
Burnt Mills Road Bridge, Bedminster	Somerset	287,200
Willow Avenue Bridge, Peapack-Gladstone		140,000
Harlingen Road Bridge, Montgomery Township		60,000
Sunnymeade Road Bridge, Hillsborough		258,400
Gilbride Road Bridge, Bridgewater Township		182,400
County Route 604/Waterloo Road, Byram Township	Sussex	384,000
Houses Corner Road Bridge, Sparta Township		132,800
Price and Lumber Streets, Linden	Union	664,000
Amsterdam Avenue, Roselle Borough		448,000
County Route 637, Greenwich Township	Warren	432,000
Emergency and Discretionary Projects		3,830,300
Total		($84,485,100)
Less Federal Funds		(48,132,400)
Less Local Funds		(1,754,940)
Less Railroad Funds		(354,250)
Total Appropriations		$33,243,510

3. The sums appropriated in section 2 of this act shall be subject to the following cost sharing requirements:

a. With respect to those bridges which carry county or municipal roads and which are constructed, owned or maintained by a county or municipality, the State shall defray not more than 80%

of the cost of rehabilitation and improvement, with the county or municipality defraying not less than 20% of the cost.

b. With respect to those railroad overhead bridges which carry county or municipal roads and which are not constructed, owned or maintained by the State or by a county or municipality, notwithstanding the provisions of chapter 12 of Title 48 of the Revised Statutes, the State shall defray not more than 55% of the cost of rehabilitation and improvement, with the county or municipality defraying not less than 20% of the cost, and with the railroad company over and across whose tracks or right-of-way the bridge crosses defraying 25% of the cost.

c. With respect to those railroad overhead bridges which carry county or municipal roads and whose ownership is not determined or is in doubt, the State shall defray not more than 80% of the cost, with the county or municipality defraying not less than 20% of the cost.

All cost sharing prescribed in this section shall be determined after first reducing the cost of rehabilitation and improvement of bridges by the amount of available federal funding.

4. For the purpose of this act, "rehabilitation and improvement of bridges" means the construction, reconstruction, replacement, improvement, repair, rebuilding, rehabilitation, relocation, renewal, establishment or elimination of bridges.

5. It shall be lawful for each county and municipality, upon notification by the Commissioner of Transportation of approval for and the amount of State aid allocated to a project, to include an amount equal to the amount of such State aid in its annual budget and any amendments and supplements thereto. Immediately thereafter, commitments may be made by counties and municipalities against the amounts so included in their budgets and amendments and supplements thereto.

6. When the Commissioner of Transportation shall notify the governing body of a county or municipality of the amount of State funds allocated to a project, the governing body may borrow money on temporary loan to an amount not to exceed the amount of the State funds allocated to the project in anticipation of the payment of the amount of State funds so allocated to the county or municipality in accordance with the provisions of this act, and may apply the proceeds of the loan to the payment of the cost of the project. The temporary loan shall be repaid upon payment to the county or

municipality of the sum in anticipation of payment of which the loan was made.

7. Such sums as may be necessary to meet any expense incurred by the issuing officials under the "New Jersey Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983" are appropriated.

8. It is the purpose of this act that the funds from which said appropriations shall be met shall be those funds which shall be derived from the sale of the Bridge Rehabilitation and Improvement Bonds, the issuance of which is provided for by P. L. 1983, c. 363, which act was submitted to and approved by the people at the general election held on November 8, 1983.

9. The State Treasurer is authorized and directed to set up and maintain the aforementioned appropriations in the Bridge Rehabilitation and Improvement Fund. The funds herein appropriated may be expended by the Commissioner of Transportation for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds.

10. The Department of Transportation is empowered to enter into negotiations with the federal government for the purpose of securing any available federal aid and to receive any such grants, and thereafter the State Treasurer may cause them to be established and maintained in the aforementioned fund. Any federal funds so established and maintained may be expended by the department for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds.

11. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by written ruling, reciting in appropriate detail 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.

12. The amount appropriated by this act for the cost of rehabilitation and improvement of bridges carrying county and municipal roads shall be set forth in one or more construction programs by the Commissioner of Transportation, in accordance with the provisions of Title 27 of the Revised Statutes. No funds shall be expended pursuant to such construction programs without the approval of the Governor.

13. From the amount provided in this act for the rehabilitation and improvement of bridges carrying county and municipal roads, there may be allocated such amounts as the Department of Transportation, in accordance with the provisions of Title 27 of the Revised Statutes, may determine 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; provided, however, that these expenditures shall be subject to transfers approved as prescribed in section 27 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363. The department, in accordance with the provisions of Title 27 of the Revised Statutes, is authorized and directed to take such steps as shall be necessary to implement and carry out the programs authorized by the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, and may establish, as provided by law, such positions as shall be necessary to achieve this purpose within the limits of funds appropriated herein and approved for this purpose.

14. In order that all costs, whether direct or indirect, of implementing the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, shall be paid from the fund established in section 14 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

15. In order that some degree of flexibility in administering the provisions of this act may be had, the Commissioner of Transportation 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; provided, however, that the total amount of funds expended for any program shall be subject to the limitations in sec-

tion 4 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363. Upon approval of the application by the director and by the Subcommittee on Transfers of the Joint Appropriations Committee or its successor, in writing, the director shall make such transfer as provided by law.

16. The Department of Transportation shall report twice each year to the Senate and Assembly Transportation and Communications Committees or their successors on the status of each project. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

17. This act shall take effect immediately.

Approved July 12, 1984.

CHAPTER 75

AN ACT relating to the transportation system of the State and making an appropriation from the "New Jersey Bridge Rehabilitation and Improvement Fund" therefor.

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

1. The appropriations herein made are appropriated out of the New Jersey Bridge Rehabilitation and Improvement Fund established in section 14 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363.

2. There is appropriated to the Department of Transportation the sum of $40,988,900 for the cost of rehabilitation and improvement of bridges carrying State highways, to be allocated to the following projects:

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
1	Route 1 over Penn Central Railroad (Engineering)	Middlesex	$100,000
1 & 9	Route 1 & 9 over Route 35 (Engineering)	Middlesex	250,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
1 & 9	Northbound over Waverly Yards (Construction)	Essex	$11,000,000
1 & 9	Southbound over Waverly Yards (Engineering)	Essex	4,000,000
1 & 9	Rehabilitation of Pulaski Skyway (Construction)	Essex/Hudson	19,000,000
1 & 9	Underpass at Conrail (CRRNJ), Elizabeth (Construction)	Union	1,000,000
1 & 9	Rehabilitation of Pulaski Skyway (Construction)	Essex/Hudson	2,000,000
1 & 9T	Over St. Pauls Avenue (Engineering)	Hudson	1,000,000
1B	Viaduct over Route 1 & 9 S.B. (Engineering)	Hudson	92,500
1B	1B Eastbound over 12th Street Viaduct (Engineering)	Hudson	600,000
3	Over Berry's Creek (Engineering)	Bergen	1,507,000
4	Over Passaic River and Route 20 (Engineering, Construction)	Passaic/Bergen	2,400,000
4	Over Kinderkamack Road (Engineering)	Bergen	875,000
7	Bridge over Hackensack River (Construction)	Hudson	4,000,000
7	Over Hackensack River (Engineering)	Hudson	2,000,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
7	Over Passaic River (Construction)	Bergen/Essex	$1,000,000
9	Over Nacote Creek (Engineering, Right-of-Way)	Atlantic	800,000
9	Over Bass River (Engineering)	Burlington	1,122,000
15	Over Paulins Kill (Engineering)	Sussex	131,000
18	Over Main Street (Engineering)	Middlesex	1,678,000
21	N.B. Ramp to Route 3 (Engineering)	Passaic	110,000
21	Over Route I–78 and Conrail (Engineering)	Essex	1,800,000
23	Over Passaic River (Engineering)	Passaic	132,000
23	Over Pequannock River (Engineering)	Passaic	90,000
23	Over Ben Franklin Lake (Engineering)	Sussex	200,000
27	Over Harry's Brook (Engineering)	Mercer	160,000
27	Over Raritan River (Construction)	Middlesex	1,700,000
29	Over Tributary of Delaware River (Engineering)	Mercer	175,000
30	Over Cooper River (Engineering)	Camden	1,178,000
34	Over Lefferts Lake (Engineering)	Monmouth	235,000
35	Over N.Y. & L.B. Railroad (Engineering)	Middlesex	125,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
35	Over North Channel Shark River (Engineering)	Monmouth	$125,000
35	Over Raritan River (Engineering)	Middlesex	548,000
35	Over Shark River (Engineering)	Monmouth	125,000
35	Smith Street to vicinity Victory Plaza Circle, Safety Improvements on Victory Bridge ...	Middlesex	750,000
35	Victory Bridge, Repair of Operating Machinery (Construction)	Middlesex	2,000,000
36	Over Shrewsbury River (Engineering)	Monmouth	187,500
40	Over Great, Beach, Inside Thorofares (Engineering)	Atlantic	1,000,000
44	Over P.R.S.L. Railroad (Engineering)	Gloucester	350,000
45	Over Majors Run (Engineering)	Salem	150,000
45	Over Culliers Run, Mannington Creek (Engineering)	Salem	250,000
46	Dover Viaduct over Rockaway River and Conrail (Construction)	Morris	6,200,000
46	Over Rockaway River, Blackwell Street #1409-155, Route 15 & CRRNJ (Engineering) ...	Morris	1,350,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
46	Over Passaic River and River Road, #1606-158, over Passaic River #1606-168 (Engineering)	Passaic	$1,000,000
46	Eastbound over Route 4 & Ramps B & L (Engineering)	Bergen	590,000
46	Over Musconetcong River (Engineering)	Warren	125,000
47	Over Muskee Creek (Construction)	Cumberland	1,300,000
47	Over Grassy Sound (Engineering)	Cape May	150,000
50	Over NJ Transit (Engineering)	Cape May	265,000
52	Over Beach Thorofare, Rainbow Thorofare, Elbow Thorofare, Ship Channel (Construction)	Cape May	600,000
54	Over Penney Pot Stream (Engineering)	Atlantic	5,000
54	54/Great Egg Harbor River (Engineering)	Atlantic	2,500
70	Route 70 over Route 9 (Construction)	Ocean	1,400,000
71	Over Deal Lake (Engineering)	Monmouth	700,000
88	Over Metedeconk River (Right-of-Way) ...	Ocean	350,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
130	Over Penn Central & Route 33 Railroad, East Windsor (Engineering)	Mercer	$286,000
147	Over Grassy Sound (Engineering)	Cape May	2,500,000
152	Somers Point to Longport (Right-of-Way) ...	Atlantic	200,000
156	Over Doctors Brook (Engineering)	Mercer	50,000
206	Over Stoney Brook (Engineering)	Mercer	700,000
439	Morris Avenue to Irvington Avenue Drainage (Construction)	Union	1,200,000
495	Fencing various structures MP 1.2 to 2.5 (Engineering) .	Hudson	90,000
495	Viaduct over 1 & 9 Bridge, Rehabilitation (Engineering)		250,000
495	Over Marginal Street, Park Avenue (Construction)	Hudson	7,000,000
	D & R Canal Bridges Contract 1 (Engineering)		625,000
	D & R Canal Bridges Contract 2 (Engineering)		625,000
	D & R Canal Bridges Contract 3 (Engineering)		625,000
	D & R Canal Bridges Contract 4 (Engineering)		750,000

Route	*Description*	*County*	*Estimated Cost Through 6/30/85*
	Rehabilitation of Bridge Operating Machinery (Engineering, Construction)	Various	$4,500,000
	Bridge Deck Repairs and Replacement		2,000,000
	Emergency Repairs to Bridges		2,000,000
	Bridge Inspections		6,800,000
	Miscellaneous Contract Adjustments		4,000,000
	TOTAL		($114,184,500)
	Less Federal Funds		($73,195,600)
	TOTAL APPROPRIATIONS		$40,988,900

3. For the purpose of this act, "rehabilitation and improvement of bridges" means the construction, reconstruction, replacement, improvement, repair, rebuilding, rehabilitation, relocation, renewal, establishment or elimination of bridges.

4. Such sums as may be necessary to meet any expense incurred by the issuing officials under the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983" are appropriated.

5. It is the purpose of this act that the funds from which said appropriations shall be met shall be those funds which shall be derived from the sale of the Bridge Rehabilitation and Improvement Bonds, the issuance of which is provided for by P. L. 1983, c. 363, which act was submitted to and approved by the people at the general election held on November 8, 1983.

6. The State Treasurer is authorized and directed to set up and maintain the aforementioned appropriations in the Bridge Rehabilitation and Improvement Fund. The funds herein appropriated may be expended by the Commissioner of Transportation for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds.

7. The Department of Transportation is empowered to enter into negotiations with the federal government for the purpose of securing any available federal aid and to receive any such grants, and thereafter the State Treasurer may cause them to be established and maintained in the aforementioned fund. Any federal funds so established and maintained may be expended by the department for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds.

8. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by written ruling, reciting in appropriate detail 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.

9. The amount appropriated by this act for the cost of rehabilitation and improvement of bridges carrying State highways shall be set forth in one or more construction programs by the Commissioner of Transportation, in accordance with the provisions of Title 27 of the Revised Statutes. No funds shall be expended pursuant to such construction programs without the approval of the Governor.

10. From the amount provided in this act for the rehabilitation and improvement of bridges carrying State highways there may be allocated such amounts as the Department of Transportation, in accordance with the provisions of Title 27 of the Revised Statutes, may determine 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; provided, however, that these expenditures

shall be subject to transfers approved as prescribed in section 27 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363. The department, in accordance with the provisions of Title 27 of the Revised Statutes, is authorized and directed to take such steps as shall be necessary to implement and carry out the programs authorized by the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, and may establish, as provided by law, such positions as shall be necessary to achieve this purpose within the limits of funds appropriated herein and approved for this purpose.

11. In order that all costs, whether direct or indirect, of implementing the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363, shall be paid from the fund established in section 14 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

12. In order that some degree of flexibility in administering the provisions of this act may be had, the Commissioner of Transportation 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; provided, however, that the total amount of funds expended for any program shall be subject to the limitations in section 4 of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P. L. 1983, c. 363. Upon approval of the application by the director and by the Subcommittee on Transfers of the Joint Appropriations Committee or its successor, in writing, the director shall make such transfer as provided by law.

13. The Department of Transportation shall report twice each year to the Senate and Assembly Transportation and Communications Committees or their successors on the status of each project. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

14. This act shall take effect immediately.

Approved July 12, 1984.

CHAPTER 76

AN ACT concerning the regulation of the practice of acupuncture and amending P. L. 1983, c. 7.

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

1. Section 3 of P. L. 1983, c. 7 (C. 45:2C–3) is amended to read as follows:

C. 45:2C-3 Acupuncture Examining Board.

3. There is created in the Division of Consumer Affairs of the Department of Law and Public Safety and under the State Board of Medical Examiners an Acupuncture Examining Board consisting of nine members, four of whom shall be acupuncturists certified in this State and not licensed as physicians and surgeons, two members shall be physicians and surgeons licensed in this State, with at least two years' experience in acupuncture; and pursuant to the provisions of section 2 of P. L. 1971, c. 60 (C. 45:1–2.2), two members shall be public members who do not hold a license or certificate as a physician and surgeon or acupuncturist and one member shall be from a department in the Executive Branch of the State government. The four acupuncturists initially appointed to the board need not be certified in this State, but shall be certified in another state and shall be deemed to be and shall become certified acupuncturists in this State immediately upon their appointments as members of the board. The members of the board shall be residents of the State appointed by the Governor for terms of three years and until the appointment and qualification of their successors. Of the members initially appointed, three shall hold office for one year; three shall hold office for two years; and three shall hold office for three years. Vacancies shall be filled for the unexpired terms only.

The board shall organize as soon as possible after the appointment of its members and shall annually elect a chairman and a secretary from among its members. The board shall carry out the responsibilities assigned to it under this act and such other matters as the State Board of Medical Examiners may require. The board shall promulgate such rules and regulations as it deems necessary to effectuate the purposes of this act. All regulations adopted,

amended or repealed by the board shall be subject to the review and approval of the State Board of Medical Examiners.

2. Section 7 of P. L. 1983, c. 7 (C. 45:2C–7) is amended to read as follows:

C. 45:2C-7 Certification required.

7. No person who is not certified under this act shall practice acupuncture, hold himself out as practicing acupuncture, or use a title or description, including the following: C. A., Certified Acupuncturist; Acupuncturist; M. D., C. A.; M. D., Certified Acupuncturist; or any other letters or words denoting that the person so practices acupuncture. A person who is participating in an approved course of study, school or tutorial program in acupuncture may practice acupuncture under conditions established by the board.

The State Board of Medical Examiners may suspend or revoke a license to practice medicine and surgery, upon proof to its satisfaction that the holder thereof practiced acupuncture contrary to the provisions of this act or employed a person who practiced acupuncture without certification.

3. Section 9 of P. L. 1983, c. 7 (C. 45:2C–9) is amended to read as follows:

C. 45:2C-9 Application.

9. Each person desiring to obtain a certification to practice acupuncture shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish satisfactory evidence to the board that he:

a. Is at least 21 years of age;

b. Is of good moral character; and

c. (1) Has a baccalaureate degree and has successfully completed a board approved two-year course of study or a board approved two-year program of a school of acupuncture; or (2) has successfully completed a board approved tutorial program in acupuncture or at least three years' experience practicing acupuncture within three years after the enactment of this act, which is recognized by the board; or (3) is the holder of a license to practice medicine and surgery. The application shall be accompanied by the fee prescribed by the board.

The board shall evaluate each applicant applying for a certificate to practice acupuncture and make the final determination regard-

ing each applicant's admission to the examination and the issuance or denial of a certificate.

4. Section 13 of P. L. 1983, c. 7 (C. 45:2C–13) is amended to read as follows:

C. 45:2C-13 Standards.

13. a. The board shall establish standards for the approval or recognition of courses of study, schools, tutorial programs and practical experience in acupuncture, completion of which will satisfy the requirements of subsection c. of section 9 of this act.

b. The board shall approve or recognize training or practical experience acquired by an applicant prior to the effective date of this act, where the training or practical experience meets the standards set by the board.

5. Section 14 of P. L. 1983, c. 7 (C. 45:2C–14) is amended to read as follows:

C. 45:2C-14 Tutorial programs.

14. A tutorial program in acupuncture shall be provided under the supervision of an acupuncturist approved by the board. To obtain approval an acupuncturist shall:

a. Make application therefor to the board upon such form and in such manner as the board shall prescribe, accompanied by payment of the prescribed fee;

b. Be certified to practice acupuncture in this State;

c. Have at least seven years' experience practicing acupuncture.

An approved acupuncturist shall supervise no more than two students at one time and shall inform the board in writing of the names of the students the acupuncturist is supervising and any other information the board may require.

Approvals shall be granted for one year and shall be renewed annually. An approved acupuncturist shall pay a renewal fee prescribed by the board to the board on or before July 1 of each year. If the renewal fee is not paid by that date, the approval shall automatically expire. Approval which has thus expired may, within one year of its expiration, be renewed on payment to the board of the past due renewal fee and a delinquency fee. After the one year period approval may be renewed only by complying with the provisions of this section.

6. This act shall take effect immediately and shall be retroactive to January 18, 1983.

Approved July 12, 1984.

CHAPTER 77

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. The following sum is appropriated out of the General Fund for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

12 Law Enforcement

1200 Division of State Police

08-1200	Emergency Services	$5,500,000
	Total Appropriation, Law Enforcement	$5,500,000
	Special Purpose:	
	State Match to Federal Grant "Spring Storm 1984"	($5,500,000)
	Total Appropriation, Department of Law and Public Safety	$5,500,000

2. This act shall take effect immediately.

Approved July 12, 1984.

CHAPTER 78

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

12 Law Enforcement

1200 Division of State Police

08-1200 Emergency Services	$30,000,000
Total Appropriation, Law Enforcement	$30,000,000
Special Purpose:	
Spring Storm 1984	($30,000,000)
Total Appropriation, Department of Law and Public Safety	$30,000,000

2. Notwithstanding provisions of P. L. 1983, c. 240, additional federal funds received by the State from the Federal Emergency Management Agency are appropriated.

3. This act shall take effect immediately.

Approved July 12, 1984.

CHAPTER 79

AN ACT appropriating moneys from the "Natural Resources Fund" for the purpose of planning, design, reconstruction, restoration and rehabilitation of certain dams.

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

1. There is appropriated to the Department of Environmental Protection from the "Natural Resources Fund," created pursuant to the "Natural Resources Bond Act of 1980," P. L. 1980, c. 70, the sum of $2,250,000.00 for dam restoration for matching grants to local governments for the following facilities owned by the North Jersey District Water Supply Commission: Green Swamp Dams Nos. 1 thru 4, Midvale Dam, Pompton Lakes Dam on the Ramapo river, the Raymond Dam and outlet facilities, the Furnace Road Dam, the Wolf Den Dam, and the Overflow Weir Dam and for administrative costs.

2. From the sum appropriated above, each individual project is eligible for a grant of up to 50% of the cost of the project, up to a maximum of $1,000,000.00. Any unexpended sum from these grants shall revert to the "Natural Resources Fund" for subsequent appropriation by the Legislature. The Commissioner of the Department of Environmental Protection shall inform the Subcommittee on Transfers of the Joint Appropriations Committee, in writing, as to the plan of expenditure of the funds appropriated by this act and any subsequent changes thereto.

3. The expenditures of sums appropriated by this act are subject to the provisions and conditions of P. L. 1980, c. 70.

4. This act shall take effect immediately.

Approved July 13, 1984.

CHAPTER 80

AN ACT concerning fees for qualifying academic certificates and amending N. J. S. 18A:6–41.

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

1. N. J. S. 18A:6–41 is amended to read as follows:

Qualifying academic certificates.

18A:6–41. Every person desiring a "qualifying academic certificate" shall make application therefor in the manner and form prescribed by the commissioner and shall, before the certificate is issued, pay to the commissioner the sum of $30.00. If the credentials and evidence submitted by an applicant are not sufficient to entitle him to such certificate, a refund of $20.00 shall be made to the applicant.

2. This act shall take effect immediately.

Approved July 13, 1984.

CHAPTER 81

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. A portion of the amounts appropriated by P. L. 1983, c. 240, at page 153 under the "Payments to municipalities for cost of general assistance (State share)" account, is available for payments to the city of Trenton for the purpose of reimbursing St. Francis Medical Center for hospital services rendered to general public assistance recipients in prior fiscal years, in an amount not to exceed $124,500.00.

2. This act shall take effect immediately.

Approved July 13, 1984.

CHAPTER 82

AN ACT concerning the compensation of members of the Casino Control Commission and amending P. L. 1977, c. 110.

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

1. Section 53 of P. L. 1977, c. 110 (C. 5:12–53) is amended to read as follows:

C. 5:12-53 Compensation of members.

53. Compensation of Members. Each member of the commission shall receive compensation of $67,500.00 per annum. The chairman shall receive $5,000.00 per annum in addition to his compensation as a member of the commission.

2. This act shall take effect immediately.

Approved July 13, 1984.

CHAPTER 83

AN ACT to designate July 20th of each year as "New Jersey P.O.W.-M.I.A. Recognition Day" and providing for the issuance by the Governor of an annual proclamation thereof.

WHEREAS, The citizens of this State have proudly answered the call of their country in war; and

WHEREAS, Thousands of Americans from across this nation who so served were captured by the enemy or are missing in action; and

WHEREAS, Often, those prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, in some cases resulting in their deaths; and

WHEREAS, The fate of those Americans missing in action, including the sons and daughters of this State, is unknown, causing their families inestimable suffering and hardship; and

WHEREAS, Senate Resolution 171 and House Resolution 344, currently pending before Congress, propose to designate July 20th, 1984 as "National P.O.W.-M.I.A. Recognition Day"; and

WHEREAS, It is altogether fitting and proper that the citizens of this State should be reminded annually of the sacrifices their fellow New Jerseyans have made in each conflict in which their nation has fought; now, therefore,

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

C. 36:2-7 P.O.W. - M.I.A. Recognition Day.

1. July 20th of each year shall be designated as "New Jersey P.O.W.-M.I.A. Recognition Day" in recognition of the sacrifices of the citizens of this State and of our Nation who were captured by the enemy or are missing in action.

C. 36:2-8 Proclamation.

2. The Governor is requested to issue a proclamation proclaiming this designation and with the Legislature to call annually upon the citizens of this State to recognize this date with appropriate observances.

3. This act shall take effect immediately.

Approved July 17, 1984.

CHAPTER 84

AN ACT concerning the pawnbroker law, amending R. S. 45:22–22, and supplementing chapter 22 of Title 45 of the Revised Statutes.

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

1. R. S. 45:22–22 is amended to read as follows:

Pawnbroker's interest ceiling.

45:22–22. Notwithstanding the provisions of N. J. S. 2C:21–19 to the contrary, a pawnbroker shall not charge or receive interest on a loan in excess of 3% per month or a fraction thereof, except that he may charge $0.50 where the interest herein amounts to

less. In no event shall any other charges be made for any reason whatsoever, except as permitted by the Commissioner of Banking.

2. (New section) The Department of Banking is directed to study the impact of this 1984 amendatory and supplementary act and report its findings to the Governor, the President of the Senate and the Speaker of the General Assembly one year from the date this act takes effect.

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

Approved July 18, 1984.

CHAPTER 85

AN ACT to amend and supplement the "Child Placement Review Act," approved February 27, 1978 (P. L. 1977, c. 424) and amending P. L. 1982, c. 24.

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

1. 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.

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 family part of the Chancery Division of the Superior 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.

2. 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.

8. The assignment judge in each county shall establish as an arm of the family part of the Chancery Division of the Superior Court one or more child placement review boards. The number of review boards in each county shall be based on the number of reviews conducted in the previous calendar year, so that, where practicable, there shall be at least one review board for each 200 reviews. Each board shall consist of five members to be appointed by the judge from among the residents of such county. The judge also may appoint to each board up to two alternate members, who shall serve as regular members when a quorum of regular members is not present. 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 regular members of the board as chairperson.

Members shall be appointed for terms of three years, except that of those initially appointed, one shall be for a term of one year, two for terms of two years, and two for terms of three years. Members shall serve after the expiration of their terms until their respective successors 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, including but not limited to child care expenses incurred in the performance of their official duties. The governing body of the county in which the board serves may provide for reimbursement to review board members for such additional and reasonable expenses as the governing body may determine.

In accordance with guidelines and procedures established by the Supreme Court, members shall attend initial training sessions within six months of their appointment and any other training sessions required by the court.

Each board shall meet at such times as it shall determine. Each family part of the Chancery Division of the Superior Court shall provide its board with reasonable and necessary administrative and

clerical support services. These services shall include obtaining and reviewing information requested by the board, preparing and dispatching all notices and reports required under P. L. 1977, c. 424 (C. 30:4C–50 et seq.), arranging for board meetings and maintaining a permanent record of all board proceedings, collecting statistical data and serving as a liaison to the division.

3. Section 9 of P. L. 1977, c. 424 (C. 30:4C–58) is amended to read as follows:

C. 30:4C-58 Periodic reviews.

9. Each board shall act on behalf of the family part of the Chancery Division of the Superior 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 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 family part of the Chancery Division of the Superior 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 (C. 9:6–8.21 et seq.), section 12 of P. L. 1951, c. 138 (C. 30:4C–12), section 24 of P. L. 1982, c. 77 (C. 2A:4A–43) or section 25 of P. L. 1982, c. 77 (C. 2A:4A–44). 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 initial 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.

Notwithstanding the provisions of section 3 of P. L. 1977, c. 424 (C. 30:4C–52) to the contrary, if a child placed outside his home attains 18 years of age or older and his home placement costs are being paid by the division, the board shall continue to conduct periodic reviews until the division terminates supervision of the person.

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.

4. Section 10 of P. L. 1982, c. 24 (C. 30:4C–58.1) is amended to read as follows:

C. 30:4C-58.1 Placement for adoption.

10. When a child is placed in a home for the purpose of adoption, the division shall notify the family part of the Chancery Division of the Superior Court in the child's county of supervision in writing of the placement. Upon receipt of the notice, the board shall not schedule further reviews of the case unless:

a. The child is removed from the adoptive home;

b. The complaint for adoption was not filed within eight months of the placement and the filing of the complaint is not imminent; or

c. The plan for the child was modified so that immediate adoption by the stated adoptive parents no longer is the goal.

The division shall send the court and the board a status report on the case every four months. When a complaint for adoption has been filed, the division shall inform the court and no further board reviews shall be held while that action is pending. When a judgment of adoption has been entered, the court shall dismiss the complaint pursuant to section 4 of P. L. 1977, c. 424 (C. 30:4C–53).

5. Section 10 of P. L. 1977, c. 424 (C. 30:4C–59) is amended to read as follows:

C. 30:4C-59 Advance notice of review.

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;

d. The temporary caretaker; and

e. Any other person or agency whom the board determines has an interest in or information relating to the welfare of the child.

The written notice shall inform the person of his right to attend the review and shall be prepared in a manner which will encourage the person's attendance at the review.

Notice to the child may be waived by the board on a case by case basis either on its own motion or on the petition of any of the above persons in cases where the board determines that notice would be harmful to the child. When notice is waived, the board shall inform the court of this action in its report to the court.

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. Upon the request of the board, the family part of the Chancery Division of the Superior Court may subpena a person to attend the review board meeting.

6. Section 11 of P. L. 1977, c. 424 (C. 30:4C–60) is amended to read as follows:

C. 30:4C-60 Report; findings.

11. Within 10 days after the completion of such review, the board shall submit a written report to the family part of the Chancery Division of the Superior 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 parents 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 satisfies the criteria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C–58) and 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 does not satisfy the criteria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C–58) and 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.

In addition to the finding, the board shall state the reasons and additional factors it deems appropriate to explain its conclusions. When any change in the plan or situation of the child is recommended, the board shall state its specific recommendations and the factual basis therefor.

7. Section 12 of P. L. 1977, c. 424 (C. 30:4C–61) is amended to read as follows:

C. 30:4C-61 Court order.

12. a. Upon review of the board's report, the family part of the Chancery Division of the Superior 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 within 30 days and submitted to the court for approval. The plan shall be reviewed by the board within 30 days; 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 interests 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 persons:

(1) The division;

(2) The child;

(3) The child's parents or legal guardian;

(4) The review board; and

(5) The temporary caretaker.

The division, child, child's parents or legal guardian and review board shall be entitled to participate in the proceedings.

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.

d. The court shall send a copy of its order concerning the child's placement to all persons listed in subsection c. of this section, except that, if notice to the child of the board review was waived pursuant to section 10 of P. L. 1977, c. 424 (C. 30:4C–59), the court may waive the requirement of sending a copy of its order to the child.

e. Any person who receives a copy of the court order shall comply with the confidentiality requirements established by the Supreme Court for the purposes of this act.

C. 30:4C-61.1 Return to home.

8. (New section) a. If the division proposes to return a child home, although the return home is either prohibited by the placement plan approved by the court or expressly contingent upon certain conditions in the placement plan that have not been met, the division shall promptly notify the board and the court in writing.

b. The board shall conduct a special review within 15 days of receipt of the notice to consider and evaluate the reasons for the proposed action and determine whether the action serves the best interests of the child. The board shall provide written notice of the special review pursuant to section 10 of P. L. 1977, c. 424 (C. 30:4C–59), except that the 15-day advance notice requirement is waived. The board shall submit its report to the court pursuant to section 11 of P. L. 1977, c. 424 (C. 30:4C–60), except that the board shall submit the report within five days of completion of the special review.

c. The court shall promptly review the board's recommendations and issue an order concerning the child's placement pursuant to section 12 of P. L. 1977, c. 424 (C. 30:4C–61).

d. The division shall not return the child home unless the court approves the division's proposed action and orders the return home of the child.

e. Notwithstanding the provisions of this section to the contrary, in an emergency situation, the court may waive the special review provisions of this section and approve the return home, upon the request of the division to do so. The request of the division for a court waiver of the special review provisions shall be accompanied by a written statement from the division declaring and finding that the out-of-home placement has been disrupted, that no appropriate alternative placement for the child can be found in the home of a relative, a foster home, group home, shelter, residential care facility or other setting following the change in placement, and that the return home will not endanger the health and welfare of the child. The written statement submitted with a request shall also outline the specific reasons for the findings made. The division shall conduct an on-site visit to the home of a child when in an emergency situation the division plans to request of the court a waiver of the special review provisions. A report of the on-site visit shall be included with the request.

If the court approves the division's request, the division shall promptly notify the board of the court's approval of the request. The board shall conduct a review of the change in the placement plan within 15 days of the date the child is returned home. The division shall conduct a minimum of two on-site visits to the home of a child returned there in an emergency situation within the first 10 days of the return to ascertain the continued health and welfare of the child. The court, upon granting a request for a waiver, may require additional on-site visits. A detailed written report of each on-site visit to the home of a child returned in an emergency situation shall promptly be submitted to the court and to the child placement review board.

Notwithstanding any other provisions of law to the contrary, the court shall retain jurisdiction over the placement of the child after a child has been returned home in an emergency situation.

9. This act shall take effect immediately.

Approved July 18, 1984.

CHAPTER 86

AN ACT to amend the "New Jersey Medical Assistance and Health Services Act," approved January 15, 1969 (P. L. 1968, c. 413).

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

1. Section 6 of P. L. 1968, c. 413 (C. 30:4D–6) is amended to read as follows:

C. 30:4D-6 Authorized services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Other laboratory and X-ray services;

(4) (a) Skilled nursing or intermediate care facility services;

(b) Such early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, to ascertain their physical or mental defects and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physicians' services furnished in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a. (5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Optometric services;

(8) Podiatric services;

(9) Chiropractic services;

(10) Psychological services;

(11) Inpatient psychiatric hospital services for individuals under 21 years of age, or under age 22 if they are receiving such services immediately before attaining age 21;

(12) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(13) Inpatient hospital services, skilled nursing facility services and intermediate care facility services for individuals 65 years of age or over in an institution for mental diseases;

(14) Intermediate care facility services;

(15) Transportation services;

(16) Services in connection wtih the inpatient or outpatient treatment or care of drug abuse, when the treatment is prescribed by a physician and provided in a licensed hospital or in a narcotic and drug abuse treatment center approved by the Department of Health pursuant to P. L. 1970, c. 334 (C. 26:2G–21 et seq.) and whose staff includes a medical director, and limited to those services eligible for federal financial participation under Title XIX of the federal Social Security Act;

(17) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the federal Department of Health and Human Services, and approved by the commissioner.

c. Payments for the foregoing services, goods and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. Said payments shall constitute payment in full to the provider on behalf of the recipient. Every provider

making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, his family, his representative or others on his behalf for the services, goods and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family, his representative or others on his behalf for such services, goods and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide him such services.

No copayment or other form of cost-sharing shall be imposed on any individual eligible for medical assistance, except as mandated by federal law as a condition of federal financial participation.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until he reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to

all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

f. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment for goods and services to an individual because of that individual's eligibility for or receipt of Medicaid benefits shall be null and void, and no payments shall be made under this act as a result of any such provision.

2. This act shall take effect immediately.

Approved July 18, 1984.

CHAPTER 87

AN ACT to amend the title of "An act concerning the relocation of public utility facilities as required for certain highway work and supplementing Title 27 of the Revised Statutes," approved July 29, 1983 (P. L. 1983, c. 283), so that the same shall read "An act concerning the relocation of certain facilities as required for certain highway work and supplementing Title 27 of the Revised Statutes," and to amend the body of that act.

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

Title amended.

1. The title of P. L. 1983, c. 283 is amended to read as follows:

An act concerning the relocation of certain facilities as required for certain highway work and supplementing Title 27 of the Revised Statutes.

2. Section 1 of P. L. 1983, c. 283 (C. 27:7–44.9) is amended to read as follows:

C. 27:7-44.9 Relocation of facilities.

1. In addition to other powers conferred upon the Commissioner of Transportation by any other law and not in limitation thereof, the commissioner, in connection with the construction, reconstruction, maintenance or operation of any highway project, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains,

conduits, cables, wires, towers, poles and other equipment and appliances, herein called "facilities," of any public utility as defined in R. S. 48:2–13, and of any cable television company as defined in the "Cable Television Act," P. L. 1972, c. 186 (C. 48:5A–1 et seq.), in, on, along, over or under any highway project. Whenever the commissioner determines that it is necessary that facilities which now are, or hereafter may be, located in, on, along, over or under any highway project shall be relocated in the project or should be removed from the project, the public utility or cable television company owning or operating the facilities shall relocate or remove the same in accordance with the order of the commissioner. The cost and expenses of such relocation or removal, including the cost of installing the facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish the relocation or removal, shall be ascertained and paid by the commissioner as a part of the cost of the project. In the case of the relocation or removal of facilities, as aforesaid, the public utility or cable television company owning or operating the same, its successors or assigns may maintain and operate the facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the facilities in the former location or locations.

As used in this act, "highway project," in addition to its ordinary meaning, means one which is administered and contracted for by the commissioner.

3. This act shall take effect immediately.

Approved July 18, 1984.

CHAPTER 88

AN ACT to provide a temporary and limited exemption for certain alcohol-blend motor fuel from the tax on motor fuels, amending R. S. 54:39–2 and R. S. 54:39–27 and supplementing chapter 39 of Title 54 of the Revised Statutes.

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

1. R. S. 54:39–2 is amended to read as follows:

Fuels defined.

54:39–2. "Fuels" means (1) any liquid or gaseous substance commonly or commercially known or sold as gasoline, regardless of its classification or use; and (2) any liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, for the purpose of generating power for the propulsion of motor vehicles upon the public highways; and shall include:

(a) All grades of motor gasoline, natural gasoline, marine gasoline, aviation gasoline, motor fuel blending naphthas, motor grade benzol and motor grade toluol; and

(b) Any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the latest revised standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (American Society for testing materials Method D-86) shows not less than 10% distilled (recovered) below 347 degrees (347°) Fahrenheit and not less than 95% distilled (recovered) below 464 degrees (464°) Fahrenheit; and

(c) All combustible gases which exist in a gaseous state at 60 degrees (60°) Fahrenheit and at 14.7/10 (14.7) pounds per square inch absolute pressure, industrial naphthas and solvents, aromatic distillates, diesel fuel, additives, and all other products not included within the foregoing provisions of this section; provided, however, that only those quantities of said combustible gases and said other products, which are used, offered for sale or sold for use to propel motor vehicles upon the public highways shall be subject to this act; and provided further that any person dealing therein shall at any time, and from time to time, upon written request of the commissioner, report his receipts, sales, use and distribution of said combustible gases and said other products in a manner prescribed by the commissioner; and

(d) "Alcohol-blend motor fuel" means a liquid or gaseous substance, sold or used to propel motor vehicles upon the public highways, which is gasoline combined with a minimum of 10% grain-derived ethyl alcohol, whose purity shall be at least 99% alcohol, produced in the State from whole grain.

2. R. S. 54:39–27 is amended to read as follows:

Taxation.

54:39–27. a. Every distributor and gasoline jobber shall, on or before the 22nd day of each month, render a report to the Director of the Division of Taxation, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. A tax of $0.08 per gallon on each gallon so reported, except diesel fuel and alcohol-blend motor fuel, and a tax of $0.11 per gallon on each gallon of diesel fuel so reported, used, offered for sale, or sold for use to propel motor vehicles with diesel type engines on the public highways shall be paid by each distributor and gasoline jobber, such payment to accompany the filing of the report. The tax on each gallon of alcohol-blend motor fuel shall be paid as provided in subsection b. of this section. Such report shall contain such further information as the director may require. Under such regulations as the director may prescribe, sales of fuel and diesel fuel may be made by one licensed distributor or gasoline jobber to another licensed distributor or gasoline jobber free of such tax. If any distributor or gasoline jobber shall fail, neglect or refuse to file the report within the time prescribed by this section, the director shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use of said distributor or gasoline jobber, assessing the tax thereon, adding to said tax a penalty of 20% thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the director from such distributor or gasoline jobber; provided that if a good and sufficient cause or reason is shown for such delinquency, the director may remit or waive the payment of the whole or any part of the penalty, as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public, anything contained in R. S. 54:50–8 to the contrary notwithstanding.

b. The tax per gallon on each gallon of alcohol-blend motor fuel, as defined in subsection (d) of R. S. 54:39–2, shall be imposed as follows:

(1) On and after October 1, 1985, but before January 1, 1988, the tax on alcohol-blend motor fuel shall be $0.08 less than the rate applicable and paid on the sale or use of other fuels taxed under this section which do not contain such a blend.

(2) On and after January 1, 1988, but before January 1, 1990, the tax on alcohol-blend motor fuel shall be $0.06 less than the rate

applicable and paid on the sale or use of other fuels taxed under this section which do not contain such a blend.

(3) On and after January 1, 1990, but prior to January 1, 1992, the tax on alcohol-blend motor fuel shall be $0.04 less than the rate applicable and paid on the sale or use of other fuels taxed under this section which do not contain such a blend.

(4) On and after January 1, 1992, the tax on alcohol-blend motor fuel shall be at the same rate applicable and paid on the sale or use of other fuels taxed under this section which do not contain such a blend.

Any tax on alcohol-blend motor fuel imposed pursuant to this subsection shall be paid at the same time and in the same manner as the payment for the tax imposed on other fuels pursuant to subsection a. of this section.

3. (New section) The Director of the Division of Taxation shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt the rules and regulations necessary to carry out the provisions of this amendatory and supplementary act. So as to more fully inform the director of the validity of a claim for exemption or reduced taxation under this amendatory and supplementary act, the director is authorized to prescribe periodic reports to be filed with the division by any person producing grain-derived ethyl alcohol.

4. This act shall take effect immediately.

Approved July 18, 1984.

CHAPTER 89

AN ACT concerning the New Jersey Commission on Capital Budgeting and Planning and amending section 4 of P. L. 1975, c. 208.

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

1. Section 4 of P. L. 1975, c. 208 (C. 52:9S–4) is amended to read as follows:

C. 52:9S-4 Commission review.

4. The commission shall review any bill introduced in either House of the Legislature, except the annual appropriations bill,

which makes provision for an appropriation for a capital project, or for the authorization of the issuance of bonds, notes or other evidences of indebtedness of the State, or of bonds, notes or other evidences of indebtedness of a State agency containing a moral pledge of the State. The commission shall study the necessity, desirability and relative priority of such appropriation or indebtedness by reference to the plan or otherwise. The commission shall promptly prepare and forward its recommendation on the bill to the House in which it was introduced.

2. This act shall take effect immediately.

Approved July 19, 1984.

CHAPTER 90

AN ACT concerning certain juveniles and the law on pedestrians and bicyclists and supplementing Title 39 of the Revised Statutes.

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

C. 39:4-203.3 Violations by juveniles.

1. Notwithstanding the provisions of Title 39 of the Revised Statutes to the contrary, a juvenile under the age of 17 who commits an act which constitutes a violation of that Title pertaining to pedestrians and bicycles may be warned of the violation by a police officer or may be subject to a fine not to exceed $10.00. No points shall be assessed pursuant to section 1 of P. L. 1982, c. 43 (C. 39:5-30.5) for these violations.

C. 39:4-203.4 Petition for sentence reduction.

2. A juvenile convicted of a violation of Title 39 of the Revised Statutes pertaining to pedestrians or bicycles, which violation occurred on or after January 1, 1983, may petition the sentencing court for reduction of the sentence in accordance with the provisions of this act. The court shall sentence pursuant to the provisions of this act unless, for good cause shown, it determines that the original sentence was proper under the circumstances.

3. This act shall take effect immediately and shall be retroactive to January 1, 1983.

Approved July 19, 1984.

CHAPTER 91

AN ACT to amend the title of "An act to establish a Controlled Dangerous Substances Registry in the State Department of Health, supplementing P. L. 1969, chapter 152 (C. 26:2G–1 et seq.), amending section 3 of P. L. 1952, chapter 9 and section 2 of P. L. 1967, chapter 298, and making an appropriation," approved October 19, 1970 (P. L. 1970, c. 227) so that the same shall read "An act concerning narcotics and dangerous drugs, amending P. L. 1952, c. 92 and P. L. 1967, c. 298 and making an appropriation," and to repeal sections 1 to 4 of that act, and amending P. L. 1970, c. 226 and P. L. 1952, c. 92.

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

Title amended.

1. The title of P. L. 1970, c. 227 is amended to read as follows: An act concerning narcotics and dangerous drugs, amending P. L. 1952, c. 92 and P. L. 1967, c. 298 and making an appropriation.

2. Section 27 of P. L. 1970, c. 226 (C. 24:21–27) is amended to read as follows:

C. 24:21-27 Conditional discharge for certain first offenses; expunging of records.

27. Conditional discharge for certain first offenses; expunging of records. a. Whenever any person who has not previously been convicted of any offense under the provisions of this act or, subsequent to the effective date of this act, under any law of the United States, this State or of any other state, relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any offense under section 20 of P. L. 1970, c. 226 (C. 24:21–20), the court, upon notice to the prosecutor and subject to subsection c. of this section, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of such person after reference to the State Bureau of Identification criminal history record information files, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After plea of guilty or finding of guilty, and without entering a judgment of conviction, and with the consent of such person after

proper reference to the State Bureau of Identification criminal history record information files, place him on supervisory treatment upon such reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of three years. Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilty or finding of guilty, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss the proceedings against him. Termination of supervisory treatment and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court to the State Bureau of Identification criminal history record information files. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 of P. L. 1970, c. 226 (C. 24:21–29) or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

(1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or

(2) That the terms and conditions of supervisory treatment will be adequate to protect the public and will benefit the defendant by serving to correct any dependence on or use of controlled substances which he may manifest.

3. Section 3 of P. L. 1952, c. 92 (C. 53:1–18.3) is amended to read as follows:

C. 53:1-18.3 Reports of State Police Superintendent.

3. It shall be the duty of the Superintendent of the State Police:

To compile and report annually to the Governor and to the Legislature the results of the reports of the arrests of all persons and the disposition of all cases involving offenses relating to narcotic or dangerous drugs, substances or compounds within the preceding year and to furnish quarterly reports of a like nature during the interim periods.

Repealer.

4. Sections 1 to 4 of P. L. 1970, c. 227 (C. 26:2G–17 to C. 26:2G–20) are repealed.

5. This act shall take effect immediately.

Approved July 19, 1984.

CHAPTER 92

AN ACT concerning taxation.

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

1. For the purpose of calculating State aid to education pursuant to section 18 of P. L. 1975, c. 212 (C. 18A:7A–18), the Director of the Division of Taxation shall correct the October 1, 1983 Table of Equalized Valuations for a city in order to incorporate changes made in the sales ratio study by the appropriate county board of taxation in certifying its 1984 county equalization table; provided that:

a. The public schools of the city are organized as a Type I school district which is a member of a limited purpose regional school district and the city, which has a population of less than 1,000, is subject to Pinelands building restrictions and the State, federal and independent authority ownership of land and land within the Pinelands Protection Area in the city is approximately 40% of the total land area of the city; and

b. On or before March 10, 1984 a county board of taxation has adopted a 1984 county equalization table reflecting a revision in the sales ratio data from that utilized by the Director of the Division of Taxation in his October 1, 1983 Table of Equalized Valuations.

2. This act shall take effect immediately.

Approved July 24, 1984.

CHAPTER 93

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, 1984 and regulating the disbursement thereof," approved June 30, 1984 (P. L. 1983, c. 240).

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

1. In addition to the amounts appropriated by P. L. 1983, c. 240, the following amount is appropriated from the General Fund for the following purpose:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Government Direction, Management and Control

76 Management and Administration—State Aid

99-8070	Management and Administrative Services..	$752,300

State Aid:

Supplemental aid to the Hackensack Meadowlands Food Distribution Center Commission	($752,300)

The amount hereinabove is appropriated to the Hackensack Meadowlands Food Distribution Center Commission to pay the managerial, professional and administrative support service costs budgeted by the commission for the six month period beginning March 1, 1984 and ending August 31, 1984.

2. This act shall take effect immediately.

Approved July 24, 1984.

CHAPTER 94

AN ACT concerning the Garden State Scholarship Program and amending and supplementing P. L. 1977, c. 345.

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

1. Section 10 of P. L. 1977, c. 345 (C. 18A:71–26.10) is amended to read as follows:

C. 18A:71-26.10 Garden State Scholarships.

10. Each Garden State Scholarship shall entitle the eligible undergraduate and graduate recipients to an award in an amount established by the Student Assistance Board and approved by the Board of Higher Education pursuant to section 4 of P. L. 1977, c. 345 (C. 18A:71–26.4). Payments under this act shall be made by the State Treasurer on the order of the Chancellor of Higher Education in accordance with the rules regulating the same adopted by the board.

C. 18A:71-26.12 Merit basis.

2. (New section) The Student Assistance Board may designate scholarships for undergraduate study to be awarded directly to secondary school students with records of distinguished academic achievement and promise. These scholarships may be awarded on the basis of indicators of academic merit defined by the board without consideration of financial need.

C. 18A:71-26.13 Sources of funds.

3. (New section) Fiscal resources for the Garden State Scholarship program may come from State appropriations, reserve funds designated by the New Jersey Higher Education Assistance Authority, or such other sources as are recommended by the State Board of Higher Education.

4. This act shall take effect immediately.

Approved July 24, 1984.

CHAPTER 95

AN ACT to provide for the transfer of a fire engine from the State to the Union Fire Company of Lambertville.

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

1. Notwithstanding the provisions of section 15 of article 6 of P. L. 1944, c. 112 (C. 52:27B–67) or any other law, rule or regulation to the contrary, the Director of the Division of Purchase and Property shall transfer any interest or title the State may have to a 1923 Ahren-Fox 1000 gallon Piston Pumper fire engine back to its original owner, the Union Fire Company of Lambertville, subject to the Union Fire Company's agreement that ownership would be returned to the State should the Union Fire Company determine at some time in the future that it could not adequately care for the fire engine and subject further to the condition that the fire company would not have the right to sell, donate or otherwise transfer ownership of the fire engine to anyone but the State of New Jersey.

2. This act shall take effect immediately.

Approved July 24, 1984.

CHAPTER 96

AN ACT concerning optional selections for beneficiaries in public employee retirement systems, amending P. L. 1954, c. 84 and N. J. S. 18A:66–47.

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

1. Section 50 of P. L. 1954, c. 84 (C. 43:15A–50) is amended to read as follows:

C. 43:15A-50 Pension options.

50. At the time of his retirement a member shall receive his benefits in a retirement allowance payable throughout life, or he may, on retirement, elect to receive the actuarial equivalent of his

retirement allowance, in a lesser retirement allowance payable throughout life, with the provision that:

Option 1. If he dies before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation acknowledged and filed with the retirement system, either in a lump sum or by equal payments over a period of years at the option of the payee. If the member shall have designated a natural person as the payee, said payee may elect to receive such payments in the form of a life annuity.

Option 2. Upon his death, his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 3. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 4. Some other benefit or benefits shall be paid either to the member or to whomever he nominates, if such other benefit or benefits, together with the lesser retirement allowance, shall be certified by the actuary to be of equivalent actuarial value. In no case, however, shall the lesser retirement allowance be smaller than that provided under Option 2.

Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to section 38 or (2) early retirement allowances pursuant to section 41b., after separation from service pursuant to section 38, if a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, his retirement allowance shall not become effective and he shall be considered an active member at the time of death. However, if the member dies 30 days or more after the date the application for retirement was filed with the system, the retirement will become effective if:

a. The application for retirement was received by the system prior to the date of death;

b. The deceased member had terminated covered public employment at least one day prior to the effective date of retirement;

c. The deceased member had designated a beneficiary under an optional settlement provided by this section; and

d. The surviving beneficiary requests in writing that the board make such a selection. Upon formal action by the board approving that request, the request shall become irrevocable.

The board may select an Option 3 settlement on behalf of the beneficiary of a member who applied for and was eligible for retirement but who died prior to the effective date of the retirement allowance, if all of the above conditions, with the exception of c., are met.

2. N. J. S. 18A:66–47 is amended to read as follows:

Retirement allowance options.

18A:66–47. At the time of his retirement a member shall receive his benefits in a retirement allowance payable throughout life, or he may on retirement elect to receive the actuarial equivalent of his retirement allowance, in a lesser retirement allowance payable throughout life, with the provision that:

Option 1. If he dies before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation acknowledged and filed with the retirement system, either in a lump sum or by equal payments over a period of years at the option of the payee. If the member shall have designated a natural person as a payee, said payee may elect to receive such payments in the form of a life annuity.

Option 2. Upon his death, his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 3. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 4. Some other benefit or benefits shall be paid either to the member or to whomever he nominates, if such other benefit or benefits, together with the lesser retirement allowance, shall be certified by the actuary to be of equivalent actuarial value. In no case, however, shall the lesser retirement allowance be smaller than that provided under Option 2.

Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to section 18A:66–36 or (2) early retirement allowances pursuant to section 18A:66–37, after separation from service pursuant to section 18A:66–36, if a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, his retirement allowance shall not become effective and he shall be considered an active member at the time of death. However, if the member dies 30 days or more after the date the application for retirement was filed with the system, the retirement will become effective if:

a. The application for retirement was received by the system prior to the date of death;

b. The deceased member had terminated covered public employment at least one day prior to the effective date of retirement;

c. The deceased member had designated a beneficiary under an optional settlement provided by this section; and

d. The surviving beneficiary requests in writing that the board make such a selection. Upon formal action by the board approving that request, the request shall become irrevocable.

The board may select an Option 3 settlement on behalf of the beneficiary of a member who applied for and was eligible for retirement but who died prior to the effective date of the retirement allowance, if all of the above conditions, with the exception of c., are met.

3. This act shall take effect immediately and shall be retroactive to September 1, 1983.

Approved July 25, 1984.

CHAPTER 97

AN ACT concerning legal holidays, and amending R. S. 36:1–1.

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

1. R. S. 36:1–1 is amended to read as follows:

Legal holidays.

36:1–1. The following days in each year shall, for all purposes whatsoever as regards the presenting for payment or acceptance,

and of the protesting and giving notice of dishonor, of bills of exchange, bank checks and promissory notes be treated and considered as the first day of the week, commonly called Sunday, and as public holidays: January 1, known as New Year's Day; the third Monday in January, known as Martin Luther King's Birthday; February 12, known as Lincoln's Birthday; the third Monday in February, known as Washington's Birthday; the day designated and known as Good Friday; the last Monday in May, known as Memorial Day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Armistice Day or Veterans' Day; the fourth Thursday in November, known as Thanksgiving Day; December 25, known as Christmas Day; any general election day in this State; every Saturday; and any day heretofore or hereafter appointed, ordered or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or other religious observance, or as a bank holiday or holidays. All such bills, checks and notes, otherwise presentable for acceptance or payment on any of the days herein enumerated, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding any such holiday.

Whenever any of the days herein enumerated can and shall fall on a Sunday, the Monday next following shall, for any of the purposes herein enumerated be deemed a public holiday; and bills of exchange, checks and promissory notes which otherwise would be presentable for acceptance or payment on such Monday shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

In construing this section, every Saturday shall, until 12 o'clock noon, be deemed a secular or business day, except as is hereinbefore provided in regard to bills of exchange, bank checks and promissory notes, and the days herein enumerated except bank holidays and Saturdays shall be considered as the first day of the week, commonly called Sunday, and public holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State; but on all other days or half days, except Sunday or as otherwise provided by law, such offices shall be kept open for the transaction of business.

2. This act shall take effect January 1, 1986.

Approved July 25, 1984.

CHAPTER 98

AN ACT to amend "The Radiation Accident Response Act," approved October 27, 1981 (P. L. 1981, c. 302).

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

1. Section 3 of P. L. 1981, c. 302 (C. 26:2D–39) is amended to read as follows:

C. 26:2D-39 Definitions.

3. As used in this act:

a. "Department" means the Department of Environmental Protection;

b. "Division" means the Division of State Police in the Department of Law and Public Safety;

c. "Nuclear facility" means any facility which would pose a threat to the health and welfare of the public in the event of a radiation accident, including, but not limited to, atomic fission or fusion electric generating facilities, nuclear fuel fabrication plants, nuclear fuel reprocessing plants, nuclear waste handling and disposal facilities, and any other facility requiring a certificate of handling pursuant to P. L. 1977, c. 233;

d. "Plan" means the State Radiation Emergency Response Plan mandated by section 4 of this act;

e. "Radiation accident" means any occurrence or event during the operation and maintenance of any nuclear facility or during the transportation of radioactive material, which results in the release of unnecessary radiation, as defined in section 1 of P. L. 1958, c. 116 (C. 26:2D–1);

f. "Operator" means the company or corporation operating a nuclear electric generating facility, when the company or corporation is a public electric utility authorized to petition the Board of Public Utilities to recover expenses directly related to the operation of a nuclear electric generating facility in New Jersey; however, when the facility is being operated by an affiliate or associated corporation of a public electric utility, "operator" means the public electric utility and not the affiliated or associated corporation.

2. Section 12 of P. L. 1981, c. 302 (C. 26:2D–48) is amended to read as follows:

C. 26:2D-48 Assessment of operators.

12. a. In order to defray the expenses of local, county and State agencies in discharging their responsibilities under this act, including those costs associated with the development, testing and updating of the Emergency Radiation Response Plans and for the acquisition and maintenance of any equipment necessary to carry out their responsibilities, the State Treasurer shall annually make an assessment against each operator of a nuclear electric generating facility located in New Jersey;

b. The assessment to each operator of a nuclear electric generating facility shall not exceed the greater of $2,000,000.00 or 1/10 of 1% of the gross electric receipts of the operator reported pursuant to P. L. 1940, c. 5 (C. 54:30A–49 et seq.), derived from intrastate electric operations during the preceding calendar year, and shall be assessed in an amount equal to the sum of the amounts in paragraphs (1) and (2) of this subsection and determined annually by the State Treasurer on or before June 30 in the following manner:

(1) The total amount appropriated to the various local, county and State agencies by law for the purpose of discharging their responsibilities under P. L. 1981, c. 302 (C. 26:2D–37 et seq.) for the State's next fiscal year for costs related directly to a particular nuclear electric generating facility shall be assessed against the operator of that particular nuclear electric generating facility.

(2) All other amounts appropriated to the State agencies by law for the purpose of discharging their responsibilities under P. L. 1981, c. 302 (C. 26:2D–37 et seq.) for the next fiscal year shall be assessed equally against each operator of a nuclear electric generating facility.

The assessment prescribed above shall be levied by the State Treasurer not later than July 1, and shall be paid within 30 days after mailing by first class mail to the affected operator of the nuclear electric generating facility notice thereof and a statement of the amount;

c. The assessments shall be appropriated through the regular appropriation process in accordance with a joint budget to be submitted by the division and the department;

d. Any costs of a local, county or State agency incurred in discharging its responsibilities under P. L. 1981, c. 302 (C. 26:2D–37 et seq.), not reasonably required to carry out the purposes of P. L. 1981, c. 302 (C. 26:2D–37 et seq.) or not generally associated with or related to the operation of nuclear electric generating

facilities located in New Jersey, shall not be included in any such assessment or appropriation.

3. Section 13 of P. L. 1981, c. 302 (C. 26:2D–49) is amended to read as follows:

C. 26:2D-49 Filing of objections.

13. Within 15 days after the date of mailing a statement as provided in this act, the operator of a nuclear electric generating facility against which the statement is rendered may file with the State Treasurer its objections thereto. Not less than 30 nor more than 60 days after giving notice thereof to the objecting utility, the State Treasurer shall hold a hearing on the objections.

4. Section 14 of P. L. 1981, c. 302 (C. 26:2D–50) is amended to read as follows:

C. 26:2D-50 Determination by State Treasurer.

14. If, after the hearing, the State Treasurer finds that any part of the charge against the objecting operator of a nuclear electric generating facility is excessive, erroneous, or invalid, he shall transmit to the operator of a nuclear electric generating facility, by registered mail, an amended statement in accordance with the findings, which shall have the same force and effect as an original statement. If the State Treasurer finds the entire statement invalid, he shall notify the objecting operator of a nuclear electric generating facility, by registered mail, of the determination, and the original statement shall be null and void. If the State Treasurer finds that the statement as rendered is neither excessive, erroneous, unlawful nor invalid, in whole or in part, he shall transmit notice thereof to the objecting utility by registered mail.

5. Section 15 of P. L. 1981, c. 302 (C. 26:2D–51) is amended to read as follows:

C. 26:2D-51 No delay in payment.

15. No action or proceeding shall be maintained in any court for the purpose of restraining or delaying the collection or payment of a statement rendered in compliance with the provisions of this act. An operator of a nuclear electric generating facility against which a statement is rendered shall pay the amount thereof, and after the payment may, in the manner provided by this act, at any time within two years from the date of the payment, bring against the State an action at law to recover the amount paid, with legal interest thereon from the date of payment, upon the ground that

the assessment was excessive, erroneous, or invalid in whole or in part.

6. Section 16 of P. L. 1981, c. 302 (C. 26:2D–52) is amended to read as follows:

C. 26:2D-52 Seizure, sale for nonpayment.

16. If any affected operator of a nuclear electric generating facility, to which a statement for the amount assessed against it as provided in this act has been rendered, fails to pay the amount within 30 days, or fails to file with the State Treasurer objections to the statement as provided herein, the State Treasurer shall proceed to collect the amount stated to be due, with legal interest, by seizure and sale of any goods or chattels, including stocks, securities, bank accounts, evidences of debt and accounts receivable belonging to the affected operator of a nuclear electric generating facility anywhere within the State.

7. Section 19 of P. L. 1981, c. 302 (C. 26:2D–55) is amended to read as follows:

C. 26:2D-55 Radiation emergency plans.

19. The existing State Radiation Emergency Plan, as contained in the PIPAG Manual (Procedures for Implementing Protective Action Guides), or any other radiation emergency plan approved pursuant to State or federal law shall continue in full force and effect until all emergency response plans required by this act are adopted.

8. This act shall take effect on July 1, 1985.

Approved July 25, 1984.

CHAPTER 99

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds in the sum of $90,000,000.00 for the establishment and construction of a network of advanced technology centers at public and private institutions of higher education; providing for the construction and improvement of technical and engineering facilities and for high technology job training and retraining programs at public and private institutions of higher education; setting forth the ways and means to pay

the interest on this debt and also to pay and discharge the principal thereof; providing for the refinancing of any or all of these bonds under certain circumstances; providing for the submission of this act to the people at a general election; and making 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 "Jobs, Science and Technology Bond Act of 1984."

2. The Legislature finds that:

a. New Jersey is already a major center of technological innovation in the United States and has played a crucial role in the success of the nation's economy.

b. New Jersey's share of the nation's high technology employment, as well as employment in traditional manufacturing industries, has declined over the past decade.

c. The future economic well-being of New Jersey requires that increased efforts be made to retain existing industry and attract new high technology industry to the State. It is also imperative that steps be taken to ensure that the State's work force is adequately trained in the new technologies.

d. The State's public and private institutions of higher education shall be strengthened and the potential of these institutions as vehicles for economic development shall be fully realized through the development of high technology.

e. The Governor's Commission on Science and Technology has recommended the creation of a network of advanced technology centers at various public and private institutions of higher education in those technological fields in which New Jersey has shown exceptional industrial and academic strength. The Governor's Commission on Science and Technology has also recommended that funds be provided for the construction and improvement of technical and engineering facilities at the State's public and private institutions of higher education.

3. As used in this act:

a. "Advanced technology centers" means outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated

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financial support to promote their development into national-level bases for innovative technology research.

b. "Commission" means the Governor's Commission on Science and Technology, as created by Executive Order No. 12 of 1982 or its successor, which is established by the Legislature.

c. "Construction" means the planning, erecting, purchasing, improving, developing, constructing, reconstructing, extending, rehabilitating, demolishing and equipping of facilities at public and private institutions of higher education.

d. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which, by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees, and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency, to the extent the obligations are unconditionally guaranteed by the United States of America, and any certificates or any other evidences of an ownership interest in the obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

4. The commission shall issue and promulgate rules and regulations necessary and appropriate to carry out the provisions of this act as described in subsection a. of section 5 of this act. The Board of Higher Education shall issue and promulgate rules and regula-

tions necessary and appropriate to carry out the provisions of this act as described in subsections b. and c. of section 5 of this act.

5. Bonds of the State of New Jersey in the sum of $90,000,000.00 are authorized for the following purposes:

a. $42,000,000.00 for the establishment and construction of a network of advanced technology centers at the State's public and private institutions of higher education, which may include, but are not limited to, centers in Biotechnology, Food Science, Hazardous and Toxic Substance Management, and Industrial Ceramics, and $15,000,000.00 for the establishment and construction of advanced technology centers in areas of future economic development, which may include, but are not limited to, polymer processing, materials handling, surface modification and telematics.

The establishment of an advanced technology center shall include a commitment from business and industry to finance a percentage of the center's operating costs.

b. $23,000,000.00 for the construction and improvement of undergraduate technical and engineering-related facilities and equipment and for high technology job training and retraining programs at the State's public and private institutions of higher education, to be apportioned equally among the following sectors: county colleges, private institutions of higher education and four-year public institutions of higher education.

c. $10,000,000.00 to be allocated by the State Board of Higher Education for necessary capital construction, of which no less than $7,000,000.00 is designated for two programs in the Southern New Jersey region, an engineering program and a Computer Assisted Design—Computer Assisted Manufacture Center, commonly known as a center for CAD–CAM, sponsored by a consortium of county colleges.

d. The amounts authorized in subsections a., b. and c. of this section are to be apportioned as indicated, within a 5% range.

e. Projects funded from the issuance and sale of bonds shall follow the principles of affirmative action and equal opportunity employment.

6. These bonds shall be serial bonds, term bonds or a combination thereof and known as "Jobs, Science and Technology Bonds," and they shall be subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the respective date of their issuance but may be issued in whole or in part for a

shorter term. These bonds may be issued in coupon form, fully registered form, or book-entry form.

These bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and the Comptroller of the Treasury, or any two of these officials, herein referred to as "the issuing officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith, subject to the provisions of this act. In case any of these issuing officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by the person 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 it shall become due and for the payment of the principal at maturity. The principal and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The 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 (which seal may be by facsimile or by way of any other form of reproduction on the bonds), and attested by manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury and may be authenticated by an authenticating agent or bond registrar, as the issuing officials shall determine. Interest coupons, if any, attached to bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. The 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 the issue or at the time of the delivery of the bonds to the purchaser.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued pursuant to this act and that this act was submitted to the people of the State at the general election held in the month of November, 1984, and that it was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive

evidence of the authority of the State to issue the bonds and of their validity. Any bonds containing that 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. The bonds shall be issued in denominations and in such form or forms, whether coupon, fully registered or book-entry, and with or without 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 the 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. These bonds shall be issued and sold at such price or prices and under the terms, conditions and regulations as the issuing officials may prescribe, after notice of the 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 five days prior to the day of bidding. The 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 rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at private sale at such price or prices and under the 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 the permanent bonds temporary bonds in the form and with the 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 the depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Jobs, Science and Technology Fund."

15. a. The moneys in the "Jobs, Science and Technology Fund" are 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 appropriated for those purposes, and no such moneys shall be expended for such purposes (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 the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available money in the treasury of the State to the credit of the "Jobs, Science and Technology Fund" a sum as he may deem necessary. The 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 purposes provided in this act, moneys in the "Jobs, Science and Technology 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 that 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 or coupon 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 the loss, mutilation or destruction, proof of ownership and security and indemnity and reimbursement for expenses, as the issuing officials may require.

17. Accrued interest received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, 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 the bonds, by the State Treasurer upon the 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, including any sinking fund redemptions, not later than the thirty-fifth year from the date of issue of the series, and in such amounts as shall be determined by the issuing officials. 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 the bonds prior to maturity at the price or prices and upon the terms and conditions as may be provided in the bonds.

19. The issuing officials may issue refunding bonds and in an amount not to exceed the amount necessary to effectuate the refinancing of all or any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond or bonds issued pursuant to this act, subject to the following provisions:

a. Refunding bonds may be issued at such time prior to the maturity or redemption of the bonds to be refinanced thereby, as the issuing officials shall determine; and

b. Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on such bonds to be refinanced to the date of payment of such outstanding bonds, the expense of issuing such refunding bonds and the expenses, if any, of paying such bonds to be refinanced; and

c. No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate principal of and interest on such refunding bonds is less than the present value of the aggregate principal of and interest on the bonds to be refinanced thereby; provided, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of such refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semi-annual compounding and upon the price or prices paid to the State by the initial purchasers of such refunding bonds; and

d. Any refinancing authorized hereunder may be effected by the sale of the refunding bonds and the application of the proceeds thereof to the immediate payment of the principal of the bonds to be refinanced thereby, together with any redemption pre-

mium thereon, any interest accrued or to accrue on such bonds to be refinanced to the date of payment of such bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying such bonds to be refinanced, or, to the extent not required for such immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, to be applied solely to the payment when due of the principal of, redemption premium, if any, and interest due and to become due on the bonds to be refinanced on or prior to the redemption date or maturity date thereof, as the case may be. Any such proceeds or moneys so held by such trustees or escrow agents may be invested in government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States; provided such government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as otherwise provided in this subsection, neither government securities nor moneys so deposited with such trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the bonds to be refinanced thereby; provided that any cash received from such principal or interest payments on such government securities deposited with such trustees or escrow agents, to the extent such cash will not be required at any time for such purpose, shall be paid over to such trustees or escrow agents, and to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds to be refinanced on and prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments, to the extent not required for the payment of bonds, shall be paid over to the State, as received by such trustees or escrow agents. Notwithstanding anything to the contrary contained herein: (1) such trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with such trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities

so deposited with such trustees or escrow agents, and apply the proceeds thereof to the purchase of the bonds which were refinanced by the deposit with such trustees or escrow agents of such moneys and government securities and immediately thereafter cancel all such bonds so purchased or the purchase of different government securities; provided, however, that the moneys and government securities on deposit with such trustees or escrow agents after such purchase and cancellation of such outstanding bonds or such purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which such moneys and government securities were deposited with such trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and (2) in the event that on any date, as a result of any purchases and cancellations of such bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with such trustees or escrow agents is in excess of the total amount which would have been required to be deposited with such trustees or escrow agents on such date in respect of the remaining bonds for which such deposit was made in order to pay when the principal of, redemption premium, if any, and interest on such remaining bonds, such trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of such excess to the State. Any amounts held by the State Treasurer in a separate fund or funds for the payment of the principal of and interest on bonds to be refinanced, as provided herein, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents, as provided herein, to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on such bonds to be refinanced, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of and interest on refunding bonds issued hereunder to refinance such bonds. The State Treasurer is authorized to enter into any contract or contracts with one or more trust companies or national or state banks, as provided herein, to act as trustees or escrow agents, as provided herein, subject to the approval of the issuing officials.

e. Notwithstanding the provisions of sections 11 and 17 hereof, any series of refunding bonds issued pursuant to this section shall mature at any time or times not later than five years

following the latest scheduled final maturity date, determined without regard to any redemptions prior thereto, of any of the bonds to be refunded thereby, and in no event later than 35 years following the date of issuance of such series of refunding bonds, and such refunding bonds may be sold at public or private sale at such prices and under such terms, conditions and regulations as the issuing officials may prescribe. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations, except as to sales provisions and to the extent therein otherwise expressly provided.

20. Any bond or bonds issued hereunder shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey, and the faith and credit of the State shall no longer be pledged to the payment of the principal of and interest on such bonds, and such bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust with one or more trustees or escrow agents, which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with such trustees or escrow agents, as provided herein, either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the moneys, if any, deposited with such trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on such bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided such government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or moneys shall have been deposited in trust with such trustees or escrow agents as provided in this section that, except as otherwise provided in this section, neither the government securities nor moneys so deposited with such trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on such bonds; provided that any cash received from such

principal or interest payments on such government securities deposited with such trustees or escrow agents, to the extent such cash will not be required at any time for such purpose, shall be paid over to the State as received by such trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing such bonds; and to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on such bonds on and prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the State as received by such trustees or escrow agents, free and clear of any trust, lien or pledge securing such bonds. Notwithstanding anything to the contrary contained herein: a. such trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with such trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with such trustees or escrow agents, and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with such trustees or escrow agents of such moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided, however, that the moneys and government securities on deposit with such trustees or escrow agents after such purchase and cancellation of such bonds or such purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which such moneys and government securities were deposited with such trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities, as provided in this sentence, the total amount of moneys and government securities remaining on deposit with such trustees or escrow agents is in excess of the total amount which would have been required to be deposited with such trustees or escrow agents on such date in respect of the remaining bonds for which such deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on such remaining bonds, such trustees or

escrow agents shall, if so directed by the issuing officials, pay the amount of such excess to the State, free and clear of any trust, lien, pledge or assignment securing such refunding bonds.

21. Refunding bonds issued pursuant to section 19 of this act may be consolidated with bonds issued pursuant to section 6 of this act or with bonds issued pursuant to any other act for purposes of sale.

22. 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; C. 54:32B–1 et seq.), 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 the 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 the 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 the moneys to a separate fund to be designated by him, and shall pay the principal and interest out of that fund as the same shall become due and

payable, and the other sources of payment of the principal and interest provided for in this section shall not then be available, and the receipts for the 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.

23. 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 those purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In this 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 each 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 the amount to the county board of taxation and the county treasurer of each county. The 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.

24. 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, 1984, 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 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 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.	JOBS, SCIENCE AND TECHNOLOGY BOND ISSUE Should the "Jobs, Science and Technology Bond Act of 1984" which authorizes the State to issue bonds in the amount of $90,000,000.00 for the purpose of creating jobs by the establishment of a network of advanced technology centers at the State's public and private institutions of higher education and for the construction and improvement of technical and engineering related facilities and equipment as well as job training and retraining programs in high technology fields at these institutions; and in a principal amount sufficient to refinance all or any such bonds if the same will result in a present value savings; providing the ways and means to pay that interest of such debt and also to pay and discharge the principal thereof, be approved?
	No.	INTERPRETATIVE STATEMENT Approval of this act would authorize the sale of $90,000,000.00 in bonds to be used for the establishment and construction of a network of advanced technology centers at the State's public and private institutions of higher education to act as an incentive for the expansion and creation of high technology industry and jobs in every region of the State; and for construction and improvement of technical and engineering related facilities and equipment as well as job training and retraining programs in high technology fields at these institutions; and bonds in a sufficient amount to refinance all or any of such bonds if the same will result in a present value savings.

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 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 the 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 the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

25. 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 this section.

26. The commission shall submit to the State Treasurer a plan for the expenditure for funds pursuant to subsection a. of section 5 of this act from the Jobs, Science and Technology Fund for the upcoming fiscal year. The State Board of Higher Education shall submit to the State Treasurer a plan for the expenditure of funds pursuant to subsections b. and c. of section 5 of this act from the Jobs, Science and Technology Fund for the upcoming fiscal year. The plans 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 Jobs, Science and Technology Fund; and an estimate of expenditures for the upcoming fiscal year.

27. Immediately following the submission to the Legislature at the Governor's Annual Budget Message, the commission and the State Board of Higher Education shall submit to the relevant committees of the Legislature, as designated by the President of the Senate and Speaker of the General Assembly, and the Subcommittee on Transfers of the Joint Appropriations Committee a copy of the plans called for under section 26 of this act, together with such changes therein as may have been required by the Governor's budget message.

28. Not less than 30 days prior to the commission entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the commission shall report to and consult with the Subcommittee on Transfers of the Joint Appropriations Committee.

29. This section and sections 25 and 26 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 24.

Approved July 25, 1984.

CHAPTER 100

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the amount appropriated under P. L. 1983, c. 240, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030	Local Government Services	$95,000
State Aid:		
	Special Assistance to Borough of Keansburg ..... (	$95,000)

2. The amount hereinabove is appropriated for the sole purpose of purchasing new fire equipment.

3. This act shall take effect immediately.

Approved July 26, 1984.

CHAPTER 101

AN ACT concerning the insolvency of certain surplus lines insurers, creating a New Jersey Surplus Lines Insurance Guaranty Fund, amending P. L. 1974, c. 17 and supplementing sections 6 through 31, of P. L. 1960, c. 32 (C. 17:22–6.40 through 17:22–6.65).

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

C. 17:22-6.70 Short title.

1. (New section) This act shall be known and may be cited as the "New Jersey Surplus Lines Insurance Guaranty Fund Act."

C. 17:22-6.71 Purpose; application.

2. (New section) The purpose of this act is to provide a mechanism for the payment of covered claims under certain insurance policies issued by eligible surplus lines insurers; to avoid excessive delays in the payment of the covered claims against insolvent, eligible, nonadmitted insurers; and to avoid financial loss to claimants or policyholders because of the insolvency of an eligible, nonadmitted insurer.

This act shall apply to all lines of direct insurance authorized under R. S. 17:17–1, except workers' compensation insurance, title insurance, surety bonds, credit insurance, mortgage guaranty insurance, municipal bond coverage, fidelity insurance, investment return assurance, and ocean marine insurance. This act shall also not apply to reinsurance of any kind.

C. 17:22-6.72 Definitions.

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

a. "Association" means the New Jersey Property-Liability Insurance Guaranty Association created pursuant to P. L. 1974, c. 17 (C. 17:30A–1 et seq.).

b. "Covered claim" means an unpaid claim, including for unearned premiums, which arises out of and is within the coverage, and not in excess of the applicable limits of an insurance policy to which this act applies, and which is issued by a member insurer determined to be an insolvent insurer on or after the effective date of this act, if (1) the claimant or policyholder is a resident of this State at the time of the occurrence of the insured event for which a claim has been made, or (2) the property from which the claim

arises is permanently located in this State. "Covered claim" shall not include any amount due any reinsurer, insurance pool or underwriting association, as subrogation recoveries or otherwise, except that a claim for any such amount, asserted against a person insured under a policy issued by a member insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool, or underwriting association, would be a "covered claim," may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted in any legal action against the insured of that insolvent insurer. "Covered claim" shall also not include amounts for interest on unliquidated claims, punitive damages unless covered by the policy, counsel fees for prosecuting suits for claims against the fund, and assessments or charges for failure by an insolvent insurer to have expeditiously settled claims.

c. "Fund" means the New Jersey Surplus Lines Insurance Guaranty Fund created pursuant to section 4 of this act.

d. "Insolvent insurer" means an insurer which was an eligible surplus lines insurer at the time the insurance policy was issued or when the insured event occurred, and which is determined to be insolvent by a court of competent jurisdiction. "Insolvent insurer" does not include an admitted insurer issuing insurance pursuant to section 10 of P. L. 1960, c. 32 (C. 17:22–6.44).

e. "Member insurer" means an eligible, nonadmitted or surplus lines insurer required to be a member of, and that is subject to assessments by the fund.

f. "Net direct written premiums" means direct gross premiums on insurance policies written by a surplus lines insurer to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on that direct business. If a policy issued by a surplus lines insurer covers risks or exposures only partially in this State, the "net direct written premiums" shall be computed, for assessment purposes, on that portion of the premium subject to the premium receipts tax levied in accordance with section 25 of P. L. 1960, c. 32 (C. 17:22–6.59). "Net direct written premiums" do not include premiums on contracts between insurers or reinsurers.

g. "Surplus lines insurer" means a nonadmitted insurer approved as an eligible, nonadmitted or unauthorized insurer pursuant to section 11 of P. L. 1960, c. 32 (C. 17:22–6.45).

C. 17:22-6.73 Surplus Lines Insurance Guaranty Fund.

4. (New section) There is created a private, nonprofit, unincorporated, legal entity to be known as New Jersey Surplus Lines Insurance Guaranty Fund. All surplus lines insurers shall be and remain member insurers of the fund as a condition of their continued eligibility pursuant to section 11 of P. L. 1960, c. 32 (C. 17:22–6.45). Membership in the fund shall be a condition for eligibility issued on or after the effective date of this act. The fund shall be managed and administered by the New Jersey Property-Liability Insurance Guaranty Association. The association shall exercise all of the powers vested in the fund under this act, and such other powers as may be necessary or appropriate to the fulfilling of its responsibilities under this act. The association shall administer the affairs of the fund in accordance with its plan of operation adopted pursuant to section 9 of P. L. 1974, c. 17 (C. 17:30A–9), insofar as the provisions of that plan are not inconsistent with the provisions of this act, and subject to any amendments to the plan as may be necessary or appropriate to effectuate the purposes of this act.

C. 17:22-6.74 Functions.

5. (New section) a. The fund shall:

(1) be obligated to the extent of the covered claims against an insolvent insurer incurred prior to or 30 days after the determination of insolvency, or before the policy expiration date, if less than 30 days after that determination, or before the policyholder replaces the policy or causes its cancellation, if he does so within 30 days of the determination. The fund's obligation for covered claims shall not be greater than $300,000.00 per occurrence, subject to any applicable deductible contained in the policy. The commissioner may adjust the payments for covered claims based on the monies available in the fund. In no event shall the fund be obligated to a policyholder or claimant in excess of the limits of liability of the insolvent insurer stated in the policy from which the claim arises;

(2) be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) assess member insurers in accordance with section 6 of this act in amounts necessary to pay:

(a) obligations of the fund under paragraph (1) of this subsection,

(b) expenses of handling covered claims,

(c) any other expenses incurred in the implementation of the provisions of this act;

(4) investigate claims brought against the fund; and adjust, compromise, settle, and pay covered claims to the extent of the fund's obligation; and deny all other claims; and may review settlements, releases and judgments to which the insolvent insurer or its policyholders were parties to determine the extent to which the settlements, releases and judgments may be properly contested;

(5) notify those persons as the commissioner directs under section 8 of this act;

(6) handle claims through the association's employees; and

(7) pay the other expenses of the association in administering the provisions of this act.

b. The fund may:

(1) sue or be sued;

(2) negotiate and become a party to those contracts which are necessary to carry out the purpose of this act;

(3) perform those other acts which are necessary or appropriate to effectuate the purpose of this act; and

(4) refund to the member insurers in proportion to the contribution of each member insurer that amount which the commissioner determines to be in excess of the needs of the fund.

C. 17:22-6.75 Funding.

6. (New section) a. In order to provide the monies necessary to meet the fund's obligations and expenses under this act:

(1) each member insurer, including a surplus lines insurer made eligible on or after the effective date of this act, shall make an initial one time payment of $25,000.00, to be made to the fund within 60 days of the effective date of this act; and

(2) each member insurer shall be assessed in any year in which assessments are required, in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment bear to the net direct written premiums of all member insurers for that calendar year. The amount of the assessment shall be determined by the commissioner in accordance with the obligations and expenses of the fund, except that the initial annual assessment for 1984 under this paragraph shall be 4% of each member insurer's net direct written premiums for the calendar year preceding the assessment, which assessment shall be remitted to the fund for the full year by each member insurer

within 60 days of the effective date of this act. Assessments made pursuant to this paragraph shall not in any year exceed 4% of a member insurer's net direct written premiums for the calendar year preceding the assessment. After December 31, 1984, one-quarter of the annual assessment shall be remitted by each member insurer to the fund every three months, as prescribed by the commissioner. Each member insurer shall be notified of the assessment not later than 30 days before it is due. The amount of the assessment may be, from time to time, adjusted, terminated or reinstituted by the commissioner, as he may deem necessary to meet the current and projected obligations and expenses of the fund.

b. The fund may, from time to time, borrow monies from the New Jersey Property-Liability Insurance Guaranty Association to pay the fund's obligations and expenses under this act, which are in excess of the monies available to the fund therefor. The aggregate amount owed by the fund to the association shall at no time exceed $10,000,000.00, exclusive of interest charges. Monies borrowed under this subsection shall be paid back to the association in accordance with a payment schedule approved by the commissioner. An interest charge of 6% per annum shall be levied on all monies borrowed under this subsection.

C. 17:22-6.76 Suspension of eligibility.

7. (New section) The commissioner may, after notice, suspend the eligibility of a member insurer that fails to pay an assessment under section 6 of this act when due, or any interest accruing thereon, or fails to comply with the applicable provisions of the plan of operations. The commissioner may, after notice and hearing in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), withdraw the eligibility of that insurer.

Interest shall be charged on the amount of unpaid assessment subject to the provisions of this section. The interest charge shall be at the current market rate of interest, using an index or indexes to be selected by the commissioner, and shall be payable at the time the unpaid assessment is paid to the fund.

Eligibility of a surplus lines insurer shall not be restored or reissued until all monies owing under this section have been paid to the fund.

C. 17:22-6.77 Duties of commissisoner.

8. (New section) The commissioner shall:

a. notify the fund of the existence of an insolvent insurer not later than three days after he receives notice of the determination

of the insolvency. The fund shall be entitled to a copy of any complaint seeking an order of liquidation with a finding of insolvency against a member insurer at the same time that such complaint is filed with a court of competent jurisdiction;

b. order the termination of all in-force policies of an insolvent insurer within 30 days of the date of determination of the insolvency;

c. upon request, provide the fund with a statement of the net direct written premiums of each member insurer; and

d. order surplus lines agents to notify, within five days of the date of the order, the policyholders of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this act. Notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

C. 17:22-6.78 Assignment of rights.

9. (New section) a. Any person recovering under this act shall be deemed to have assigned his rights under the policy from which the claim arose to the fund to the extent of his recovery from the fund. Every policyholder or claimant seeking the protection of this act shall cooperate with the fund to the same extent as that person would have been required to cooperate with the insolvent insurer. The fund shall have no cause of action against the policyholder of the insolvent insurer for any sums it has paid out, except for those causes of action as the insolvent insurer would have had if the sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with an assessment liability, payments of claims by the fund shall not operate to reduce the liability of policyholders to the receiver, liquidator, or statutory successor for unpaid assessments.

b. The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the fund or its representatives. The court having jurisdiction shall grant the covered claims paid by the fund priority, against the assets of the insolvent insurer, over any claims against the assets of the insolvent insurer by claimants having received any payment from the fund for the covered claims, to the extent of the amount of the payments made by the fund. The expenses of the fund in handling claims shall be accorded the same priority as the liquidator's expenses.

c. The fund shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the fund and estimates of anticipated claims on the fund, which shall preserve the rights of the fund against the assets of the insolvent insurer.

d. The liquidator, receiver, or statutory successor of an insolvent insurer covered by this act shall permit access by the fund or its representative to all of the insolvent insurer's records which would assist the fund in carrying out its functions under this act with regard to covered claims. In addition, the liquidator, receiver or statutory successor shall provide the fund or its representative with copies, or permit copies to be made of the insolvent insurer's records upon request, and at the expense of the fund.

C. 17:22-6.79 Priority.

10. (New section) Any person having a covered claim that may be recovered from more than one insurance guaranty association, or its equivalent, shall seek recovery first from the association of the place of residence of the policyholder at the time of the insured event, except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the jurisdiction in which the property is located. Any recovery under this act shall be reduced by the amount of recovery from any other insurance guaranty association; except that, if recovery is denied or deferred by that association, a person may proceed to recover from any other insurance guaranty association from which recovery may be legally sought.

C. 17:22-6.80 Hazardous financial condition.

11. (New section) In the event the commissioner has sufficient basis to believe that the financial condition of a member insurer is hazardous to the policyholders or the public, the commissioner shall request the appropriate regulatory authority of the domiciliary jurisdiction of that member insurer to examine and report back to the commissioner on the financial condition of the member insurer.

C. 17:22-6.81 Financial report.

12. (New section) The fund shall be subject to examination and regulation by the commissioner. The association, on behalf of the fund, shall submit, not later than March 31 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

C. 17:22-6.82 No liability.

13. (New section) There shall be no liability on the part of, and no cause of action of any nature shall arise against any member insurer, the fund, the association or its board of directors, or agents or employees, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this act.

C. 17:22-6.83 Notice on policy.

14. (New section) A member insurer shall include on the application and on the face of the policy or certificate for insurance subject to this act, a notice stating that the policy coverage has the protection of the New Jersey Surplus Lines Insurance Guaranty Fund, if the eligible surplus lines insurer becomes bankrupt or insolvent. A member insurer or an agent or broker may advertise that policy coverages offered by a member insurer and subject to the provisions of this act are protected by the New Jersey Surplus Lines Insurance Guaranty Fund, should the surplus lines insurer become bankrupt or insolvent.

15. Section 6 of P. L. 1974, c. 17 (C. 17:30A–6) is amended to read as follows:

C. 17:30A-6 Property-Liability Insurance Guaranty Association.

6. There is created a private, nonprofit, unincorporated, legal entity to be known as the New Jersey Property-Liability Insurance Guaranty Association. All insurers defined as member insurers in subsection 5f. shall be and remain members of the association as a condition of their authority to transact insurance in this State. The association shall perform its functions under a plan of operation established and approved under section 9 and shall exercise its powers through a board of directors established under section 7.

The association is also authorized and shall have all of the powers necessary and appropriate for the management and administration of the affairs of the New Jersey Surplus Lines Insurance Guaranty Fund, in accordance with the provisions of the "New Jersey Surplus Lines Insurance Guaranty Fund Act," P. L. 1984, c. 101 (C. 17:22–6.70 et seq.).

16. This act shall take effect immediately.

Approved July 27, 1984.

CHAPTER 102

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

36-2081 Municipal Purposes Tax Assistance Program $29,432,927

State Aid:
Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program under C. 54:1-46 et seq. ..... ($29,432,927)

2. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved August 1, 1984.

CHAPTER 103

AN ACT appropriating $10,390,000.00 from the "Shore Protection Fund" for State projects, State matching grants to counties and municipalities, and State loans to counties and municipalities to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Shore Protection Fund" created pursuant to the "Shore Protection Bond Act of 1983," P. L. 1983, c. 356, the sum of $10,390,000.00 for the purpose of State projects, and the making of State matching grants and loans to counties and municipalities, or agencies thereof, to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects. This sum shall be allocated as follows:

$5,390,000.00 for State projects and State matching grants to the following counties and municipalities, or agencies thereof:

(1) Middletown Township
Seawall construction at Compton's Creek

(2) Monmouth County
Reimbursement for timber bulkhead on Navesink River

(3) Monmouth Beach
Repair bulkhead at municipal pavilion

(4) Bradley Beach
Bulkhead repair and replacement from 6th Street to north end

(5) Shark River Inlet
Repair navigational aid and end of jetty

(6) Island Beach State Park
Sand fence for dunes

(7) Brant Beach
Repair dunes

(8) Upper Township (Strathmere)
Beachfill and dune repair

(9) Sea Isle City
Reestablish dunes from 1st to 25th Streets

(10) Avalon
Dune Repairs

(11) Cape May Point State Park
Dune Repairs

$4,500,000.00 for State loans to counties and municipalities, or agencies thereof, to provide the local share of a State grant.

$500,000.00 for administrative costs incurred by the department in implementing this act.

b. If any of these projects require less than the total amount allocated herein, or if the local share is not made available to the department, the residual funds shall be allocated, to the extent available, to any of the folowing projects:

Elizabeth
Construction of concrete revetment at city park

Harvey Cedars
Stabilization of sand dunes

Atlantic City
Sand beachfill, completion of Phase II of project. This project has increased due to erosion before storm
Beachfill due to storm

Elsinboro Township
Construct steel bulkhead

Florence Township
Construct concrete revetment at city park

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1983, c. 356.

3. The Department of Environmental Protection shall, within 90 days of the effective date of this act, submit a written report to the Legislature and the Governor detailing the adequacy of existing municipal dune and shorefront protection ordinances and the pattern of enforcement of those ordinances. This report shall also include an assessment of the degree to which these ordinances succeeded in minimizing the damage suffered due to the storm of March 29, 1984 and recommendations for administrative and legislative actions necessary to minimize public expenditure for storm damage.

4. This act shall take effect immediately.

Approved August 2, 1984.

CHAPTER 104

AN ACT concerning temporary disability benefits and amending P. L. 1948, c. 110.

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

1. Section 3 of P. L. 1948, c. 110 (C. 43:21–27) is amended to read as follows:

C. 43:21-27 Definitions.

3. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Covered employer" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the chapter to which this act is a supplement, designated as the Unemployment Compensation Law (R. S. 43:21–1 et seq.), except the State, its political subdivisions, and any instrumentality of the State unless such governmental entity elects to become a covered employer under the Temporary Disability Benefits Law; provided, however, that commencing with the effective date of this act the State of New Jersey, including Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, shall be deemed a covered employer, as defined herein.

(2) Any governmental entity or instrumentality which is an employer under R. S. 43:21–19(h)(5) may elect to become a "covered employer" under this subsection beginning with the date on which its coverage under subsection 19(h)(5) begins or as of January 1 of any year thereafter by filing written notice of such election with the division within at least 30 days of the effective date. Such election shall remain in effect for at least two full calendar years and may be terminated as of January 1 of any year thereafter by filing with the division a written notice of termination at least 30 days prior to the termination date.

(b) "Covered individual" means any person who is in employment, as defined in the chapter to which this act is a supplement, for which he is entitled to remuneration from a covered employer, or who has been out of such employment for less than two weeks. However, a "covered individual" who is employed by the State of New Jersey, including Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, or by any governmental entity or instrumentality which elects to becoming a "covered employer" pursuant to this amendatory act, shall not be eligible to receive any benefits under the Temporary Disability Benefits Law until such

individual has exhausted all sick leave accumulated as an employee in the classified service of the State or accumulated under terms and conditions similar to classified employees or accumulated under the terms and conditions pursuant to the laws of this State or as the result of a negotiated contract with any governmental entity or instrumentality which elects to become a "covered employer."

"Covered individual" shall not mean any member of the Division of State Police in the Department of Law and Public Safety.

(c) "Division" or "commission" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor, and any transaction or exercise of authority by the director of the division shall be deemed to be performed by the division.

(d) "Day" shall mean a full calendar day beginning and ending at midnight.

(e) "Disability" shall mean such disability as is compensable under section 5 of this act.

(f) "Disability benefits" shall mean any cash payments which are payable to a covered individual pursuant to this act.

(g) "Period of disability" with respect to any individual shall mean the entire period of time during which he is continuously and totally unable to perform the duties of his employment, except that two periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability; provided the individual has earned wages during such 14-day period with the employer who was his last employer immediately preceding the first period of disability.

(h) "Wages" shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

(i) (1) "Base week" with respect to periods of disability commencing prior to October 1, 1984, means any calendar week during which an individual earned not less than $15.00 from a covered employer, in employment as defined in the chapter to which this act is a supplement.

(2) "Base week" with respect to periods of disability commencing on or after October 1, 1984, and prior to October 1, 1985, means any calendar week during which an individual earned in employment from a covered employer remuneration equal to not

less than 15% of the Statewide average weekly remuneration as determined under subsection (c) of R. S. 43:21–3, which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

(3) "Base week" with respect to periods of disability commencing on or after October 1, 1985, means any calendar week during which an individual earned in employment from a covered employer remuneration equal to not less than 20% of the Statewide average weekly remuneration as determined under subsection (c) of R. S. 43:21–3, which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

(j) "Average weekly wage" means the amount derived by dividing a covered individual's total wages earned from his most recent covered employer during the base weeks in the eight calendar weeks immediately preceding the calendar week in which disability commenced, by the number of such base weeks. If this computation yields a result which is less than the individual's average weekly earnings in employment, as defined in the chapter to which this act is a supplement, with all covered employers during the base weeks in such eight calendar weeks, then the average weekly wage shall be computed on the basis of earnings from all covered employers during the eight base weeks immediately preceding the week in which the disability commenced.

2. Section 14 of P. L. 1948, c. 110 (C. 43:21–38) is amended to read as follows:

C. 43:21-38 Duration of benefits.

14. Duration of benefits.

With respect to periods of disability commencing on or after January 1, 1953, disability benefits, not in excess of an individual's maximum benefits, shall be payable with respect to disability which commences while a person is a covered individual under the Temporary Disability Benefits Law, and shall be payable with respect to the eighth consecutive day of such disability and each day thereafter that such period of disability continues; and if benefits shall be payable for three consecutive weeks with respect to any period of disability commencing on or after January 1, 1968, then benefits shall also be payable with respect to the first seven days thereof. The maximum total benefits payable to any eligible individual for any period of disability commencing on or after January 1, 1968, shall be either 26 times his weekly benefit amount or one-third of his total wages in his base year, whichever is the lesser; provided that

such maximum amount shall be computed in the next lower multiple of $1.00 if not already a multiple thereof.

3. Section 16 of P. L. 1948, c. 110 (C. 43:21–40) is amended to read as follows:

C. 43:21-40 Weekly benefit amount.

16. With respect to periods of disability commencing on or after July 1, 1961, an individual's weekly benefit amount shall be determined and computed by the division on the same basis as the weekly benefit rate is determined and computed pursuant to subsection (c) of R. S. 43:21–3, except that for periods of disability commencing on or after October 1, 1984, an individual's weekly benefit rate shall be two-thirds of his average weekly wage, subject to a maximum of 53% of the Statewide average weekly remuneration paid to workers by employers, as determined under subsection (c) of R. S. 43:21–3; provided, however, that such individual's benefit rate shall be computed to the next lower multiple of $1.00 if not already a multiple thereof. The amount of benefits for each day of disability for which benefits are payable shall be one-seventh of the corresponding weekly benefit amount; provided that the total benefits for a fractional part of a week shall be computed to the next lower multiple of $1.00 if not already a multiple thereof.

4. Section 17 of P. L. 1948, c. 110 (C. 43:21–41) is amended to read as follows:

C. 43:21-41 Qualifications for benefits.

17. (a) (Deleted by amendment, P. L. 1975, c. 355.)

(b) With respect to periods of disability commencing on or after January 1, 1953, and prior to January 1, 1976, no individual shall be entitled to benefits under this article unless he has established at least 17 base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced, nor unless he shall duly file notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the division.

(c) With respect to periods of disability commencing on or after January 1, 1976, and prior to October 1, 1984, no individual shall be entitled to benefits under this article unless he has established at least 17 base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced, or, in the alternative, has earned $2,200.00 or more within the 52 calendar weeks preceding the week in which his period of disability commenced,

nor unless he shall duly file notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the division.

Notwithstanding any provisions of this section to the contrary, the provision of subsection 17 (c) shall apply to any claim pending before the division or the courts on the effective date of this act.

(d) With respect to periods of disability commencing on or after October 1, 1984, no individual shall be entitled to benefits under this act unless he has established at least 20 base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced, or, in the alternative, the individual has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under subsection (c) of R. S. 43:21–3, raised to the next higher multiple of $100.00, if not already a multiple thereof, or more within the 52 calendar weeks preceding the week in which his period of disability commenced, nor shall the individual be entitled to benefits unless he shall duly file notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the division.

5. Section 22 of P. L. 1948, c. 110 (C. 43:21–46) is amended to read as follows:

C. 43:21-46 State disability benefits fund.

22. State disability benefits fund. (a) The State disability benefits fund, hereinafter referred to as the fund, is hereby established. The fund shall remain in the custody of the State Treasurer, and to the extent of its cash requirements shall be deposited in authorized public depositories in the State of New Jersey. There shall be deposited in and credited to the fund the amount of worker and employer contributions provided under subsections (d) and (e) of R. S. 43:21–7, less refunds authorized by the chapter (R. S. 43:21–1 et seq.) to which this act is a supplement, and the entire amount of interest and earnings from investments of the fund, and all assessments, fines and penalties collected under this act. The fund shall be held in trust for the payment of disability benefits pursuant to this act, for the payment of benefits pursuant to subsection (f) of R. S. 43:21–4, and for the payment of any authorized refunds of contributions. All warrants for the payment of benefits shall be issued by and bear only the signature of the Director of the Division of Unemployment and Temporary Disability Insurance or his duly authorized agent for that purpose. All other moneys withdrawn from the fund shall be upon warrant signed by

the State Treasurer and countersigned by the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey. The Treasurer shall maintain books, records and accounts for the fund, appoint personnel and fix their compensation within the limits of available appropriations. The expenses of the Treasurer in administering the fund and its accounts shall be charged against the administration account, as hereinafter established. A separate account, to be known as the administration account, shall be maintained in the fund, and there shall be credited to such account an amount determined to be sufficient for proper administration, not to exceed, however, 1/10 of 1% of the wages with respect to which current contributions are payable into the fund, and the entire amount of any assessments against covered employers, as hereinafter provided, for costs of administration prorated among approved private plans. The costs of administration of this act, including R. S. 43:21–4 (f), shall be charged to the administration account.

(b) A further separate account, to be known as the unemployment disability account, shall be maintained in the fund. Such account shall be charged with all benefit payments under R. S. 43:21–4 (f).

Prior to July 1 of each calendar year, the Division of Unemployment and Temporary Disability Insurance of the Department of Labor of the State of New Jersey shall determine the average rate of interest and other earnings on all investments of the State disability benefits fund for the preceding calendar year. An amount equal to the sum of the amounts withdrawn from the unemployment trust fund pursuant to section 23 hereof multiplied by such average rate shall be determined by the division and credited to the unemployment disability account as of the end of the preceding calendar year.

If the unemployment disability account shall show an accumulated deficit in excess of $200,000.00 at the end of any calendar year after interest and other earnings have been credited as provided hereinabove, the division shall determine the ratio of such deficit to the total of all taxable wages paid during the preceding calendar year, and shall make an assessment against all employers in an amount equal to the taxable wages paid by them during such preceding calendar year to employees, multiplied by such ratio, but in no event shall any such assessment exceed 1/10 of 1% of such

wages; provided, however, that the assessment made against the State (including Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology) shall not exceed the sum of all benefits paid under the provisions of R. S. 43:21–4 (f) as the result of employment with the State. Such amounts shall be collectible by the division in the same manner as provided for the collection of employee contributions under this chapter (R. S. 43:21–1 et seq.). In making this assessment, the division shall furnish to each affected employer a brief summary of the determination thereof. The amount of such assessments collected by the division shall be credited to the unemployment disability account.

As used in this section, "taxable wages" shall mean wages with respect to which employer contributions have been paid or are payable pursuant to subsections (a), (b) and (c) of R. S. 43:21–7.

(c) A board of trustees, consisting of the State Treasurer, the Secretary of State, the Commissioner of Labor, the director of the division, and the State Comptroller, is hereby created. The board shall invest and reinvest all moneys in the fund in excess of its cash requirements, and such investments shall be made in obligations legal for savings banks: provided, however, that the provisions of this subsection shall in all respects be subject to the provisions of P. L. 1950, c. 270 (C. 52:18A–79 et seq.).

(d) There is hereby appropriated, to be paid out of the fund, such amounts as may from time to time be required for the payment of disability benefits, and such amounts as may be required each year, as contained in the annual appropriation act, for the administration of this act, including R. S. 43:21–4(f).

6. This act shall take effect on October 1, 1984.

Approved August 2, 1984.

CHAPTER 105

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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 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

DEPARTMENT OF LAW AND PUBLIC SAFETY

Robert Teague, 58 Gerard Road, Nutley, N. J. for mechanical maintenance work performed at the office of the State Medical Examiner in Newark. An award of $4,108.44 be made payable from funds appropriated to the department.

Sentry Office Maintenance, P.O. Box 723, South Orange, N. J. 07070 for building maintenance service performed at the office of the State Medical Examiner in Newark. An award of $1,825.00 be made payable from funds appropriated to the department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PALISADES INTERSTATE PARK COMMISSION

Borough of Alpine, c/o Logan & Logan, Counselors at Law, 132 Engle Street, P.O. Box 664, Englewood, N. J. 07631, Attention James P. Logan, Attorney at Law; Borough of Englewood Cliffs, c/o Melvin Gittleman, Attorney at Law, Court House Towers, 39 Hudson Street, Hackensack, N. J. 07601, Attention: Steven D. Mulstock, Attorney at Law; and Borough of Fort Lee, c/o Basile & Herbert, Counselors at Law, 646 Anderson Avenue, Cliffside Park, N. J. 07010, Attention: Paul L. Basile, Attorney at Law, for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	$27,097
Borough of Englewood Cliffs	37,021
Borough of Fort Lee	27,320

That an award in the amount of $91,438.00 be made payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

HAZARDOUS AND TOXIC POLLUTION CONTROL—STATE AID

Treasurer, City of Perth Amboy, 206 High Street, Perth Amboy, N. J. 08861 for reimbursement of funds expended removing certain toxic wastes at the order of the Department of Environmental Protection and the Attorney General—$308,344.61.

DEPARTMENT OF THE TREASURY

Ms. Bernice C. Simon, 85 A Empress Plaza, Cranbury, N. J. 08512 for payment of an outdated check—$50.00.

Ms. Rose Abate, 1537 Mt. Ephraim Avenue, Camden, N. J. 08104 for payment of outdated check—$25.00.

Mr. Edward S. Pierce, Jr., 155 E. Charleston Avenue, Lawnside, N. J. 08045 for payment of an outdated check—$10.00.

Ms. Muriel Bratloff, 181 Kinderkamack Road, Park Ridge, N. J. 07656 for payment of an outdated check—$34.45.

Mr. Arthur Hamilton, 204 Milton Avenue, Cliffwood, N. J. 07721 for payment of an outdated check—$10.00.

Mr. Louis A. Marucci, 21 Rambo Avenue, Gibbstown, N. J. 08027 for payment of an outdated check—$20.00.

Ms. Pearl Wierzbicki, 307 New York Avenue, Newark, N. J. 07105 for payment of an outdated check—$86.11.

Mr. Richard L. Kistner, 300 Eyland Avenue, Succasunna, N. J. 07876 for payment of an outdated check—$96.25.

Ms. Beatrice Van Fleet, 17 Reid Street, South Bound Brook, N. J. 08880 for payment of an outdated check—$109.45.

Mr. Louis C. Erb, 157 Fifth Avenue, Paterson, N. J. 07524 for payment of an outdated check—$118.27.

Mr. Alfred Leggoe, Jr., 4 Navajo Road, Somerdale, N. J. 08083 for payment of an outdated check—$25.00.

Mr. John A. Cochrane, 1224 Pensacola Drive, Forked River, N. J. 08731 for payment of an outdated check—$83.64.

Mr. and Mrs. Robert P. and Joan Wright, 101 Cleveland Avenue, South River, N. J. 08882 for payment of an outdated check —$96.31.

Mr. William A. Williamson, 476 South 18th Street, Newark, N. J. 07105 for payment of an outdated check—$136.06.

Nelson and Marie Jolly, Greggneck Road, Box 406, Galena, Md. 21635 for payment of an outdated check—$91.44.

Estate of Alexander Baker, Sentry Office Plaza, 216 Haddon Avenue, Westmont, N. J. 08108 for payment of an outdated check—$16.36.

Ms. Ann Resheytlo, 809 Summit Avenue, Jersey City, N. J. for payment of an outdated check—$111.19.

Mr. Richard Zane, One Greentree Center, Suite 201, Marlton, N. J. 08053 for payment of an outdated check—$31.80.

Mr. Abraham Sherman, 170 Terhune Road, Princeton, N. J. 08540 for payment of an outdated check—$29.64.

Ms. Alice Dill, 2 Dumas Road, Old Bridge, N. J. 08857 for payment of an outdated check—$20.00.

Mr. and Mrs. Johnson, 35 Bolton Road, Flanders, N. J. 07836 for payment of a homestead rebate claim—$185.00.

Ms. Josephine Gerity, 100 Greenlawn Avenue, Middlesex, N. J. for payment of an outdated check—$119.07.

Ms. Joanne M. Patrick, 54 Flager Street, East Brunswick, N. J. for payment of an outdated check—$112.05.

Mr. Donald W. Warnock, 576 Route 10, Livingston, N. J. 07039 for payment of interest incurred because of late payment by the State for cars delivered by Warnock-Ryan Dodge Automobile Agency —$23,220.73.

Total Appropriation, Claims $333,182.43

2. This act shall take effect immediately and be retroactive to July 1, 1983.

Approved August 2, 1984.

CHAPTER 106

AN ACT appropriating moneys from the Water Supply Fund for State projects, as recommended by the New Jersey Statewide Water Supply Plan.

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

1. There is appropriated to the Department of Environmental Protection from the Water Supply Fund created by the "Water Supply Bond Act of 1981," P. L. 1981, c. 261, the following sum of money for State projects, to be constructed by the New Jersey Water Supply Authority, as recommended by the New Jersey Statewide Water Supply Plan:

Delaware and Raritan Canal Improvements $5,550,000.00

2. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P. L. 1981, c. 261, and shall include administrative costs.

3. The New Jersey Water Supply Authority, in coordination with the Board of Public Utilities, shall develop a program to charge any water supply user which benefits from any project constructed by it and funded from the Water Supply Fund, to the maximum extent practicable and feasible, for the full cost of planning, designing, acquiring, constructing and operating that project.

4. State projects shall be constructed by the New Jersey Water Supply Authority, and any funds made available to the authority pursuant to this act shall be in the form of loans with principal and interest to be paid to the General Fund as reimbursement for principal and interest payments on the Water Supply Bonds. The authority shall set rates and charges for the water supplied from its facilities sufficient to make semi-annual payments of principal and interest on loans from the Water Supply Fund according to a schedule agreed upon with the State Treasurer before loans are advanced.

5. This act shall take effect immediately.

Approved August 2, 1984.

CHAPTER 107

AN ACT concerning waterfront development projects by the Port Authority of New York and New Jersey, amending P. L. 1947, c. 44, amending and supplementing P. L. 1983, c. 9, and repealing sections 6, 7, 8 and 9 of P. L. 1983, c. 9.

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

1. Section 3 of P. L. 1947, c. 44 (C. 32:1–35.30) is amended to read as follows:

C. 32:1-35.30 Definitions.

3. The following terms as used herein shall mean:

"Marine terminals" shall mean developments, consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their

cargoes or passengers and shall also mean waterfront development projects. It shall also include such highway projects in the vicinity of a marine terminal providing improved access to such marine terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, it shall also mean railroad freight projects related or of benefit to a marine terminal or which are necessary, convenient or desirable in the opinion of the Port Authority for the protection or promotion of the commerce of the port district, consisting of railroad freight transportation facilities or railroad freight terminal facilities, and 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 in connection therewith or incidental thereto, deemed necessary or desirable in the opinion of the Port Authority, whether or not now in existence or under construction, for the undertaking of railroad freight projects.

"Marine terminal purposes" shall mean the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of marine terminals.

"Municipality" shall mean a county, city, borough, village, township, town, public agency, public authority or political subdivision.

"Real property" shall mean lands, structures, franchises and interests in land, including waters, lands under water and riparian rights, and any and all things and rights usually 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.

"Waterfront development projects" shall mean projects for the revitalization and economic development of waterfront property which is not in use for the handling of waterborne cargoes or directly or indirectly related to the waterborne movement of passengers and their vehicles. Waterfront development projects shall include but not be limited to hotels, marinas, commercial offices including the installation of a fiber optic cable within its boundaries, or facilities which serve conference, convention, recreation or entertainment purposes or are retail service establishments, park-

ing, technical, satellite antenna, similar communication or other facilities related to any of the foregoing and associated improvements necessary to provide public access to the waterfront development projects. Notwithstanding the above, a waterfront development project authorized by this act shall not contain any technical, satellite antenna or similar telecommunications facility unless the facility is directly used by, and for the sole use of, end users located on the site of the project. Furthermore, no Port Authority money shall be used directly or indirectly in the financing or construction of any telecommunications facility.

2. Section 4 of P. L. 1983, c. 9 (C. 32:1–35.36e) is amended to read as follows:

C. 32:1-35.36e 2 projects.

4. The Port Authority is authorized and empowered, as limited by sections 6 and 7 of this 1984 amendatory and supplementary act, to effect, establish, acquire, construct, rehabilitate, improve, maintain or operate one waterfront development project in the State of New York and one waterfront development project in the State of New Jersey; provided, however, that nothing in this act is intended to authorize the Port Authority to finance, construct, rehabilitate, improve, maintain or operate housing.

3. Section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) is amended to read as follows:

C. 32:1-35.36f Hoboken project.

5. A waterfront development project in the city of Hoboken shall be located on all that certain piece, parcel or tract of land, situate, lying and being in the city of Hoboken, in the county of Hudson and the State of New Jersey, more particularly bounded and described as follows: BEGINNING at the corner formed by the intersection of the United States pierhead line with the boundary line between the city of Jersey City and the city of Hoboken and running thence (1) westerly along said boundary line to its intersection with the westerly line of Henderson Street; thence (2) northerly along that westerly line of Henderson Street to its intersection with the northerly line of Observer Highway; thence (3) easterly along that northerly line of Observer Highway to its intersection with the westerly line of Hudson Street; thence (4) northerly along that westerly line of Hudson Street to its intersection with the westerly extension of the northerly line of Hudson Place; thence (5) easterly along that northerly line of Hudson Place to its intersection with the westerly line of River Street;

thence (6) northerly along that westerly line of River Street and along its northerly extension to its intersection with the northerly line of Fourth Street; thence (7) easterly along that northerly line of Fourth Street and its easterly extension to the southeast corner of Stevens Park; thence (8) northerly along the easterly line of Stevens Park and its northerly extension to a point in the northerly line of Fifth Street, said point being the southeast corner of lot 1 in block 234 as shown on the Tax Map of the city of Hoboken; thence (9) northerly along the easterly line of lot 1 to its intersection with the westerly extension of the northerly line of lot 2 in block 258; thence (10) easterly along that extension and easterly and northerly along that northerly line of lot 2 in block 258 to a corner therein; thence (11) easterly along another northerly line of lot 2 in block 258 to its intersection with the United States pierhead; thence (12) southerly along that United States pierhead to the point and place of beginning.

It is the intention of this legislation to permit marginal changes in the site hereinabove described, but only to the extent required by the detailed project plan. For the purposes of this section, a "marginal change" means a change which would not result in a material expansion in the configuration of the site.

4. Section 10 of P. L. 1983, c. 9 (C. 32:1–35.36k) is amended to read as follows:

C. 32:1-35.36k Agreements authorized.

10. The Port Authority is hereby authorized and empowered in its discretion to enter into an agreement or agreements upon terms or conditions as it may deem in the public interest, with the United States, the State of New York, the State of New Jersey, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, to effectuate, establish, acquire, construct, rehabilitate, improve, maintain, or operate all or any portion or portions of any waterfront development project or, subject to the terms of any agreement or agreements, to cooperate by assisting either state, or any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, in the planning or designing of any

housing development within the area of any project pursuant to this act, which is related to any waterfront development project undertaken by the Port Authority and which is to be undertaken by either state, or any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing or in the acquisition, clearance, preparation for use or disposition of the land site on which any housing development is to be situated, and in obtaining any permits, approvals, authorizations or financial assistance for the construction of any housing development. The foregoing provision shall be limited to waterfront development projects authorized by section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and by sections 5 and 6 of this 1984 amendatory and supplementary act.

Notwithstanding any contrary provision of law, general, special or local, either state or any agency, department, commission, public authority, board or division thereof, or any municipality or other public corporation thereof, or any two or more of the foregoing, are hereby authorized and empowered to enter into an agreement with the Port Authority, the United States or any department, agency or instrumentality thereof, or any person, firm, association, company or corporation, or any two or more of the foregoing, for or related to the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of any waterfront development project undertaken by the Port Authority or of any housing development, provided that such housing development is within the area of any project pursuant to this act and is related to any waterfront development project undertaken by the Port Authority pursuant to section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and sections 5 and 6 of this 1984 amendatory and supplementary act; and any agreement or agreements may provide, inter alia, for the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of all or any portion or portions of a waterfront development project or any housing development by either state, or by any agency, department, commission, public authority, board or division of either state or any municipality or other public corporation in either state, or by any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing. In connection with any waterfront development project pursuant to section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f)

and sections 5 and 6 of this 1984 amendatory and supplementary act, either state or any agency, department, commission, public authority, board or division thereof, the Port Authority and any person, firm, partnership, association, company, corporation or other legal entity are empowered to enter into agreements which may provide, inter alia, for the establishment of prices or rates, a requirement that any person, firm, partnership, association, company, corporation or other legal entity sell, lease or purchase any commodity or service to or from either state or any agency, department, commission, public authority, board or division thereof or the Port Authority, or any other similar arrangement. Except that nothing in this act shall be construed to authorize the Port Authority to finance, construct, improve, maintain or operate housing.

C. 32:1-35.36l Hunter's Point project.

5. (New section) A waterfront development project to be undertaken at Hunter's Point, Queens county, in the City of New York shall be located within an area beginning at the corner formed by the intersection of the combined U. S. Pierhead and Bulkhead Line on the northerly side of Newtown Creek with the U. S. Pierhead Line on the easterly side of the East River and running thence (1) northerly along the U. S. Pierhead Line to its intersection with the northerly line of a canal now or formerly known as the 11th Street Basin; thence (2) easterly along the northerly line of the canal to its intersection with the prolongation of the easterly line of 5th Street; thence (3) southerly along the easterly line of 5th Street to its intersection with the southerly line of 48th Avenue; thence (4) easterly along the southerly line of 48th Avenue to its intersection with the westerly line of 11th Street; thence (5) southerly along the westerly line of 11th Street to its intersection with the southerly property line of lands south of and abutting 48th Avenue; thence (6) westerly along the southerly property line of the lands and the prolongation of the property line to its intersection with the westerly line of 5th Street; thence (7) along the southerly property line of the lands referred to in courses 5 and 6 by such lands' various courses and distances to the intersection with the prolongation of the easterly line of 2nd Street; thence (8) southerly along the easterly line of 2nd Street and its prolongation to its intersection with the U. S. Pierhead and Bulkhead Line on the northerly side of Newtown Creek; thence (9) westerly along the U. S. Pierhead and Bulkhead

Line on the northerly side of Newtown Creek to the point and place of beginning.

It is the intention of this legislation to permit marginal changes in the site hereinabove described, but only to the extent required by the detailed project plan. For the purposes of this section, a "marginal change" means a change which would not result in a material expansion in the configuration of the site.

C. 32:1-35.36m Authorized projects.

6. (New section) In addition to the waterfront development projects authorized pursuant to P. L. 1983, c. 9 (C. 32:1–35.36c et seq.) and this 1984 amendatory and supplementary act, it is the object of the two states that the Port Authority be, and it hereby is authorized to participate, as limited in section 7 of this 1984 amendatory and supplementary act, in the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of one waterfront development project in the State of New York and one waterfront development project in the State of New Jersey, as defined in chapter 631 of the laws of New York of 1947, as amended; provided, however, that nothing in this act is intended to authorize the Port Authority to finance, construct, rehabilitate, improve, maintain or operate housing. The undertaking by the Port Authority of any waterfront development project in the State of New York or the State of New Jersey, or of any alternative to either of the two projects authorized pursuant to section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and by section 5 of this 1984 amendatory and supplementary act, shall be subject to the prior express approval of the project by the city, county, town or village of the State of New York in which the project is to be located, or by the city, county, town, borough or township of the State of New Jersey in which the project is to be located, with any approval to be given 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, approval shall be authorized in the manner provided in the town law and as to counties in the State of New Jersey, approval shall be authorized in the manner as provided by law. No city, county, town, borough or township of the State of New Jersey shall give the approval referred to in this section unless approval of the site of the project in the city, county, town, borough or township has been given in a joint resolution adopted by the Legislature of the State of New Jersey.

At least 30 days prior to the authorization by the Port Authority of a waterfront development project authorized by this section, the Port Authority shall submit to the Temporary President of the Senate, Speaker of the Assembly, minority leaders of the Senate and Assembly and the chairmen of the Senate Finance Committee and Assembly Ways and Means Committee of the Legislature of the State of New York, and the President of the Senate, the Speaker of the General Assembly, minority leaders of the Senate and the General Assembly, the chairman of the Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee, or its successor, and the chairman of the General Assembly Independent Authorities and Commissions Committee, or its successor, of the State of New Jersey, a complete and comprehensive report on all aspects of the proposed project, including summaries of: feasibility and marketing studies undertaken; engineering, design, environmental, financing, legal or other project-specific studies undertaken; construction and development cost estimates; estimates of projected Port Authority share of total project costs and revenues; and such other relevant information which the Temporary President of the Senate, Speaker of the Assembly, minority leaders of the Senate and Assembly and chairmen of the Senate Finance Committee and Assembly Ways and Means Committee of the Legislature of the State of New York, and the President of the Senate, the Speaker of the General Assembly, minority leaders of the Senate and General Assembly, the chairman of the Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee, or its successor, and the chairman of the General Assembly Independent Authorities and Commissions Committee, or its successor, of the State of New Jersey, deem appropriate, necessary and desirable. The Port Authority may not authorize a waterfront development project in the State of New York pursuant to this section unless and until approval of the site of the project in the State of New York has been given in a joint resolution adopted by the Legislature of the State of New York and the two projects authorized in section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and section 5 of this 1984 amendatory and supplementary act have been substantially completed. Additionally, the Port Authority may not authorize a waterfront development project in the State of New Jersey pursuant to this section unless and until the two projects authorized in section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and section 5 of this

1984 amendatory and supplementary act have been substantially completed.

No waterfront development project authorized by this section may be undertaken by the Port Authority in the City of New York unless the mayor thereof requests it to do so, which request shall specify the borough in which such project is to be undertaken. The president of any borough within the City of New York in which such project is proposed to be undertaken shall receive notice of such request and may within 30 days of receipt of such notice, and after consulting with and considering any recommendation made by the borough board of that borough, notify the mayor of the City of New York that the Port Authority is not to undertake such requested project, in which event such project shall not be undertaken by the Port Authority. The Port Authority may agree with any municipality in the port district to study the feasibility of developing one or more specific waterfront development projects within that municipality. In undertaking such a study, the Port Authority shall consult with and consider any recommendation made by the governing body of such municipality.

At least 10 days prior to the commencement by the Port Authority of any study undertaken pursuant to any such agreement and the authorization by the Port Authority of any waterfront development project in addition to the projects designated in section 5 of P. L. 1983, c. 9 (C. 32:1–35.36f) and section 5 of this 1984 amendatory and supplementary act, the Port Authority shall notify the chief executive officer of each municipality in the port district for which the Port Authority has studied the feasibility of developing a waterfront development project of the proposed study or authorization of the project, shall seek their comments and shall include with the study or authorization any comments received from the municipality.

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.

C. 32:1-35.36n Annual report.

7. (New section) On April 15, 1985, and annually thereafter, the Port Authority shall submit to the Temporary President of the Senate, Speaker of the Assembly, minority leaders of the Senate

and Assembly and the chairmen of the Senate Finance Committee and Assembly Ways and Means Committee of the Legislature of the State of New York, and to the President of the Senate, the Speaker of the General Assembly, minority leaders of the Senate and General Assembly, the chairman of the Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee, or its successor, and the chairman of the General Assembly Independent Authorities and Commissions Committee, or its successor, of the State of New Jersey, a complete and comprehensive report on the status of all activities, studies and projects undertaken pursuant to P. L. 1983, c. 9 (C. 32:1–35.36c et seq.) and this 1984 amendatory and supplementary act, which shall include summaries of: feasibility studies undertaken; a summary of any engineering, design, environmental, financing, legal or other project-specific studies undertaken; and a review of the construction status of the projects authorized by P. L. 1983, c. 9 (C. 32:1–35.36c et seq.) and this 1984 amendatory and supplementary act. Specifically, the report shall contain: comparisons of original and final costs or current estimates; projected and actual schedules for completion; an evaluation of the relative share of private, Port Authority and other sources of capital financing; comparability of investment by the Port Authority in waterfront development projects in the State of New York and the State of New Jersey; reasons for differences between original and current final project designs and schedules; the amount of bonds and notes outstanding; the schedule for repayment of such bonds and notes; and the status of any funds securing such bonds and notes. In addition, the Port Authority shall submit any other relevant information in connection with such legislation which the Temporary President of the Senate, Speaker of the Assembly, minority leaders of the Senate and Assembly and chairmen of the Senate Finance Committee and Assembly Ways and Means Committee of the Legislature of the State of New York, and the President of the Senate, the Speaker of the General Assembly, minority leaders of the Senate and General Assembly, the chairman of the Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee, or its successor, and the chairman of the General Assembly Independent Authorities and Commissions Committee, or its successor, of the State of New Jersey, deem appropriate, necessary and desirable. Further, the Port Authority shall submit any other relevant information in connection with such legislation

which the Port Authority deems appropriate, necessary and desirable.

Repealer.

8. Sections 6, 7, 8 and 9 of P. L. 1983, c. 9 (C. 32:1–35.36g through C. 32:1–35.36j, inclusive) are repealed.

9. 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 2, 1984.

CHAPTER 108

AN ACT concerning the New Jersey Transit Corporation and amending P. L. 1979, c. 150.

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

1. Section 5 of P. L. 1979, c. 150 (C. 27:25–5) is amended to read as follows:

C. 27:25-5 Additional powers, duties.

5. In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following:

a. Sue and be sued;

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

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

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

e. Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law; it shall publish the same and file them in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) with the Director of the Office of Administrative Law;

f. Call to its assistance and avail itself of the services of such employees of any federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose;

g. Apply for, accept and expend money from any federal, State, county or municipal agency or instrumentality and from any private source; comply with federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements;

h. Plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the federal Urban Mass Transportation Act of 1964, P. L. 88-365 (49 U. S. C. § 1602), or any successor or additional federal act having substantially the same or similar purposes or functions; the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public;

i. Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

j. Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated;

k. Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity, in the exercise of its powers and the performance of its duties under this act. In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

l. Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation,

except under such terms as the corporation may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

m. Establish one or more operating divisions as deemed necessary. Upon the establishment of an operating division, there shall be established a geographically coincident advisory committee to be appointed by the Governor with the advice and consent of the Senate. The committee shall consist of county and municipal government representatives and concerned citizens, in the number and for such terms as may be fixed by the corporation, and shall advise the corporation as to the public transportation service provided in the operating division. At least two members of each advisory committee shall be public transportation riders, including but not limited to urban transit users and suburban commuters, as appropriate. One public member from the board of corporation shall serve as a liaison to each advisory committee;

n. Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract, including, but not limited to, such reduced fare programs as deemed appropriate by the corporation; revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act;

o. Set and collect rentals, fees, charges or other payments for the lease, use, occupancy or disposition of properties owned or leased by the corporation; such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act;

p. Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A–90.4);

q. Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act;

r. Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the corporation, whether part-time, full-time, compensated or noncompensated, in the performance of

the duties of his office or employment or any other insurable risk. In addition, the corporation may carry its own liability insurance;

s. Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation;

t. Adopt and maintain employee benefit programs for employees of the corporation, including, but not limited to, pension, deferred compensation, medical disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation;

u. Own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the corporation pursuant to the powers granted by this act;

v. Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act; and

w. Notwithstanding the provisions of section 17 of P. L. 1979, c. 150 (C. 27:25–17) or any other law to the contrary, issue grant anticipation notes which shall be secured and retired from operating assistance grants authorized under section 9 of the federal Urban Mass Transportation Act of 1964, P. L. 88-365 (49 U. S. C. § 1602), or any successor or additional federal act having substantially the same or similar purposes or functions. As used in this subsection, "grant anticipation notes" or "notes" means short-term credit obligations issued in anticipation of these grants. The notes shall be authorized by a resolution or resolutions of the corporation, and may be issued in one or more series and shall bear the date or dates, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in such manner as the resolution or resolutions require. The notes may be sold at public or private sale at the price or prices and in the manner that the corporation determines. The notes of the corporation, the sale or transfer thereof, and the income derived therefrom by the purchasers of the notes, shall, at all times, be free from taxation for State or local purposes, under any

law of the State or any political subdivision thereof. Notes may be issued under the provisions of P. L. 1979, c. 150 (C. 27:25–1 et seq.) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings, conditions, or things which are specifically required by P. L. 1979, c. 150 (C. 27:25–1 et seq.). The notes issued pursuant to P. L. 1979, c. 150 (C. 27:25–1 et seq.) shall not in any way create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof or of the corporation, except as provided herein.

The notes shall be payable solely from (1) note proceeds, to the extent not disbursed to the corporation; (2) grant payments if, as, and when received from the federal government; and (3) investment earnings on note proceeds, to the extent not disbursed to the corporation. Each note shall contain on its face a statement to the effect that the corporation is obligated to pay the principal thereof or the interest thereon only from these grants to the corporation and from the proceeds of the notes and investment earnings on the proceeds of the notes, to the extent not disbursed to the corporation, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof or of the corporation is pledged to the payment of the principal and interest on these notes. Neither the members of the corporation's board nor any person executing the transactions are personally liable on those notes nor are they otherwise liable for their actions.

2. This act shall take effect immediately.

Approved August 2, 1984.

CHAPTER 109

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, 1984 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal monies to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF LABOR

Economic Planning, Development and Security

54 Manpower and Employment Services

10-4545 Employment Development Services $2,261,079

Special Purpose:
Job Training Partnership Act—
Title II-B, Summer youth employment and training program .....($2,261,079)

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved August 2, 1984.

CHAPTER 110

AN ACT concerning the State Commission of Investigation and amending P. L. 1966, c. 266 and P. L. 1968, c. 376.

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

1. Section 1 of P. L. 1968, c. 266 (C. 52:9M–1) is amended to read as follows:

C. 52:9M-1 State Commission of Investigation.

1. There is hereby created a temporary State Commission of Investigation. The commission shall consist of four members, to be known as commissioners.

Two members of the commission shall be appointed by the Governor. One each shall be appointed by the President of the

Senate and by the Speaker of the General Assembly. Each member shall serve for a term of three years and until the appointment and qualification of his successor. No person shall serve, in succession, more than two three-year terms and any portion of an unexpired term as a member of the commission. The Governor shall designate one of the members to serve as chairman of the commission.

The members of the commission appointed by the President of the Senate and the Speaker of the General Assembly and at least one of the members appointed by the Governor shall be attorneys admitted to the bar of this State. No member or employee of the commission shall hold any other public office or public employment. Not more than two of the members shall belong to the same political party.

Each member of the commission shall receive an annual salary of $18,000.00. Each member shall also be entitled to reimbursement for his expenses actually and necessarily incurred in the performance of his duties, including expenses of travel outside of the State.

Vacancies on the commission shall be filled for the unexpired terms in the same manner as original appointments. Vacancies on the commission shall be filled by the appropriate appointing authority within 90 days. If the appropriate appointing authority does not fill a vacancy within that time period, the vacancy shall be filled by the Chief Justice of the Supreme Court within 60 days. A vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Any determination made by the commission shall be by majority vote. "Majority vote" means the affirmative vote of at least three members of the commission if there are no vacancies on the commission or the affirmative vote of at least two members of the commission if there is a vacancy.

2. Section 6 of P. L. 1979, c. 254 (C. 52:9M–4.2) is amended to read as follows:

C. 52:9M-4.2 Recommendations.

6. The commission shall, within 120 days of holding a public hearing, advise the Governor and the Legislature of any recommendations for administrative or legislative action which they have developed as a result of the public hearing.

3. Section 17 of P. L. 1968, c. 266 (C. 52:9M–17) is amended to read as follows:

C. 52:9M-17 Immunity.

17. a. If, in the course of any investigation or hearing conducted by the commission pursuant to this act, a person refuses to answer a question or questions or produce evidence of any kind on the ground that he will be exposed to criminal prosecution or penalty or to a forfeiture of his estate thereby, the commission may order the person to answer the question or questions or produce the requested evidence and confer immunity as in this section provided. No order to answer or produce evidence with immunity shall be made except by majority vote and after the Attorney General, the United States Attorney for New Jersey and the appropriate county prosecutor shall have been given at least seven days' written notice of the commission's intention to issue such order and afforded an opportunity to be heard in respect to any objections they or either of them may have to the granting of immunity.

b. If upon issuance of such an order, the person complies therewith, he shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty or to a forfeiture of his estate, except that such person may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or be prosecuted for willful refusal to give an answer or produce evidence in accordance with an order of the commission pursuant to section 13, or held in contempt for failing to give an answer or produce evidence in accordance with the order of the commission pursuant to section 11; and any such answer given or evidence produced shall be admissible against him upon any criminal investigation, proceeding or trial against him for such perjury, or upon any investigation, proceeding or trial against him for such contempt or willful refusal to give an answer or produce evidence in accordance with an order of the commission.

c. If the commission proceeds against any witness for contempt of court for refusal to answer, subsequent to a grant of immunity, said witness may be incarcerated at the discretion of the Superior Court; provided, however, that (1) no incarceration for civil contempt shall exceed a period of five years of actual incarceration exclusive of releases for whatever reason; (2) the commission may seek the release of a witness for good cause on appropriate motion to the Superior Court; and (3) nothing contained herein shall be deemed to limit any of the vested constitutional rights of any witness before the commission.

4. Section 20 of P. L. 1968, c. 266 is amended to read as follows:

20. This act shall take effect immediately and remain in effect until December 31, 1989.

5. Section 9 of P. L. 1968, c. 376 (C. 52:13E–9) is amended to read as follows:

C. 52:13E-9 Hearings.

9. No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P. L. 1968, c. 266 (C. 52:9M–12).

6. This act shall take effect immediately.

Approved August 3, 1984.

CHAPTER 111

AN ACT to amend the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199).

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

1. Section 13 of P. L. 1971, c. 199 (C. 40A:12–13) is amended to read as follows:

C. 40A:12-13 Sales of real property, capital improvements or personal property; exceptions; procedure.

13. Sales of real property, capital improvements or personal property; exceptions; procedure. Any county or municipality may sell any real property, capital improvement or personal property, or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale, other than county or municipal lands, real property otherwise dedicated or restricted pursuant to law, and, except as otherwise provided by law, all such sales shall be made by one of the following methods:

(a) By open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property, and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisement required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restric-

tions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without readvertising.

(b) At private sale, when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of this section, where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected, and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality, when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all encumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon, and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest therein or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of

any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality may be made when the governing body of any county, by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

(5) A sale to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of said real property.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the

building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated, within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

(c) By private sale of a municipality in the following case:

A sale to a private developer by a municipality, when acting as a redevelopment agency pursuant to section 8 of P. L. 1956, c. 212 (C. 40:55C–37) or a local housing authority pursuant to section 8 of P. L. 1956, c. 211 (C. 55:14A–56). The real property or capital improvements may be made available at their use value, which represents the value (whether expressed in terms of rental or capital price) at which the municipality determines such should be made available in order that it may be developed or redeveloped for the purposes specified in the redevelopment plan formulated in accordance with the "Redevelopment Agencies Law," P. L. 1949, c. 306 (C. 40:55C–1 et seq.) or the "Local Housing Authorities Law," P. L. 1938, c. 19 (C. 55:14A–1 et seq.), as appropriate.

Notwithstanding the provisions of any law, rule or regulation to the contrary, a private developer who has purchased real property or capital improvements pursuant to this subsection shall not convey or otherwise dispose of all or any portion of that property or those improvements without first offering the municipality which sold the property or improvements a right of first refusal to purchase the property or improvements at the price paid to the municipality by the developer. The right of first

refusal granted herein shall be a condition of the original sale by the municipality, and shall be expressed in the deed or other instrument of conveyance for the property or improvements.

All sales, either public or private, may be made for cash or upon credit. A deposit not exceeding 10% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that such mortgage shall be fully payable within five years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the Local Bond Law (chapter 2 of Title 40A of the New Jersey Statutes), whichever is higher. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale; provided, however, that no commission shall be paid unless notice of the governing body's intention to pay such a commission shall have been included in the advertisement of sale and the recipient thereof shall have filed an affidavit with the governing body stating that said recipient is not the purchaser. Said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any realtor's commission). As used in this section, "purchaser" shall mean and include any person, corporation, company, association, society, firm, partnership, or other business entity owning or controlling, directly or indirectly, more than 10% of the purchasing entity.

2. This act shall take effect immediately.

Approved August 3, 1984.

CHAPTER 112

AN ACT concerning certain redevelopment powers of municipalities, and amending the "Redevelopment Agencies Law" (P. L. 1949, c. 306), the "Local Housing Authorities Law" (R. S. 55:14A–1 et seq.), P. L. 1956, c. 22 and P. L. 1956, c. 212.

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

1. Section 12 of P. L. 1949, c. 306 (C. 40:55C–12) is amended to read as follows:

C. 40:55C-12 Agency powers.

12. An agency shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the agency; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this act, to carry into effect its powers and purposes.

(b) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(c) Borrow moneys from any source and issue its bonds therefor and give or issue such security therefor or for such bonds, including but not limited to bonds, bonds and mortgages, or other assets of the agency, or pledge or assignment thereof or mortgage or other encumbrance on any of its property, real, personal, or mixed, and pay such rate of interest thereon not exceeding 6% per annum as the agency may deem for the best interest of the public.

(d) To vest in an obligee the right in the event of a default by the agency to foreclose and take possession of the project covered by said mortgage or apply for the appointment of a receiver.

(e) To provide for the refunding of any of its bonds, by the issuance of such obligations, in such manner and form, and upon such terms and conditions, as it shall deem in the best interests of the public.

(f) Consent to the modification of any contract, bond indenture, mortgage or other instrument entered into by it.

(g) Pay or compromise any claim arising on, or because of any agreement, bond indenture, mortgage or instrument.

(h) Subordinate, waive, sell, assign or release any right, title, claim, lien or demand however acquired, including any equity or right of redemption; foreclose, sell or assign any mortgage held by it, or any interest in real or personal property; and purchase at any sale, upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal or mixed, so acquired and similarly to sell, exchange, assign, convey or otherwise dispose of any such property.

Notwithstanding the provisions of any law, rule or regulation to the contrary, this power shall extend to the governing body of any municipality acting as an agency pursuant to section 8 of P. L. 1956, c. 212 (C. 40:55C–37), provided that the power is exercised in conjunction with the provisions of a redevelopment plan.

(i) Complete, administer, operate, obtain and pay for insurance on, and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held pursuant to this act.

(j) Acquire, by condemnation, any land or buildings which are located in an area determined by the governing body of a municipality, pursuant to the provisions of P. L. 1949, c. 187 (C. 40:55–21.1 et seq.), to be a blighted area, and which are necessary for a project under this act. In such case the agency shall proceed pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes relating to eminent domain and acquire a fee simple or such lesser interest in said lands as it shall deem necessary.

(k) To extend credit or make loans to redevelopers for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or redevelopment work.

2. R. S. 55:14A–7 is amended to read as follows:

Powers of authority.

55:14A–7. Powers of authority.

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having

all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(b) Within its area of operation, to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(c) To arrange or contract, in the manner now prescribed by law concerning municipalities, except as otherwise provided by the rules or regulations of the federal government, for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or any other provision of law) to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or to payment of not less than prevailing salaries or wages or to compliance with labor standards, in the development or administration of projects and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or opera-

tions of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

Notwithstanding the provisions of any law, rule or regulation to the contrary, the governing body of a municipality may lease or convey property to any other party pursuant to this subsection, at such prices and upon such terms as it deems reasonable, when that governing body is acting as an authority pursuant to section 8 of P. L. 1956, c. 211 (C. 55:14A–56), provided that the lease or conveyance is made in conjunction with a redevelopment plan pursuant to section 3 of P. L. 1956, c. 211 (C. 55:14A–51).

(e) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(f) Within its area of operation, to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with any public body in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) To exercise all or any part or combination of powers herein granted.

3. Section 8 of P. L. 1956, c. 211 (C. 55:14A–56) is amended to read as follows:

C. 55:14A-56 Authorization necessary.

8. The powers conferred in this act shall not be exercised by any agency until the governing body of the municipality, by resolution, has authorized the agency to exercise said powers. Nothing in this act shall prohibit a municipality, if it so determines, from exercising the powers conferred herein, and in the "Local Housing Authorities

Law" (R. S. 55:14A–1 et seq.), either directly or by designating another public body to exercise these powers.

4. Section 8 of P. L. 1956, c. 212 (C. 40:55C–37) is amended to read as follows:

C. 40:55C-37 Resolution required.

8. The powers conferred in this act shall not be exercised by any agency until the governing body of the municipality, by resolution, has authorized the agency to exercise said powers. Nothing in this act shall prohibit a municipality, if it so determines, from exercising the powers conferred herein, and in the "Redevelopment Agencies Law," P. L. 1949, c. 306 (C. 40: 55C–1 et seq.), either directly or by designating another public body to exercise these powers.

5. This act shall take effect immediately.

Approved August 3, 1984.

CHAPTER 113

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. The following items on pages 32, 152 and 153 of P. L. 1984, c. 58, are amended to read as follows:

DIRECT STATE SERVICES

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

Uniform Construction Code fees received from those additional municipalities which elect to have the State of New Jersey perform code enforcement after July 1, 1983 are appropriated for expenses of code enforcement in such municipalities.

2. In addition to the sums appropriated under P. L. 1984, c. 58, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF CIVIL SERVICE

General Direction, Management and Control

74 General Government Services

05-2750	Equal Employment Opportunity and Affirmative Action	$450,000
	Total Appropriation, General Government Services	$450,000
Special Purpose:		
	EEO-AA Sensitivity training ($450,000)	
	Total Appropriation, Department of Civil Service	$450,000

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

20-2800	Economic Development	$445,000
	Total Appropriation, Economic Planning and Development	$445,000
Special Purpose:		
	New Jersey Urban Enterprise Zones Act, C52:27H-60 et seq. ($125,000)	
	Small Business Set-Aside Act, C52:32-17 et seq. (120,000)	
	Minority business enterprise program (200,000)	
	Total Appropriation, Department of Commerce and Economic Development	$445,000

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

06-8015	Uniform Construction Code	$250,000
	Total Appropriation, Community Development Management	$250,000
	Personal Services: Salaries and wages ($250,000)	

Economic Planning, Development and Security

55 Related Social Services Programs

14-8061	Ombudsman's Office	$60,000
	Total Appropriation, Related Social Services Programs	$60,000
	Special Purpose: Adult abuse reporting ($60,000)	
	Total Appropriation, Department of Community Affairs	$310,000

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7130 Youth Correctional Institution, Annandale

07-7130	Institutional Control and Supervision	$203,000
08-7130	Institutional Care Program	85,000
	Total Appropriation, Youth Correctional Institution, Annandale	$288,000
	Personal Services: Salaries and wages ($288,000)	

18 Juvenile Correctional Services

12-7270	Juvenile Community Programs	$1,000,000
	Total Appropriation, Juvenile Correctional Services	$1,000,000
	Special Purpose: Community centers ($1,000,000)	

19 Central Planning, Direction and Management

02-7000	Program Operations Support	$418,000
	Total Appropriation, Central Planning, Direction and Management	$418,000

Special Purpose:

	Inmate highway cleanup program at Leesburg State Prison	($167,000)
	Inmate highway cleanup program at Youth Correctional Institution, Bordentown	(84,000)
	Inmate highway cleanup program at Youth Correctional Institution, Annandale	(167,000)
	Total Appropriation, Department of Corrections	$1,706,000

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

34 Educational Support Services

30-5063	General Academic Education	$100,000
	Total Appropriation, Educational Support Services	$100,000

Grants:

	Programs for the gifted and talented	($100,000)
	Total Appropriation, Department of Education	$100,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

14-4885	Shellfish and Marine Fisheries Management	$48,000
	Total Appropriation, Natural Resource Management	$48,000

Personal Services:

	Positions converted	($48,000)

44 Hazardous and Toxic Pollution Control

19-4815	Spill Prevention, Response and Site Cleanup	$3,700,000
	Total Appropriation, Hazardous and Toxic Pollution Control	$3,700,000
	Special Purpose: Spill prevention, response and site cleanup ($3,700,000)	

45 Recreational Resource Management

12-4875	Parks Management	$400,000
	Total Appropriation, Recreational Resource Management	$400,000
	Special Purpose: Observance of Year of the Parks ($400,000)	
	Total Appropriation, Department of Environmental Protection	$4,148,000

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

08-4280	Diagnostic Services	$150,000
	Total Appropriation, Health Services	$150,000
	Special Purpose: Space/site planning laboratories ($150,000)	

22 Health Planning and Evaluation

07-4270	Health Planning and Resource Development	$350,000
	Total Appropriation, Health Planning and Evaluation	$350,000
	Special Purpose: Evaluation of DRG's ($350,000)	
	Total Appropriation, Department of Health	$500,000

DEPARTMENT OF LABOR

Economic Planning, Development and Security

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	$250,000
	Total Appropriation, Manpower and Employment Services	$250,000

Special Purpose:
Sheltered workshop support .....($250,000)

Of the amount provided hereinabove for Sheltered workshop support, an amount of $250,000 shall be used to fund an incentive program to increase the placement of sheltered workshop employees in positions within the competitive labor market.

	Total Appropriation, Department of Labor .	$250,000

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

06-2535	Museum Services	$25,000
	Total Appropriation, Cultural and Intellectual Development Services	$25,000

Special Purpose:
Historical paintings preservation ..($25,000)

Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

09-2505	Commercial Recording	$369,800
	Total Appropriation, Office of the Secretary of State	$369,800

Special Purpose:
Limited partnership file consolidation .....($369,000)

2515 Adjudication of Administrative Appeals

03-2515	Adjudication of Administrative Appeals	$850,000
	Total, All Operations	$850,000
	Special Purpose:	
	Supervisory judges and staff ($850,000)	
	Total Appropriation, Department of State	$1,244,800

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

74 General Government Services

24-2061	General Services Administration, Real Property Management	$269,000
21-2140	Management of Employee Benefit Program	1,300,000
	Total Appropriation, General Government Services	$1,569,000
	Special Purpose:	
	Administrative expenses, sale or disposition of State-owned surplus real property ($269,000)	
	Improvements to pension system (1,300,000)	
	Total Appropriation, Department of the Treasury	$1,569,000

INTER-DEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400	Property Rentals	$3,300,000
	Total Appropriation, Property Rentals, Insurance and Other Services	$3,300,000
	Maintenance and Fixed Charges ($3,300,000)	
	Total Appropriation, Inter-Departmental Accounts	$3,300,000
	Total Appropriation, Direct State Services	$14,022,800

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

In addition to the sums hereinabove appropriated for the Special Olympics, the Director of the Division of Budget and Accounting shall transfer $100,000 from the Department of Human Services account, Adult Activities, Division of Mental Retardation for the purposes of this program.

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

Of the amount hereinabove appropriated for Computer literacy and training, $800,000 shall be transferred to Educational Support Services, Direct State Services, in the Department of Education as the Director of the Division of Budget and Accounting shall determine.

DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Services—State Aid

10-4225	Local Health and Regional Operations ..	$250,000
	Total Appropriation, Health Administration	$250,000
State Aid:		
	Grant to Bergen Pines Community Hospital .....($250,000)	
	Total Appropriation, Department of Health .	$250,000
	Total Appropriation, State Aid	$250,000
	Grand Total Appropriation, All Funds	$14,272,800

3. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved August 3, 1984.

CHAPTER 114

AN ACT concerning heat emergency conditions in certain health care facilities.

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

C. 26:2H-14.1 Definitions.

1. As used in this act:

a. "Department" means the State Department of Health.

b. "Heat emergency" means an indoor air temperature of 85 degrees Fahrenheit or higher for a continuous period of four hours or longer.

C. 26:2H-14.2 Heat emergency action plans.

2. a. Every nursing home as defined in section 2 of P. L. 1976, c. 120 (C. 30:13-2) or licensed pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.), and every residential health care facility as defined in section 1 of P. L. 1953, c. 212 (C. 30:11A-1) or licensed pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.) shall establish by written policy a heat emergency action plan which shall include those procedures to be followed in the event of a heat emergency in order to protect the health and welfare of its residents, and which shall be approved by the department. The department shall review a heat emergency action plan established pursuant to this act at least once in each year.

b. A health care facility included within the provisions of this act shall be required to notify the department immediately in the event of a heat emergency.

C. 26:2H-14.3 Rules, regulations.

3. The Commissioner of Health shall, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) adopt rules and regulations necessary to effectuate the purposes of this act. The regulations shall include provisions which are: a. intended to assure that each health care facility included within the provisions of this act and which is not equipped with air conditioning shall provide for adequate ventilation in all areas used by patients, including the use of ceiling fans, wall fans or portable fans, where appropriate, but the health care facility shall not directly assess patients or residents for the purchase or

installation of the fans; and b. intended to assure that patients or residents are provided the appropriate medical care, including the provision of liquids, where required, in a heat emergency.

4. This act shall take effect immediately.

Approved August 3, 1984.

CHAPTER 115

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the sums appropriated under P. L. 1983, c. 240, the following sum is appropriated out of the General Fund for the purpose specified:

STATE AID

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

29-2088 Locally Provided Services $273,635.33

State Aid:
Payment to city of New Brunswick for
services to State owned property...($273,635.33)

2. This act shall take effect immediately and shall be retroactive to July 1, 1983.

Approved August 3, 1984.

CHAPTER 116

AN ACT concerning employees of port authorities and municipal port authorities and amending P. L. 1948, c. 349 and P. L. 1960, c. 192.

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

1. Section 5 of P. L. 1948, c. 349 (C. 40:68A–5) is amended to read as follows:

C. 40:68A-5 Port authority members, employees.

5. (a) The powers of a port authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of a port authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the port authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the bylaws of the port authority shall require a larger number. The port authority may delegate to one or more of its officers, agents or employees such powers and duties as it may deem proper.

(b) Each member of a port authority shall hold office for the term for which he was appointed and until his successor has been appointed and has qualified.

(c) No member, officer or employee of a port authority shall have or acquire any interest, direct or indirect, in the port facilities or in any property included or planned to be included in the port facilities or in any contract or proposed contract for materials or services to be furnished to or used by the port authority, but neither the holding of any office or employment in the government of any municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by a port authority. A member of a port authority may be removed only by the governing body by which he was appointed and only for inefficiency or neglect of duty or misconduct in office and after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body.

(d) A port authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The ordinance or parallel ordinances for the creation of a port authority may provide that the members of the port authority may receive compensation for their services within an annual and other limitations to be stated in such ordinance or parallel ordinances, and in that event, each member may receive from the port authority such compensation for his services as the port authority may determine within the limitations stated in such ordinance or parallel ordinances. No member of any port authority shall receive any compensation for his services except as provided in this subsection.

(e) Every port authority, upon the first appointment of its members and thereafter on or after the first day of February in each year, shall annually elect from among its members a chairman and a vice-chairman who shall hold office until the first day of February next ensuing and until their respective successors have been appointed and have qualified. Every port authority may also appoint and employ a secretary and such professional and technical advisers and experts and such other officers, agents and employees as it may require, and it shall determine their qualifications, duties and compensation.

(f) (1) Whenever the governing body of the municipality, or the governing bodies of two or more municipalities which established the port authority have adopted the provisions of Title 11 of the Revised Statutes, all positions and employments of the port authority shall be subject to the provisions of Title 11 of the Revised Statutes and shall be allocated to appropriate titles by the Civil Service Commission.

(2) The Civil Service Commission shall provide the port authority with a list of the positions and employments allocated to the classified service and the appropriate titles. Within 30 days of the receipt of the list, the port authority shall certify to the Civil Service Commission the names of all those persons employed with the port authority in the allocated positions and employments on the effective date of this act. After passing a qualifying examination, the employees so certified shall be recorded, under the appropriate titles, as having been permanently appointed in the classified service of civil service as of the dates of their original appointments. Thereafter, the employees shall be under and subject to the provisions of Title 11 of the Revised Statutes.

Persons appointed and employed by the port authority after the effective date of this act shall be subject to the civil service ex-

amination and appointment procedures of Title 11 of the Revised Statutes.

2. Section 5 of P. L. 1960, c. 192 (C. 40:68A–33) is amended to read as follows:

C. 40:68A-33 Municipal authorities.

5. a. Every municipal port authority, upon the first appointment of its members and thereafter on or after February 1 in each year, shall annually elect from among its members a chairman and a vice-chairman who shall hold office until February 1 next ensuing and until their respective successors shall have been appointed and qualified. Every municipal port authority may also appoint and employ a secretary and a treasurer and it shall determine their qualifications, terms of office, duties and compensation. Such municipal port authority may also appoint and employ such other agents and employees as it may require and it shall determine their duties and compensation.

b. (1) Whenever the governing body of the municipality which established the municipal port authority has adopted the provisions of Title 11 of the Revised Statutes, all positions and employments of the municipal port authority shall be subject to the provisions of Title 11 of the Revised Statutes and shall be allocated to appropriate titles by the Civil Service Commission.

(2) The Civil Service Commission shall provide the municipal port authority with a list of the positions and employments allocated to the classfied service and the appropriate titles. Within 30 days of the receipt of the list, the municipal port authority shall certify to the Civil Service Commission the names of all those persons employed with the municipal port authority in the allocated positions and employments on the effective date of this act. After passing a qualifying examination, the employees so certified shall be recorded, under the appropriate titles, as having been permanently appointed in the classified service of civil service as of the dates of their original appointments. Thereafter, the employees shall be under and subject to the provisions of Title 11 of the Revised Statutes.

Persons appointed and employed by the municipal port authority after the effective date of this act shall be subject to the civil service examination and appointment procedures of Title 11 of the Revised Statutes.

3. This act shall take effect immediately.

Approved August 3, 1984.

CHAPTER 117

AN ACT concerning city employees' retirement systems in cities of the first class having a population of less than 300,000, and supplementing P. L. 1964, c. 275 (C. 43:13–22.50 et seq.).

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

C. 43:13-22.54b Pension increases.

1. Every person who is a retirant from a retirement system created pursuant to P. L. 1964, c. 275 (C. 43:13–22.50 et seq.) or from a retirement system that has merged with that retirement system, and who is receiving a pension on the effective date of this act shall have that pension increased by 1% for each full year that has elapsed since his retirement up to the effective date of this act.

Pension increases shall not be paid to retirants who are not receiving their regular full monthly pensions. The increase granted under the provisions of this act shall be effective only on the first day of a month, shall be paid in monthly installments, and shall not be decreased, revoked or repealed except as otherwise provided by law. No increase shall be due a retirant or his beneficiary unless it constitutes a payment for an entire month.

C. 43:13-22.54c Employer cost.

2. The employer shall bear the cost of the increase in the pensions payable to retirants pursuant to this act. The employer shall appropriate the amount necessary to fund this act in the current fiscal year and in each following fiscal year.

The pension commission shall certify to the employer the number of retirants eligible to receive increases pursuant to this act and the amount necessary to make the payments.

C. 43:13-22.54d Rules, regulations.

3. The pension commission shall promulgate rules and regulations which it shall deem necessary for the effective operation of this act.

4. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 118

AN ACT concerning the retirement system of cities of the first class with less than 300,000 population, and amending and supplementing P. L. 1964, c. 275.

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

1. Section 1 of P. L. 1964, c. 275 (C. 43:13–22.50) is amended to read as follows:

C. 43:13-22.50 Definitions.

1. Definitions.

As used in this act:

(a) "Final salary," when used solely for the purpose of fixing benefits under this act, shall mean the average annual salary or compensation earned by a member as an employee for the five years during which his salary or compensation was the highest in the last 10 years immediately preceding his death or retirement; provided, however, that as to any member employed by the city prior to the effective date of this act, the annual salary received by such member as a regular employee at the time of his death or retirement shall be considered "final salary" for pension or other purposes under this act, unless otherwise specified herein.

(b) "Pension fund" or "fund" shall mean the fund referred to in section 10 of this act and is the fund from which pensions and other benefits provided for in this act shall be paid.

(c) "State" shall, unless otherwise stated, mean the State of New Jersey.

(d) "City," unless otherwise specified, shall mean any city of the first class of the State having a population of less than 300,000 inhabitants.

(e) "City employee" or "employee" shall mean and include any full-time regular employee of a city, as herein defined, or an elected or appointed official thereof. "City employee" or "employee" shall not include a member of the fire or police department or an employee of the board of education nor a transient or seasonal employee, worker or laborer, but shall include a temporary employee with at least one year's continuous service. In all cases of doubt as to whether a person may be included within the meaning of employee, the decision of the pension commission shall be final.

(f) "Member" shall mean any employee included in the membership of the retirement system of the city as provided in section 3 of this act.

(g) "Widow" or "widower" shall mean the surviving unremarried spouse of a member married to such member prior to the retirement or death of such member, and said marriage having occurred at least five years prior to the member's death or retirement, whichever is earlier.

(h) "Dependent parent" shall mean a dependent parent or parents who is or are solely dependent as determined by the commission for support upon the member. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(i) "Commission" shall mean pension commission as constituted under section 13 of this act, and shall be known as the "Pension Commission of the Employees' Retirement System of (name of city)."

(j) "Retirement system" or "system" shall mean Employees' Retirement System of (name of city), which shall be the name of retirement system provided under this act. By that name all of its business shall be transacted, its funds invested, warrants for money claims and payments made, and all of its cash and securities and other property held.

(k) "Child" shall mean a deceased member's unmarried child under the age of 18.

C. 43:13-22.52a Membership of temporary employees.

2. (New section) Any temporary employee included by this act in the definition of "employee" set forth in section 1 of P. L. 1964, c. 275 (C. 43:13–22.50), shall, unless he is a member of another retirement system or otherwise ineligible, become a member of the retirement system established pursuant to P. L. 1964, c. 275, as a condition of his employment; provided that he shall submit to and pass the physical and mental examinations required by the commission and shall provide such evidence of good health, at that time, as the commission shall require.

C. 43:13-22.59a Previous service credit.

3. (New section) Any person required to become a member of the retirement system pursuant to section 2 of this act shall receive credit for all of his previous service in the employ of the city; provided that payments are made by such person in an amount or amounts calculated in accordance with the rules of the com-

mission as may be necessary to provide the entire actuarial cost of the previous service credit. In the event that the person retires before he completes the payment for all of his previous service credit, credit for his service shall be given in direct proportion as the amount paid bears to the total amount of the obligation.

4. This act shall take effect 60 days following its enactment.

Approved August 8, 1984.

CHAPTER 119

AN ACT concerning credit cards and amending N. J. S. 2C:21–6.

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

1. N. J. S. 2C:21–6 is amended to read as follows:

Credit cards.

2C:21–6. Credit Cards.

a. Definitions. As used in this section:

(1) "Cardholder" means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit.

(3) "Expired credit card" means a credit card which is no longer valid because the term shown on it has elapsed.

(4) "Issuer" means the business organization or financial institution which issues a credit card or its duly authorized agent.

(5) "Receives" or "receiving" means acquiring possession or control or accepting a credit card as security for a loan.

(6) "Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

b. False statements made in procuring issuance of credit card. A person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and

with intent that it be relied on, respecting his identity or that of any other person, firm or corporation, or his financial condition or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card is guilty of a crime of the fourth degree.

c. Credit card theft.

(1) A person who takes a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been so taken, receives the credit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree. Taking a credit card without consent includes obtaining it by any conduct defined and proscribed in chapter 20 of this title, Theft and Related Offenses.

A person who has in his possession or under his control (a) credit cards issued in the names of two or more other persons, or (b) two or more stolen credit cards is presumed to have violated this paragraph.

(2) A person who receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree.

(3) A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer is guilty of a crime of the fourth degree.

(4) A person who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, obtains control over a credit card as security for debt is guilty of a crime of the fourth degree.

(5) A person who, with intent to defraud a purported issuer, a person or organization providing money, goods, services or anything else of value, or any other person, falsely makes or falsely embosses a purported credit card or utters such a credit card is guilty of a third degree offense. A person other than the purported issuer who possesses two or more credit cards which are falsely made or falsely embossed is presumed to have violated this paragraph. A person "falsely makes" a credit card when he makes or draws, in whole or in part, a device or instrument which purports to

be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing, or alters a credit card which was validly issued. A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder.

(6) A person other than the cardholder or a person authorized by him who, with intent to defraud the issuer, or a person or organization providing money, goods, services or anything else of value, or any other person, signs a credit card, is guilty of a crime of the fourth degree. A person who possesses two or more credit cards which are so signed is presumed to have violated this paragraph.

d. Intent of cardholder to defraud; penalties; knowledge of revocation. A person, who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, (1) uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of subsection c. of this section or a credit card which he knows is forged, expired or revoked, or (2) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued, is guilty of a crime of the fourth degree. Knowledge of revocation shall be presumed to have been received by a cardholder four days after it has been mailed to him at the address set forth on the credit card or at his last known address by registered or certified mail, return receipt requested, and, if the address is more than 500 miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received 10 days after mailing by registered or certified mail.

e. Intent to defraud by person authorized to furnish money, goods, or services; penalties.

(1) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder,

furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of subsection c. of this section or a credit card which he knows is forged, expired or revoked violates this paragraph and is guilty of a crime of the fourth degree.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished is guilty of a crime of the fourth degree.

f. Incomplete credit cards; intent to complete without consent. A person other than the cardholder possessing two or more incomplete credit cards, with intent to complete them without the consent of the issuer or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards of an issuer who has not consented to the preparation of such credit cards, is guilty of a crime of the third degree. A credit card is "incomplete" if part of the matter other than the signature of the cardholder, which an issuer requires to appear on the credit card, before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written on it.

g. Receiving anything of value knowing or believing that it was obtained in violation of 2C:21–6d. A person who receives money, goods, services or anything else of value obtained in violation of subsection d. of this section, knowing or believing that it was so obtained, is guilty of a crime of the fourth degree. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of subsection d. of this section without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of subsection d. of this section.

2. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 120

AN ACT concerning education and amending P. L. 1977, c. 193.

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

1. Section 8 of P. L. 1977, c. 193 (C. 18A:46–19.6) is amended to read as follows:

C. 18A:46-19.6 Transportation, vehicular classrooms.

8. If the provision of services pursuant to this act requires transportation or the maintenance of vehicular classrooms, the board of education of a district in which a nonpublic school is located shall provide for such transportation and maintenance and the cost shall be paid from State aid received by the district for the purpose of this act.

2. Section 14 of P. L. 1977, c. 193 (C. 18A:46–19.8) is amended to read as follows:

C. 18A:46-19.8 Speech correction services.

14. On November 5, 1984 and each November 5 thereafter, each board of education shall forward to the commissioner an estimate of the cost of providing, during the next school year, examination, classification and speech correction services to nonpublic school children who attend a nonpublic school located within the district, and who have been identified as eligible to receive the services pursuant to this act as of the last school day in October.

In preparing the budget for the 1979-80 school year and each year thereafter, each board of education shall include as an expenditure the estimated cost of providing examination, classification and speech correction services to nonpublic school children pursuant to this act.

In preparing its budget for the 1979-80 school year and each year thereafter, each board of education shall include as a revenue State aid in an amount equal to such estimated cost of providing examination, classification and speech correction services to nonpublic school children pursuant to this act.

During the 1979-80 school year and each year thereafter, each district shall receive an amount of State aid equal to 10% of such

estimated cost on the first day in September and on the first day of each month during the remainder of the school year. If a board of education requires funds prior to September, the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review each request and forward those for which need has been demonstrated to the appropriate officials for payment.

In the event the expenditures incurred by any district are less than the amount of State aid received, the district shall refund the unexpended State aid after completion of the school year. The refunds shall be paid no later than December 1. In any year, a district may submit a request for additional aid pursuant to P. L. 1977, c. 193 (C. 18A:46–19.1 et al.). If the request is approved and funds are available from refunds of the prior year, payment shall be made in the current school year.

3. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 121

AN ACT concerning education and amending P. L. 1974, c. 79.

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

1. Section 3 of P. L. 1974, c. 79 (C. 18A:58–37.3) is amended to read as follows:

C. 18A:58-37.3 Textbooks for nonpublic school students.

3. a. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to purchase and to loan textbooks upon individual request, to all students attending school in such district, who are enrolled in grades kindergarten through 12 of a public or nonpublic school.

b. No board of education shall be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid pursuant to this act.

2. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 122

AN ACT concerning education and amending P. L. 1977, c. 192.

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

1. Section 3 of P. L. 1977, c. 192 (C. 18A:46A–3) is amended to read as follows:

C. 18A:46A-3 Auxiliary services.

3. In the 1977-78 school year and each school year thereafter, each board of education of a district in which a nonpublic school is located shall provide for the receipt of auxiliary services by children between the ages of five and 20 residing in the State and enrolled full-time in a nonpublic school located within the district.

For the purposes of this act, a child who boards at a school in a district in which his parents do not maintain a residence shall not be considered a resident of the district.

2. Section 6 of P. L. 1977, c. 192 (C. 18A:46A–6) is amended to read as follows:

C. 18A:46A-6 Transportation, vehicular classrooms.

6. If the provision of services pursuant to this act requires transportation or the maintenance of vehicular classrooms, the board of education of the district in which a nonpublic school is located shall provide for such transportation and maintenance, and the cost shall be paid from additional State aid received by the district for the purpose of this act.

3. Section 9 of P. L. 1977, c. 192 (C. 18A:46A–9) is amended to read as follows:

C. 18A:46A-9 State aid apportionment.

9. The apportionment of State aid among local school districts shall be calculated by the commissioner as follows:

a. The Statewide average cost of providing the equivalent service to children enrolled in the public schools shall be determined.

b. The appropriate average cost shall then be multiplied by the number of pupils enrolled in the nonpublic schools who have been identified as eligible to receive each auxiliary service as of the last school day of October of the current school year, to obtain each district's State aid for the next school year.

4. Section 13 of P. L. 1977, c. 192 (C. 18A:46A–10) is amended to read as follows:

C. 18A:46A-10 Annual report.

13. By November 5, 1984 and by each November 5 thereafter, each board shall file a report on the number of such pupils who have been identified as eligible to receive each auxiliary service as of the last school day in October.

5. Section 16 of P. L. 1977, c. 192 (C. 18A:46A–13) is amended to read as follows:

C. 18A:46A-13 Monthly payments.

16. In the 1978-79 school year and each year thereafter, aid pursuant to this act shall be payable in equal amounts beginning on the first day of September and on the first day of each month during the remainder of the school year. If a local board of education requires funds prior to the first payment, the board shall file a written request with the commissioner stating the need for the funds. The commissioner shall review each request and forward the requests for which need has been demonstrated to the appropriate officials for payment.

6. Section 17 of P. L. 1977, c. 192 (C. 18A:46A–14) is amended to read as follows:

C. 18A:46A-14 Refund of unexpended aid.

17. In the event the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year. These refunds shall be paid no later than by December 1. In any year, a district may submit a request for additional aid pursuant to P. L. 1977, c. 192 (C. 18A:46A–1 et seq.). If the request is approved and funds are available from refunds received from school districts from the prior year, payments for the additional aid shall be made immediately from those funds.

7. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 123

AN ACT concerning education and amending N. J. S. 18A:46–6 and 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:46–6 is amended to read as follows:

Programs for handicapped.

18A:46–6. Each board of education, according to uniform rules prescribed by the commissioner with the approval of the State board, shall provide for the identification of any children between the ages of five and 21 residing in the district and enrolled in the public schools of the State or in a nonpublic school located in the district, who cannot be properly accommodated through the school facilities usually provided, because of handicaps.

For the purposes of this act, a child who boards at a school in a district in which his parents do not maintain a residence shall not be considered a resident of the district.

In addition, each board of education shall also identify and ascertain, according to rules promulgated by the commissioner with the approval of the State board, those children between the ages of three and five years who require and who would be benefited by special education programs and services, which may prevent their handicaps from becoming more debilitating.

Each board of education shall provide information to parents of handicapped children below the age of three regarding available services and programs provided by other State, county or local agencies, which may prevent their handicaps from becoming more debilitating.

2. N. J. S. 18A:46–8 is amended to read as follows:

Examination, classification.

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, multiply handicapped or pre-school handicapped. The examination and classification of such nonpublic school children shall be in a location determined by the local board of education of the district in which the nonpublic school is located 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.

3. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 124

AN ACT concerning actions seeking payment from the real estate guaranty fund and amending P. L. 1976, c. 112.

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

1. Section 5 of P. L. 1976, c. 112 (C. 45:15–38) is amended to read as follows:

C. 45:15-38 6-year period of limitation.

5. Any civil action which may result in a court order for payment from the real estate guaranty fund shall be instituted within six years of the accrual of the cause of action and the New Jersey Real Estate Commission shall be joined as a necessary party

to any such civil action. Nothing in this section shall affect the right of any aggrieved person to pursue other rights or remedies authorized by law.

2. This act shall take effect immediately and shall apply to any action which accrued prior to, on or after the effective date of this act.

Approved August 8, 1984.

CHAPTER 125

AN ACT authorizing the appointment of additional judges of the municipal courts of certain municipalities and supplementing chapter 8 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:8-6.8 Additional municipal judges.

1. The governing body of every municipality having a population of more than 80,000 inhabitants in a county of the second class with a population in excess of 550,000, according to the most recent federal decennial census, may provide for the appointment, as the need may appear, of one additional judge of the municipal court of the municipality. The provisions of this act shall not limit the appointment of additional judges under the provisions of any other law.

2. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 126

AN ACT concerning the treatment and diagnosis of acquired immune deficiency syndrome and making an appropriation.

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

C. 26:5C-1 Short title.

1. This act shall be known and may be cited as the "AIDS Assistance Act."

C. 26:5C-2 Findings, declarations.

2. The Legislature finds that:

a. The effective identification, diagnosis, care and treatment of persons who have contracted acquired immune deficiency syndrome, commonly known as "AIDS," is of paramount public importance;

b. AIDS is thought to be the result of a virus or other highly infectious agent which may be spread through body secretions, especially blood and semen, or through an as yet unidentified method of transmission;

c. The AIDS organism is responsible for the near total collapse of the body's immune system, resulting in the susceptibility to cancer and other fatal infections;

d. AIDS although first diagnosed in homosexual men is now striking so many groups such as drug users, hemophiliacs, persons who have received blood transfusions and Haitians, that its course is currently unpredictable;

e. The spread of AIDS may be impossible to stop because the AIDS organism can be dormant for months before it manifests symptoms and because the incubation period ranges from six months to two years;

f. People who have already been infected might not be aware of their exposure and may unknowingly infect hundreds more individuals;

g. Resultantly, the outbreak of AIDS has reached alarming proportions because of its highly contagious nature with New Jersey ranking fourth in the nation in the number of reported cases.

The Legislature further finds that researchers have no conclusive evidence regarding the detection, treatment, cure or prevention of AIDS; that many health care professionals are not yet familiar with the symptoms or treatment techniques of AIDS; that most victims are not aware that they have been exposed to AIDS and therefore infect others; that, accordingly, the magnitude of the AIDS outbreak has not yet been realized.

Therefore, the Legislature declares that it is imperative that programs be established for diagnosing and treating persons who have been exposed to AIDS, referring AIDS victims and their families to sources of treatment and counseling, and providing an educational program to health care professionals to heighten their

awareness of the latest diagnostic procedures and treatment. The Legislature further declares that a task force be established to coordinate the medical and social services needed by AIDS victims.

C. 26:5C-3 Mandated programs.

3. The Commissioner of the State Department of Health shall establish:

a. A program to educate the public, which shall include a public information campaign encouraging persons who suspect exposure to AIDS to seek medical testing and counseling, and a Statewide telephone hotline to answer requests for information and referral;

b. A program to educate health care professionals and others who are required to have contact with people who have contracted AIDS about the diagnosis and treatment of AIDS; and

c. Departmental and local support programs to provide early detection, counseling, social services, and referrals for those who suspect exposure to AIDS.

C. 26:5C-4 Resource center.

4. The University of Medicine and Dentistry of New Jersey shall, in coordination with the State Department of Health, serve as a resource center and may offer diagnostic procedures, medical treatment, counseling, as well as any other services that may be necessary to assist AIDS victims and their families.

5. There is appropriated from the General Fund to the Department of Health $75,000.00 to carry out the provisions of this act.

6. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 127

AN ACT concerning the retirement pensions of certain members of the Consolidated Police and Firemen's Pension Fund and amending R. S. 43:16–1, R. S. 43:16–5, and P. L. 1944, c. 253.

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

1. R. S. 43:16–1 is amended to read as follows:

Police, fire department pensions.

43:16–1. In all municipalities any active member of a police department or of a paid or part-paid fire department or of a county police department, including active members of the paid or part-paid fire department of any fire district located in any township which has adopted the provisions of an act entitled "An act providing for the retirement of policemen and firemen of the police and fire departments in municipalities of this State, including all police officers having supervision of regulation of traffic upon county roads, and providing a pension for such retired policemen and firemen and members of the police and fire departments, and the widows, children and sole dependent parents of deceased members of said department," approved April 15, 1920 (P. L. 1920, c. 160) or of chapter 16 of Title 43 of the Revised Statutes, who shall have served honorably in the police or fire department for a period of 25 years, or any employee member of any such department who shall have served honorably in such department for a period of 25 years and who has reached the age of 60 years, shall, on his own application, be retired on a service retirement pension equal to 60% of his final compensation. Any active member of the police or paid or part-paid fire department, including active members of the paid or part-paid fire department of any fire district as aforesaid, who shall have served honorably for a period of 25 years and reached the age of 65 years and any employee member of any such department who shall have served honorably in such department for a period of 25 years and reached the age of 70 years, shall be retired on a service retirement pension equal to 60% of his final compensation.

The amount of the service retirement pension of any member of such police or paid or part-paid fire department, who has served for more than 25 years and who retires after the effective date of this 1984 amendatory act, shall be increased by an amount equal to 1% of his final compensation for each year of service in excess of 25 years but not more than 30 years and 1% of his final compensation for each year of service in excess of 30 years rendered prior to his reaching age 65.

2. R. S. 43:16–5 is amended to read as follows:

Consolidated Police and Firemen's Pension Fund.

43:16–5. For the purpose of paying the pensions provided by this chapter, all pension funds heretofore created and in existence pursuant to the provisions of an act entitled "An act providing for the

retirement of policemen and firemen of the police and fire departments in municipalities of this State, including all police officers having supervision of regulation of traffic upon county roads, and providing a pension for such retired policemen and firemen and members of the police and fire departments, and the widows, children and sole dependent parents of deceased members of said departments," approved April 15, 1920 (P. L. 1920, c. 160), and chapter 16 of Title 43 of the Revised Statutes, shall, from and after July 1, 1953, be consolidated, and, as so consolidated, shall be transferred to and placed under the Consolidated Police and Firemen's Pension Fund created by the provisions of this chapter. All rights and privileges created and extended to members of a municipal police department or of a paid or part-paid fire department or of a county police department, including members of the paid or part-paid fire department of any fire district located in any township which has adopted said act or said chapter of the Revised Statutes, are hereby expressly preserved, continued and transferred from said pension funds to said consolidated fund. Nothing herein contained shall be deemed to affect or impair the right of any beneficiary of any of the funds so created, but all rights of such beneficiaries which have accrued or may accrue in or against any such pension fund shall be deemed to have accrued or to accrue against the funds so consolidated. Said consolidated fund shall be maintained as follows:

(a) There shall be deducted from every payment of salary to each member, as defined in the supplement to this chapter enacted by laws of 1944, c. 253, s. 12, as amended and supplemented, and paid into said consolidated fund 7% of the amount thereof.

(b) All employers, as defined in the supplement to this chapter enacted by laws of 1944, c. 253, s. 21, as amended and supplemented, shall contribute to the said consolidated fund in the following manner and amounts:

(1) An amount equal to 6% of the total of salaries annually paid to the members of the consolidated fund under said employer's jurisdiction, which shall be known as the employer's normal contribution, and which shall be paid into said fund on July 1 of each year, commencing July 1, 1953.

(2) An additional amount annually for a period of 30 years, commencing July 1, 1953, equal to 66⅔% of the share of the particular employer of the annual amortization payment determined by the actuary to be required to bring the fund to a state of actuarial solvency at the end of the said 30-year period.

In determining an employer's share of said annual amortization payment, the actuary shall determine separately and give due credit to the value of the assets transferred by such employer to said consolidated fund. The amount of each of such annual payments shall be certified by the fund to the treasurer of each employer prior to the first day of the year in which such payment is required to be made, and said amount shall be appropriated in said employer's budget for that year. Said annual payment, which shall be known as the employer's accrued liability contribution, shall be made in two equal portions; the first on the first day of each year, and the second on July 1 of each year.

(3) An additional amount to be paid each year following the termination of the 30-year period provided for in subsection (b)(2) of this section, sufficient to meet the requirements of the fund.

(4) A fee, payable on July 1 of each year and consisting of such proportion of the administrative expense of the consolidated fund as the number of active and retired members under the jurisdiction of such employer, or their beneficiaries, then bears to the total number of active and retired members and beneficiaries in the consolidated fund.

(c) The State of New Jersey shall contribute annually, throughout a period of 20 years, commencing July 1, 1972, such amount as may be necessary to make up the balance of the accrued liability of the consolidated fund. The amount of such annual contribution by the State shall be certified to the State Treasurer by the actuary at the time required for other State departmental budgetary certifications. All funds necessary to meet the State's share of said annual payments shall be included in the annual State budget and appropriated by the Legislature.

(d) If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by the act, interest at the rate of 6% per annum shall commence to run against unpaid balance thereof on the first day after such 30th day.

If payment in full, representing the monthly transmittal and report of salary deductions, is not made within 15 days of the due date established by the pension fund, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such 15th day.

(e) The accrued liability contribution of any employer shall be payable by the employer for the entire period of the financing of

such liability and shall continue to be due and owing to the fund even when there are no longer any beneficiaries entitled to benefits.

(f) Notwithstanding any provision of chapter 16 of Title 43 of the Revised Statutes to the contrary, the Legislature shall annually appropriate and the State Treasurer shall pay into the consolidated fund an amount calculated by the actuary to provide for the additional liability required to fund the benefits provided by P. L. 1981, c. 241. Any saving realized by the pension fund as a result of any future increase in "regular interest" as determined annually by the State Treasurer shall be applied by the actuary towards meeting the cost of this additional liability.

(g) If in any year the State's or any county's or municipality's liability to fund the benefits provided in this 1984 amendatory act exceeds the value of the employee contribution increase established pursuant to P. L. 1981, c. 241 and the application of interest earnings, the actuary of the retirement system shall specify, the State Treasurer shall certify, and the commission shall set the increase in employee contributions to be effective in the following fiscal year in order to provide for this liability.

3. Section 12 of P. L. 1944, c. 253 (C. 43:16–17) is amended to read as follows:

C. 43:16-17 Definitions.

12. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Member" shall mean a person who on July 1, 1944, was a member of a municipal police department or paid or part-paid fire department or county police department or a paid or part-paid fire department of a fire district located in a township and who has contributed to the pension fund established under chapter 16 of Title 43 of the Revised Statutes and shall hereafter contribute to said fund.

(2) "Active member" shall mean any "member" who is a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles and who is subject to call for active service or duty as such.

(3) "Employee member" shall mean any "member" who is not subject to call for active service or duty as a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles.

(4) "Commission" shall mean the board having the general responsibility for the proper operation of the pension fund created by this act, subject to the provisions of chapter 70 of the laws of 1955.

(5) "Physician or surgeon" shall mean the medical board composed of physicians who shall be called upon to determine the disability of members as provided by this act.

(6) "Employer" shall mean the county, municipality or agency thereof by which a member is employed.

(7) "Service" shall mean service rendered while a member is employed by a municipal police department, paid or part-paid fire department, county police department or paid or part-paid fire department of a fire district located in a township prior to the effective date of this act for such service to such departments thereafter.

(8) "Pension" shall mean the amount payable to a member or his beneficiary under the provisions of this act.

(9) "Average salary" shall mean the average salary paid during the last three years of a member's service.

(10) "Beneficiary" shall mean any person or persons, other than a member, receiving or entitled to receive a pension or benefits, as provided by this act.

(11) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(12) "County police" shall mean all police officers having supervision of regulation of traffic upon county roads.

(13) "Widower" shall mean the man to whom a member was married before the date of her retirement or at least five years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member.

(14) "Widow" shall mean the woman to whom a member was married before the date of his retirement or at least five years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried.

(15) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the examining physicians of the fund.

(16) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the fund, as such will be considered by the actuary in determining the liabilities of the fund. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(17) "Final compensation" shall mean the compensation received by the member in the last 12 months of service preceding his retirement.

(18) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

4. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 128

AN ACT concerning the awarding of public contracts, amending various parts of the statutory law, and supplementing P. L. 1968, c. 404 (C. 13:17–1 et seq.).

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

1. Section 1 of P. L. 1981, c. 447 (C. 5:10–21.1) is amended to read as follows:

C. 5:10-21.1 Bid threshold.

1. a. All purchases, contracts, or agreements, where the cost or contract price exceeds the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, shall, except as otherwise provided in this act, be made, negotiated, or awarded only after public advertisement for bids therefor and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the authority, in its judgment, upon consideration of price and other factors. Any bid may be rejected when the authority determines that it is in the public interest to do so.

Any purchase, contract, or agreement, where the cost or contract price is less than or equal to $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, may be made, negotiated, or awarded by the authority without advertising and in any manner which the authority, in its judgment, deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

2. Section 2 of P. L. 1981, c. 447 (C. 5:10–21.2) is amended to read as follows:

C. 5:10-21.2 Exemptions.

2. Any purchase, contract, or agreement, where the cost or contract price exceeds the amount set forth in, or after June 30, 1985, the amount calculated by the Governor pursuant to, section 1 of P. L. 1981, c. 447 (C. 5:10–21.1), may be made, negotiated, or awarded by the authority without advertisement for bids when the subject matter is that described in section 3 of this act or when the purchase, contract, or agreement is made, negotiated,

or awarded under the circumstances described in section 4 of this act. In any such instance, the authority may make, negotiate, or award the purchase, contract, or agreement in any manner which the authority deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

3. Section 1 of P. L. 1968, c. 459 (C. 27:12B–5.2) is amended to read as follows:

C. 27:12B-5.2 Highway Authority.

1. a. The New Jersey Highway Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State, and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This subsection shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the authority's service will not admit of such advertisement. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1

of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

4. Section 1 of P. L. 1968, c. 462 (C. 27:12C–11.1) is amended to read as follows:

C. 27:12C-11.1 Expressway Authority.

1. a. The New Jersey Expressway Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State, and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This subsection shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the authority's service will not admit of such advertisement. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare

the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

5. Section 1 of P. L. 1968, c. 461 (C. 27:23–6.1) is amended to read as follows:

C. 27:23-6.1 Turnpike Authority.

1. a. The New Jersey Turnpike Authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State, and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

This subsection shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the authority's service will not admit of such advertise-

ment. In such case the authority shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

C. 13:17-6.1 Meadowlands Commission.

6. (New section) a. All purchases, contracts, or agreements, where the cost or contract price exceeds the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, shall be made, negotiated, or awarded only after public advertisement for bids therefor and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Hackensack Meadowlands Development Commission, in its judgment, upon consideration of price and other factors. Any bid may be rejected when the commission determines that it is in the public interest to do so.

Any purchase, contract, or agreement, where the cost or contract price is less than or equal to $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, may be made, negotiated, or awarded by the commission without advertising and in any manner which the commission, in its judgment, deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index

for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the commission of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

7. This act shall take effect immediately.

Approved August 8, 1984.

CHAPTER 129

AN ACT concerning recall elections under the commission form of government law, and amending R. S. 40:75–27.

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

1. R. S. 40:75–27 is amended to read as follows:

Recall procedure.

40:75–27. Any commissioner may be removed by means of a recall after he has been in office one year. The procedure to effect the recall of an incumbent of the office of commissioner shall be as follows:

A recall petition signed by at least twenty-five per centum (25%) of the registered voters of the municipality shall be filed by the agent or agents designated in the petition with the municipal clerk, demanding the recall of the commissioner sought to be removed. The petition shall be as follows:

"RECALL PETITION.

To the clerk of the ..... (insert name of municipality).

You are hereby requested to call a recall election for the recall of ..... (insert name of incumbent to be recalled), a commissioner of ..... (insert name of municipality), for the following reasons ..... (insert reasons), and for so doing this recall petition shall be your sufficient warrant.

..... (insert name) is hereby designated as our agent to file this petition.

Signed:

Name	Street Address
.....	.....
.....	.....

State of New Jersey }
} ss.
County of ..... }

....., being duly sworn according to law, says: That he is one of the signers of the above petition, and that he knows that the signatures thereon are in the handwriting of the signers, and to the best of his knowledge and belief are the signatures of the persons purporting to sign the same.

Subscribed and sworn to before me this ..... day of ....., 19.."

2. This act shall take effect immediately.

Approved August 20, 1984.

CHAPTER 130

AN ACT concerning municipal free public libraries, and amending R. S. 40:54-9.

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

1. R. S. 40:54-9 is amended to read as follows:

Library trustees.

40:54-9. Immediately upon the establishment by any municipality of a free public library under this article, a board of trustees shall be formed to consist of from seven to nine members, one of whom shall be the mayor or other chief executive officer of the municipality, one of the local superintendents of schools, or in the event that there be no such official, the principal with power of supervision over the local school system, or in case such municipality shall have none of the school officials hereinbefore mentioned, then the president of the board of education, and from five to seven citizens to be appointed by the mayor or chief executive, at least four of whom shall be residents of the municipality. The appointments

shall be for terms of one, two, three, four and five years, respectively, as they may be selected by the mayor or other chief executive officer, and, except in cities, shall be made with the consent of the governing body. Whenever a board is expanded to include a sixth or seventh citizen, the additional members shall serve terms of five years. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place and stead with authority to attend all meetings of the board and, in his absence, to vote on all questions before the board.

2. This act shall take effect immediately.

Approved August 23, 1984.

CHAPTER 131

AN ACT concerning the statute of limitations in certain cases and amending N. J. S. 2A:14–22.

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

1. N. J. S. 2A:14–22 is amended to read as follows:

Tolling of statute of limitations.

2A:14–22. If any person against whom there is any of the causes of action specified in sections 2A:14–1 to 2A:14–5 and 2A:14–8, or if any surety against whom there is a cause of action specified in any of the sections of article 2 of this chapter, is not a resident of this State when such cause of action accrues, or removes from this State after the accrual thereof and before the expiration of the times limited in said sections, or if any corporation or corporate surety not organized under the laws of this State, against whom there is such a cause of action, is not represented in this State by any person or officer upon whom summons or other original process may be served, when such cause of action accrues or at any time before the expiration of the times so limited, the time or times during which such person or surety is not residing within this State or such corporation or corporate surety is not so represented within this State shall not be computed as part of the periods of time

within which such an action is required to be commenced by the section. The person entitled to any such action may commence the same after the accrual of the cause therefor, within the period of time limited therefor by said section, exclusive of such time or times of nonresidence or nonrepresentation.

A corporation shall be deemed represented for purposes of this section if the corporation has filed with the Secretary of State a notice designating a representative to accept service of process.

2. This act shall take effect immediately.

Approved August 23, 1984.

CHAPTER 132

AN ACT concerning death and accidental death benefits of certain teachers and amending N. J. S. 18A:66–38, N. J. S. 18A:66–46, N. J. S. 18A:66–53 and N. J. S. 18A:66–53.1.

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

1. N. J. S. 18A:66–38 is amended to read as follows:

Death benefits.

18A:66–38. Upon the receipt of proper proofs of the death of a member in service on account of which no accidental death benefit is payable under section 18A:66–46, there shall be paid to such member's beneficiary:

(a) The member's accumulated deductions at the time of death together with regular interest after January 1, 1956; and

(b) An amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

For the purpose of this section, section 18A:66–46e., and section 18A:66–53, a member of the retirement system shall be deemed to be an active member (1) while he is disabled due to sickness or injury arising out of or in the course of his employment as a teacher to whom this article applies, is not engaged in any gainful occupation, and is receiving or entitled to receive periodic benefits (including any commutation of, or substitute for, such benefits) for loss of time

on account of such disability under or by reason of workmen's compensation law, occupational disease law or similar legislation and has not retired or terminated his membership; or (2) for a period of no more than two years while on official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to the member's personal illness other than an illness to which (1) above applies. For the purpose of this section, section 18A:66–46e., and section 18A:66–53, a member of the retirement system shall be deemed to be an active member for a period of not more than one year in the event of an official leave (1) due to the member's maternity; or (2) to fulfill a residency requirement for an advanced degree; or (3) as a full-time student at an institution of higher education, and for a period of not more than 93 days while on official leave of absence without pay when such leave of absence is due to any reason other than illness. In order for a member to be covered for the optional death benefits provided by section 18A:66–53, he shall continue to make contributions for same during the period such member is on official leave of absence without pay, except that when such official leave of absence without pay is due to illness, no contributions shall be required of the member during the period he is deemed to be an active member while on such leave of absence.

If a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, a death benefit shall be payable only if he is deemed to be an active member in accordance with this section; provided, however, a member applying for disability benefits shall be deemed an active member if he was covered by the death benefit provisions of the act at the termination of employment, filed the application for disability retirement with the retirement system within 30 days following such termination of employment and dies within 30 days after the date of retirement or the date of board approval, whichever is later.

2. N. J. S. 18A:66–46 is amended to read as follows:

Accidental death benefits.

18A:66–46. a. Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place and not as the result of his willful negligence, an accidental death benefit shall be payable, if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may

waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action.

No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

b. Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or widower a pension of 50% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or widower or in the case the widow or widower dies or remarries, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares. If there is no surviving widow, widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service will be payable to one surviving parent or 40% of such compensation will be payable to two surviving parents in equal shares. In the event of accidental death occurring in the first year of creditable service, the benefits payable pursuant to this subsection shall be computed at the annual rate of compensation.

c. If there is no surviving widow, widower, child or parent, there shall be paid to any other beneficiary of the deceased member his accumulated deductions at the time of death.

d. In no case shall the death benefit provided in subsection b. be less than that provided under subsection c.

e. In addition to the foregoing benefits payable under subsection b. or c., there shall also be paid in one sum to such member's beneficiary an amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

3. N. J. S. 18A:66–53 is amended to read as follows:

Additional coverage.

18A:66–53. a. Each member who is a member on January 1, 1958 and each person who thereafter becomes a member will be eligible to purchase the additional death benefit coverage hereinafter described, provided that he selects such coverage within one year

after January 1, 1958 or after the effective date of membership, whichever date is later.

b. Each member who is a member on the effective date of this amendatory act, but for whom such additional death benefit coverage is not then in effect, shall, during the period stated below, also be eligible to elect such additional death benefit coverage, provided he: (1) furnished satisfactory evidence of insurability, (2) on the date of such election is actively at work and performing all his regular duties at his customary place of employment, and (3) agrees to make such additional contribution as may be required by the board of trustees by reason of the commencement of such member's participation in the benefits of this section pursuant to this subsection b. Applications under this subsection shall be filed during the period January 1, 1970 to March 31, 1970, both dates inclusive. Benefits for a member applying under this subsection shall come into effect on the later of: (a) July 1, 1970 and (b) the date a required percentage of such members shall have applied for such additional death benefit coverage. This required percentage shall be fixed by the board of trustees. Any such percentage may be made applicable to male or female members only or to other groupings as determined by the board of trustees.

c. No member who enrolls on and after July 1, 1970 for the additional death benefit coverage provided by this section shall be eligible for the benefits described in subsections f. and g. if such member retires with less than 10 years of participation in the program.

d. The board of trustees shall establish schedules of contributions to be made by the members who elect to purchase the additional death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by subsections e. and g. of this section. Such schedules of contributions shall be subject to adjustment from time to time, by the board of trustees, as the need may appear.

e. Upon the receipt of proper proofs of the death in service, occurring on or after July 1, 1968, of any such member while covered for the additional death benefit coverage there shall be paid to such member's beneficiary an amount equal to two times the compensation received by the member in the last year of creditable service.

f. The board of trustees may also provide, effective as of January 1, 1961, for additional death benefit coverage, as described in sub-

section g. of this section, for former members who are receiving retirement allowances pursuant to the provisions of this article, subject to the provisions hereinafter stated, and the board may terminate such coverage at any time. The additional death benefit coverage to be so provided shall be in accordance with rules as determined by the board from time to time on the basis of dates of retirement or other factors deemed appropriate by it. In no event shall the additional death benefit coverage described in subsection g. of this section apply to any former member receiving a retirement allowance unless such member was covered by the additional death benefit described in subsection e. of this section during the former member's last month of creditable service. No contributions toward the cost of additional death benefit coverage described in subsection g. of this section shall be required of a former member while he is receiving a retirement allowance pursuant to the provisions of this article.

g. Upon receipt of proper proofs of the death, occurring on or after July 1, 1968, of a former member who was covered for the additional death benefit coverage pursuant to subsection f. of this section, there shall be paid to such former member's beneficiary an amount equal to one-quarter of the compensation received by the former member in the last year of creditable service.

h. The contributions of a member for the additional death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member, except as provided in subsection j. of this section, to make such contributions directly to the retirement system or as directed by the system; provided, however, that no contributions shall be required while a member remains in service after attaining age 70 but that his employer shall be required to pay into the fund on his behalf in such case an amount equal to the contributions otherwise required by the board of trustees in accordance with this section.

i. Any other provisions of this article notwithstanding, the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

j. For the purpose of this section, a member shall be deemed to be in service: (1) while he is disabled due to sickness or injury

arising out of or in the course of his employment as a teacher to whom this article applies, is not engaged in any gainful occupation, and is receiving or entitled to receive periodic benefits (including any commutation of, or substitute for, such benefits) for loss of time on account of such disability under or by reason of workmen's compensation law, occupational disease law or similar legislation; or (2) for a period of no more than two years while on official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to illness other than an illness to which (1) above applies. No contributions for the optional death benefit provided by this section shall be required of a member while he is deemed to be in service pursuant to the above provisions of this subsection j.

k. All other provisions of this section notwithstanding, this section and the benefits provided under this section shall not come into effect until a required percentage of the members shall have applied for the additional death benefit coverage under this section. This required percentage shall be fixed by the board of trustees. Any such percentage may be made applicable to male or female members only or to other groupings as determined by the board of trustees. Applications for such additional death benefit coverage shall be submitted to the system in such manner and upon such forms as the retirement system shall provide.

l. Any person becoming a member of the retirement system after benefits provided under this section shall have come into effect, who is, by sex or other characteristic, within the grouping to which the additional death benefit coverage under this section is applicable, for the first year of his membership in the retirement system shall be covered by the additional death benefit coverage provisions of this section with the benefit in the event of death, in the first year of membership only, being based upon contractual salary instead of compensation actually received and shall make contributions as fixed by the board of trustees during such period. Such member shall have the right to continue to be covered by the benefits of this section and to contribute therefor after his first year of membership has been completed. This subsection shall not apply in the case of such a member who has already attained his 60th birthday prior to becoming a member of the retirement system unless he shall furnish satisfactory evidence of insurability at the time of becoming a member.

4. N. J. S. 18A:66–53.1 is amended to read as follows:

Designation of beneficiary.

18A:66–53.1. The designation of beneficiary by a member or retirant shall be made in writing on a form satisfactory to the retirement system, and filed with the retirement system. The member or retirant may, from time to time and without the consent of his death benefit designee, change the beneficiary by filing written notice of the change with the system on a form satisfactory to it. The new nomination will be effective on the date the notice, in proper form, is received by the system, and any prior nomination shall thereupon become void.

If more than one beneficiary is nominated and in such nomination the member or retirant has failed to specify their respective interests, the beneficiaries shall share equally. If any beneficiary predeceases the member or retirant, the interest of such beneficiary shall terminate and shall be shared equally by such of the beneficiaries as survive the member or retirant, unless the member or retirant has made written request to the contrary in his beneficiary nomination.

Any amounts due for which there is no beneficiary at the death of a member, retirant or beneficiary shall be payable to the estate of such member, retirant or beneficiary.

Except with regard to the payment of the member's accumulated deductions with regular interest and the payment, upon the death of (1) a retirant after attaining the age of 60 or receiving an allowance pursuant to section 18A:66–37, or (2) a member after attaining the age of 70 years, of the death benefits provided in sections 18A:66–36, 18A:66–37, 18A:66–41, 18A:66–42, and 18A:66–44, a member may elect, by making written request to the retirement system, that the whole or any part of his death benefits be made payable to his beneficiary either as a life annuity or in equal installments over a period of years specified in such election, and may alter such election from time to time during his lifetime by again making such written request. In the event of a change of beneficiary, any previous arrangement by the member or retirant under this paragraph shall be void. The election set forth in this paragraph shall not apply or be available when the beneficiary is an estate, or a corporation, partnership, association, institution, trustee or any fiduciary.

If, at the member's or retirant's death, an amount of death benefit would be payable to the beneficiary in a single sum, any

election with regard to such amount which was available to the member or retirant immediately prior to his death in accordance with the provisions of the immediately preceding paragraph shall then be available to such beneficiary for the benefit of such beneficiary.

5. This act shall take effect immediately.

Approved August 23, 1984.

CHAPTER 133

AN ACT concerning the salary of certain employees in the unclassified service of the civil service of the State.

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

1. Notwithstanding the provisions of any other law to the contrary, an employee of the State, who is employed in the unclassified service of the civil service and had accrued at least 24 years of creditable service in the Teachers' Pension and Annuity Fund as of December 31, 1983, and was employed for not less than three years during the period of that creditable service as a vice president of a State college, shall not be reduced in salary nor shall such officer or employee be assigned to a lower salary range or to a lower salary step within the same salary range at any time during the period of 18 months beginning with the first day of the month which precedes by 15 months the month in which that employee would become eligible, if he were to continue in active service as an employee of the State for this time period, to receive a retirement benefit without penalty under the provisions of article 1 of chapter 66 of Title 18A of the New Jersey Statutes, except for incapacity or for conduct unbecoming such an officer or employee. The officer or employee shall be eligible to receive salary increases in amounts not less than those applicable to the salary range and salary step which were applicable to the officer or employee on July 1, 1983, provided he continues in active service during the period.

2. If, prior to the enactment of this act, the salary, salary range, or salary step of an officer or employee of the State upon whom this act confers, for any period of time during such employee's period

of active service as specified under section 1 of this act, the protection provided by section 1 of this act was reduced in a manner inconsistent with the provisions of that section, then the officer or employee may submit a written application to his employer within 90 days of the effective date of this act for restoration of the salary, salary range, or salary step from which the reduction was made, and the employer shall immediately restore to the officer or employee the minimum salary, salary range or salary step to which he would have been entitled or assigned if the provisions of section 1 of this act had been in effect and applicable to him as of and after the first day of the period of 18 months as specified in section 1 herein. Within 30 days after receipt of that application, the employer shall pay to the employee the entire amount, less appropriate deductions, of the difference between: a. the salary payments to which he would have been entitled during the time period in which the inconsistency existed if the provisions of section 1 had been in effect and applicable to him throughout that time period; and b. the salary payments which he actually received during that time period. The employer shall also pay to the Teachers' Pension and Annuity Fund the amount of any deficiency in employer's contribution to the retirement system which exists with respect to that difference.

3. This act shall take effect immediately and section 1 shall be retroactive to July 1, 1983.

Approved August 23, 1984.

CHAPTER 134

AN ACT concerning the alcoholic content of certain confectionery, amending R. S. 24:5–9 and supplementing chapter 5 of Title 24 of the Revised Statutes.

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

1. R. S. 24:5–9 is amended to read as follows:

Adulterated confectionery.

24:5–9. For the purposes of this subtitle, confectionery shall be deemed adulterated if it bears or contains any alcohol, or nonnutritive article or substance except harmless coloring, or if a coal-tar

color one from a batch which has been certified under the Federal Act, harmless flavoring, harmless resinous glaze not in excess of 4/10 of 1%, natural gum and pectin; provided that this paragraph shall not apply to any confectionery by reason of its containing less than 5% by volume of alcohol or to any chewing gum by reason of its containing harmless, nonnutritive masticatory substances.

C. 24:5-9.1 Disorderly persons offenses.

2. (New section) a. Anyone who sells confectionery that contains more than ½ of 1% alcohol rendered unfit for beverage purposes to a person who is under the legal age for purchasing alcoholic beverages is guilty of a disorderly persons offense.

b. Any confectionery manufactured in this State that contains more than ½ of 1% alcohol rendered unfit for beverage purposes shall bear a label containing the statement: "Sale of this product to persons under the legal age for purchasing alcoholic beverages is unlawful." A person who violates the provisions of this subsection is guilty of a disorderly persons offense.

c. No confectionery containing more than ½ of 1% alcohol rendered unfit for beverage purposes shall be sold in this State unless the product bears a label that meets the requirements of subsection b. of this section or a sign containing the statement: "Sale of confectionery containing more than ½ of 1% alcohol to persons under the legal age for purchasing alcoholic beverages is unlawful" is displayed at the place where the product is sold or offered for sale. A person who violates the provisions of this subsection is guilty of a disorderly persons offense.

3. This act shall take effect immediately.

Approved August 28, 1984.

CHAPTER 135

AN ACT to amend the title of "An act concerning certain automobile warranties," approved June 20, 1983 (P. L. 1983, c. 215), so that the same shall read "An act concerning certain automobile and motorcycle warranties," 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. 1983, c. 215 is amended to read as follows: An act concerning certain automobile and motorcycle warranties.

2. Section 1 of P. L. 1983, c. 215 (C. 56:12–19) is amended to read as follows:

C. 56:12-19 Definitions.

1. As used in this act:

a. "Consumer" means the purchaser, other than for purposes of resale, of an automobile or motorcycle; a person to whom an automobile or motorcycle is transferred during the duration of an express warranty applicable to the automobile or motorcycle; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

b. "Dealer" means a person actively engaged in the business of buying, selling or exchanging automobiles or motorcycles at retail and who has an established place of business.

c. "Manufacturer" means a person engaged in the business of manufacturing, assembling or distributing automobiles or motorcycles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least 10 new automobiles or motorcycles.

d. "Manufacturer's express warranty" or "warranty" means the written warranty of the manufacturer of a new automobile or motorcycle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty.

e. "Automobile" means any passenger automobile as defined in R. S. 39:1–1 which is registered by the Division of Motor Vehicles in the Department of Law and Public Safety, except the living facilities of motor homes.

f. "Nonconformity" means a defect or condition which substantially impairs the use, value, or safety of an automobile or motorcycle.

g. "Lien" means a security interest in an automobile or motorcycle.

h. "Lienholder" means a person with a security interest in an automobile or motorcycle pursuant to a lien.

i. "Motorcycle" means any motorcycle as defined in R. S. 39:1–1 which is registered by the Division of Motor Vehicles in the Department of Law and Public Safety.

3. Section 2 of P. L. 1983, c. 215 (C. 56:12–20) is amended to read as follows:

C. 56:12-20 Express warranty repairs.

2. If a new automobile or motorcycle does not conform to the manufacturer's express warranty, and the consumer reports the nonconformity to the manufacturer or its agent or dealer during the term of the warranty or during the period of one year following the date of original delivery of an automobile or motorcycle to the consumer, whichever is earlier, the manufacturer shall make, or arrange with its dealer or agent to make, within a reasonable period of time, all repairs necessary to conform the new automobile or motorcycle to the warranty, notwithstanding that the repairs or corrections are made after the expiration of the term of the warranty or the one-year period.

4. Section 3 of P. L. 1983, c. 215 (C. 56:12–21) is amended to read as follows:

C. 56:12-21 Replacement, refund.

3. If the manufacturer is unable to conform the new automobile or motorcycle to the warranty by repairing or correcting a defect or condition which substantially impairs the use, value or safety of the new automobile or motorcycle to the consumer after a reasonable number of attempts, the manufacturer shall accept return of the automobile or motorcycle from the consumer and either:

a. Replace the automobile or motorcycle with a comparable new automobile or motorcycle and the consumer shall pay the manufacturer a reasonable allowance for his use of the automobile or motorcycle being returned and shall not pay, on the new replacement automobile or motorcycle, the taxes, preparation fees or any other charges or fees usually paid by a consumer; or

b. Refund to the consumer the full purchase price of the original automobile or motorcycle, including all taxes, preparation fees and any other charges or fees paid by the consumer, less a reasonable allowance for the consumer's use of the original automobile or motorcycle. Refunds shall be made to the consumer and lienholder, if any, as their interests appear on the records of ownership kept by the Director of the Division of Motor Vehicles.

5. Section 4 of P. L. 1983, c. 215 (C. 56:12–22) is amended to read as follows:

C. 56:12-22 Presumption.

4. It shall be presumed that a reasonable number of attempts have been undertaken to conform a new automobile or motorcycle

to the manufacturer's express warranty if, within the warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date:

a. The same nonconformity has been subject to repair or correction four or more times by the manufacturer, its agents or its dealers and the nonconformity continues to exist; or

b. The automobile or motorcycle is out of service by reason of waiting for the dealer to begin or complete repair or correction of a nonconformity by the manufacturer, its agents or its dealers for a cumulative total of more than 30 business days since the original delivery of the motor vehicle to the consumer. This 30-day limit shall commence with the first day on which the consumer makes the automobile or motorcycle available to the manufacturer, its agent or dealer for service of the nonconformity. The 30-day limit shall be extended only if repairs cannot be performed due to conditions beyond the control of the manufacturer, its agents or its dealers including war, invasion, strike, fire, flood or other natural disaster.

c. The presumption provided in this section shall not apply against a manufacturer unless the manufacturer has received prior direct written notification from or on behalf of the consumer and has had an opportunity to repair or correct the nonconformity; provided, however, that if the manufacturer does not directly attempt or arrange with its dealer or agent to repair or correct the nonconformity, the manufacturer may not defend a claim by a consumer under this act on the ground that the agent or dealer failed to properly repair or correct the nonconformity or that the repairs or corrections made by the agent or dealer caused or contributed to the nonconformity.

6. Section 5 of P. L. 1983, c. 215 (C. 56:12–23) is amended to read as follows:

C. 56:12-23 Reasonable allowance for use.

5. A reasonable allowance for use shall be the total amount directly attributable to the use of the new automobile or motorcycle by the consumer and any previous consumer, prior to the first report of the nonconformity to the manufacturer by the consumer or any previous consumer of the new automobile or motorcycle and during any subsequent period when the vehicle is not out of service by reason of repair or correction of the nonconformity so reported.

7. Section 6 of P. L. 1983, c. 215 (C. 56:12–24) is amended to read as follows:

C. 56:12-24 Affirmative defense.

6. It shall be an affirmative defense to a claim under this act that the alleged nonconformity does not substantially impair the use, value, or safety of the new automobile or motorcycle or that the nonconformity is the result of abuse or neglect or of unauthorized modifications or alterations of the new automobile or motorcycle by anyone other than the manufacturer, its agent or dealer.

8. This act shall take effect immediately, but shall apply only to new motorcycles purchased after its effective date.

Approved September 4, 1984.

CHAPTER 136

AN ACT requiring the State Treasurer to publish certain information concerning receipts and expenditures of casino and lottery revenues and amending P. L. 1970, c. 13 and P. L. 1977, c. 110.

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

1. Section 22 of P. L. 1970, c. 13 (C. 5:9–22) is amended to read as follows:

C. 5:9-22 Lottery Fund accounting.

22. The moneys in said State Lottery Fund shall be appropriated only: (a) for the payment of prizes to the holders of winning lottery tickets or shares, (b) for the expenses of the division in its operation of the lottery, (c) for State institutions and State aid for education as shall be provided by law, and (d) for the repayment to the general treasury of the amount appropriated to the fund pursuant to section 23 of this act. On or about March 15 and September 15 of each year, the State Treasurer shall publish in at least 10 newspapers circulating generally in the State a report accounting for the total revenues received in the State Lottery Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding six months ending December 31 and June 30.

2. Section 145 of P. L. 1977, c. 110 (C. 5:12–145) is amended to read as follows:

C. 5:12-145 Casino revenue fund.

145. Casino Revenue Fund. a. There is hereby created and established in the Department of the Treasury a separate special account to be known as the "Casino Revenue Fund," into which shall be deposited all revenues from the tax imposed by section 144 of this act.

b. The commission shall require at least monthly deposits by the licensee of the tax at such times, under such conditions, and in such depositories as shall be prescribed by the State Treasurer. The deposits shall be deposited to the credit of the Casino Revenue Fund. The commission may require a monthly report and reconciliation statement to be filed with it on or before the tenth day of each month, with respect to gross revenues and deposits received and made, respectively, during the preceding month.

c. Moneys in the Casino Revenue Fund shall be appropriated, notwithstanding the provisions of P. L. 1976, c. 67 (C. 52:9H–5 et seq.), exclusively for reductions in property taxes, rentals, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, as shall be provided by law. On or about March 15 and September 15 of each year, the State Treasurer shall publish in at least 10 newspapers circulating generally in the State a report accounting for the total revenues received in the Casino Revenue Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding six months ending December 31 and June 30.

3. The act shall take effect January 1 next following enactment.

Approved September 4, 1984.

CHAPTER 137

AN ACT to authorize the borough of Somerdale in the county of Camden to make permanent the appointment of Ephraim Toy to the police department of the borough of Somerdale as its chief of police.

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6–10 et seq.), under which a petition for a special law has been filed

with the Legislature, the borough of Somerdale, in the county of Camden, is authorized to make permanent the appointment of Ephraim Toy to the police department of the borough of Somerdale as its chief of police, notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127 and he has not served as a patrolman in the police department for at least three years, as set forth in N. J. S. 40A:14–129 and N. J. S. 40A:14–130.

2. This act shall take effect upon due adoption of an ordinance of the borough of Somerdale for the purpose of adopting same.

Approved September 4, 1984.

CHAPTER 138

AN ACT to authorize the borough of Lawnside, in the county of Camden, to make permanent the appointment of John A. Gibson to the police department of the borough of Lawnside.

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6–10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Lawnside, in the county of Camden, is authorized to make permanent the appointment of John A. Gibson to the police department of the borough of Lawnside without certification, subject to his achieving a satisfactory score on a qualifying examination administered by the Department of Civil Service, and notwithstanding his age is greater than the maximum age limit for the appointment thereto set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act, if there is paid into the retirement system in a manner which the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Lawnside for the purpose of adopting it.

Approved September 4, 1984.

CHAPTER 139

AN ACT concerning nursing homes and supplementing P. L. 1968, c. 413 (C. 30:4D–1 et seq.), and making an appropriation therefor.

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

C. 30:4D-6.7 Medical assistance coverage.

1. A resident of a skilled or intermediate care nursing facility who is a recipient of medical assistance payments under P. L. 1968, c. 413 (C. 30:4D–1 et seq.), and who is discharged to a general or a psychiatric hospital, shall be covered by the medical assistance program for the number of days the nursing facility maintains the resident's bed.

C. 30:4D-6.8 Bed maintenance.

2. Every skilled or intermediate care nursing facility in this State shall maintain a bed for an eligible resident for a period not to exceed 10 days. The facility shall notify the Division of Medical Assistance and Health Services in the Department of Human Services upon the discharge of an eligible resident to a general or a psychiatric hospital. The division shall confirm the need to maintain a bed for the discharged resident and shall certify the facility's eligibility to receive payment.

C. 30:4D-6.9 Priority.

3. If the discharged resident is unable to return to the nursing facility before the end of the 10 day period, the discharged resident shall have priority for the next available bed in the facility.

4. There are appropriated from the General Fund to the Department of Human Services funds necessary to carry out the purposes of this act, as determined by the Director of the Division of Budget and Accounting, but not to exceed $1,400,000.00.

5. This act shall take effect immediately.

Approved September 5, 1984.

CHAPTER 140

AN ACT to amend and supplement the "Public Movers and Warehousemen Licensing Act," approved December 3, 1981 (P. L. 1981, c. 311).

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

1. Section 2 of P. L. 1981, c. 311 (C. 45:14D–2) is amended to read as follows:

C. 45:14D-2 Definitions.

2. As used in this act:

a. "Accessorial service" means the preparation of articles for shipment, including, but not limited to, the packing, crating, boxing and servicing of appliances, the furnishing of containers, unpacking, uncrating and reassembling of articles, placing them at final destination and the moving or shifting of articles from one location to another within a building, or at a single address;

b. "Board" means the State Advisory Board of Public Movers and Warehousemen established under this act;

c. "Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety;

d. "Department" means the Department of Law and Public Safety;

e. "Household goods" means personal effects, fixtures, equipment, stock and supplies or other property usually used in or as part of the stock of a dwelling, when it is put into storage or when it is transported by virtue of its removal, in whole or in part, by a householder from one dwelling to another, or from the dwelling of a householder to the dwelling of another householder, or between the dwelling of a householder and a repair or storage facility, or from the dwelling to an auction house or other place of sale. The term "household goods" shall not apply to property moving from a factory or store, except property which the householder has purchased and which is transported at his request as part of the movement by the householder from one dwelling to another;

f. "Intrastate commerce" means commerce moving wholly between points within the State over all public highways, or at a single location;

g. "License" means a license issued by the director;

h. "Motor vehicle" means any vehicle, machine, tractor, truck or semitrailer, or any combination thereof, propelled, driven or drawn by mechanical power, and used upon the public highways in the transportation of household goods, office goods and special commodities in intrastate commerce;

i. "Mover's services" means all of the services rendered by a public mover;

j. "Storage services" means all of the services rendered by a warehouseman;

k. "Office goods" means personal effects, fixtures, furniture, equipment, stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when it is put into storage or when the property is transported by virtue of its removal, in whole or in part, from one location to another, but does not mean or include stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when put into storage;

l. "Person" means any individual, copartnership, association, company, or corporation, and includes any trustee, receiver, assignee, lessee, or personal representative of any person herein defined;

m. "Place of business" means a business office located in New Jersey from which the mover or warehouseman conducts his daily business and where records are kept;

n. "Property" means all of the articles in the definition of household goods, office goods or special commodities;

o. "Public highway" or "highway" means any public street, road, thoroughfare, bridge and way in this State open to the use of the public as a matter of right for purposes of motor vehicular travel, including those that impose toll charges;

p. "Public mover" or "mover" means any person who engages in the transportation of household goods, office goods or special commodities by motor vehicle for compensation in intrastate commerce between points in this State, including the moving of household goods, office goods or special commodities from one location to another at a single address, and any person who engages in the performance of accessorial services; except that the term "public mover" or "mover" shall not apply to any person who engages in, or holds himself out to the general public as engaging in, the transportation of special commodities when such commodities are not

transported by virtue of a removal, in whole or in part, and who does not engage, nor hold himself out to the general public as engaging in, the transportation of household or office goods;

q. "Special commodities" means uncrated or unboxed works of art, fixtures, appliances, business machines, electronic equipment, displays, exhibits, home, office, store, theatrical or show equipment, musical instruments, or other articles being put into storage or being moved, and which require the use of equipment and personnel usually furnished or employed by warehousemen or public movers, except that the provisions of P. L. 1981, c. 311 (C. 45:15D–1 et seq.) shall not apply to any person engaged in the transportation or storage of special commodities when these commodities are not transported by virtue of a removal, in whole or in part;

r. "Storage" means the safekeeping of property in a depository for compensation;

s. "Tariff" means a schedule of rates and charges for the storage or transportation of property in intrastate commerce on file with the director, which shall be used in computing all charges on the storage or transportation of property as of the date of the time in storage or transportation;

t. "Warehouseman" means a person engaged in the business of storage;

u. "Removal" means the physical relocation, in whole or in part, of either household goods, office goods or special commodities from one location to another location, including internal relocations within the same room or facility, for compensation.

2. Section 4 of P. L. 1981, c. 311 (C. 45:14D–4) is amended to read as follows:

C. 45:14D-4 Advisory board.

4. There is created in the Division of Consumer Affairs in the Department of Law and Public Safety a State Advisory Board of Public Movers and Warehousemen consisting of four citizen members to be appointed by the Governor, with the advice and consent of the Senate. Two of the four citizen members shall be representatives of the public and two shall be representatives of the moving and storage industry.

The term of office of each citizen board member shall be four years; except that of the members first appointed, one shall serve for one year, one shall serve for two years, one shall serve for three years, and one shall serve for four years. Vacancies shall be filled

for the unexpired terms only. No citizen member may be appointed for more than two consecutive terms.

The organization, meetings and management of the board shall be established in regulations promulgated by the director. The board shall participate in the formulation of rules and regulations, the hearing of grievances, the establishment of standards, and the issuance and revocation of licenses.

The officers and members of the board shall be compensated on a per diem basis in the amount of $50.00 or an amount to be determined by the Attorney General with the approval of the State Treasurer, but not to exceed $100.00 per diem or $2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their duties. The moneys shall be paid according to rules and regulations promulgated by the Attorney General.

The Attorney General shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's office and meeting place, except that no office or meeting place shall be within premises owned or occupied by an officer or member of the board.

The executive secretary of the board shall be appointed by the director and shall serve at his pleasure. He shall receive a salary as shall be determined by the director within the limits of available funds.

The director shall be empowered, within the limits of available funds, to hire any assistants as he may deem necessary to administer this act.

3. Section 7 of P. L. 1981, c. 311 (C. 45:14D–7) is amended to read as follows:

C. 45:14D-7 Revocation, suspension, nonrenewal, denial of licenses.

7. The director may, after notice and opportunity for a hearing, revoke, suspend or refuse to renew or issue any license issued pursuant to this act upon a finding that the applicant or holder of a license:

a. Has obtained a license by means of fraud, misrepresentation or concealment of material facts;

b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

c. Has engaged in gross negligence or gross incompetence;

d. Has engaged in repeated acts of negligence or incompetence;

e. Has repeatedly failed to discharge contractual obligations to any person contracting for moving or storage services;

f. Has engaged in occupational misconduct;

g. Has been convicted of any crime involving moral turpitude or any crime relating adversely to the activities regulated by P. L. 1981, c. 311 (C. 45:14D–1 et seq.). For the purpose of this subsection, a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;

h. Has had his authority to engage in the activities regulated by P. L. 1981, c. 311 (C. 45:14D–1 et seq.) revoked or suspended by any other state, agency or authority for reasons consistent with this act; or

i. Has violated or failed to comply with the provisions of P. L. 1981, c. 311 (C. 45:14D–1 et seq.) or any regulation adopted thereunder.

The licensee or applicant shall be furnished with an official statement of the reasons for the director's proposed action and shall be afforded an opportunity for a hearing.

4. Section 9 of P. L. 1981, c. 311 (C. 45:14D–9) is amended to read as follows:

C. 45:14D-9 Licensure.

9. a. It shall be unlawful for any person to engage in the business of public moving or storage unless he shall have obtained from the director a license to engage in the business and shall have a permanent place of business in this State.

b. Application for a license shall be made in writing to the director, be verified under oath by the agent in charge and shall contain the following information: (1) the name and location of the applicant; (2) description of the applicant's moving vehicles and storage facilities; (3) identification of the issuer and amount of any insurance or surety bonds maintained by the applicant. A license shall be issued to a qualified applicant if it is found that the applicant is fit, willing and able to perform the service of a mover or warehouseman, and to conform to the provisions of this act.

c. Every person advertising moving or storage services shall include in any advertisement the number of his license, and his New Jersey business address and telephone number.

d. No license shall be issued to an applicant if the applicant has: (1) committed any act which if committed by a licensee would be grounds for suspension or revocation; (2) misrepresented any material fact on his application; (3) not registered each vehicle which will be performing intrastate moves in New Jersey, except on vehicles which have been rented or leased and are operated by a public mover licensed under this act; (4) not established or maintained a place of business in New Jersey.

e. A copy of the license shall be carried on each truck, tractor, trailer or semitrailer or combination thereof at all times when the vehicle is being used in operations subject to this act.

5. Section 14 of P. L. 1981, c. 311 (C. 45:14D–14) is amended to read as follows:

C. 45:14D-14 Filing of tariffs.

14. a. Public movers and warehousemen shall file their tariffs with the director semiannually.

b. No public mover or warehouseman shall charge, demand, collect or receive a greater or lesser compensation for his service than specified in the tariff, except that discounts and rebates may be provided in connection with the furnishing of moving, storage or accessorial services to any person who is 62 years or older.

6. Section 16 of P. L. 1981, c. 311 (C. 45:14D–16) is amended to read as follows:

C. 45:14D-16 Violations; penalties.

16. Any person violating any provision of P. L. 1981, c. 311 (C. 45:14D–1 et seq.) 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 this section, each transaction or violation shall constitute a separate offense; except 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 the director for the collection or enforcement of civil penalties for the violation of any provision of that act. The action may be brought in a summary manner pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal or Special Civil Part

of the Law Division of the Superior Court where the offense occurred. Process in the action may be by summons or warrant and if the defendant in the action fails to answer the 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 the person before the court to satisfy the civil penalties imposed. In an action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice. Any action alleging the unlicensed practice of the activities regulated by P. L. 1981, c. 311 (C. 45:14D–1 et seq.) shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In an action brought pursuant to that act, the director or the court may order the payment of costs for the use of the State.

C. 45:14D-17 Investigations of suspected violations.

7. (New section) Whenever it shall appear to the director or the Attorney General that a person has engaged in, or is engaging in, any act or practice declared unlawful by P. L. 1981, c. 311 (C. 45:14D–1 et seq.), or when the director or the Attorney General shall deem it to be in the public interest to inquire whether a violation may exist, the director through the Attorney General, or the Attorney General acting independently, may:

a. Require any person to file, on a form to be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendering of any service or conduct of any sale incidental to the discharge of any act or practice subject to that act;

b. Examine under oath any person in connection with any act or practice subject to that act;

c. Inspect any premises from which the activity regulated by that act is conducted;

d. Examine any goods, ware or item used in the rendering of any service by a public mover or warehouseman;

e. Examine any record, book, document, account or paper maintained by or for any public mover or warehouseman in the regular course of engaging in the activities regulated by that act or regulations promulgated pursuant to that act;

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 public mover or warehouseman in the

regular course of engaging in the activities regulated by that act or regulations promulgated pursuant to that act. When 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 P. L. 1981, c. 311 (C. 45:14D–1 et seq.) or the regulations promulgated pursuant to that act, the director or the Attorney General may hold investigative hearings as necessary and may issue subpenas to compel the attendance of any person or the production of books, records or papers at a hearing or inquiry.

C. 45:14D-18 Court order.

8. (New section) If a person fails or refuses to file any statement or report, or refuses access to premises from which activities regulated by P. L. 1981, c. 311 (C. 45:14D–1 et seq.) are conducted in any lawfully conducted investigative matter or fails to obey a subpena issued pursuant to that act, the director or the Attorney General may apply to the Superior Court and obtain an order:

a. Adjudging that person in contempt of court and assessing civil penalties in accordance with the amounts prescribed by that act; or

b. Granting other relief as required; or

c. Suspending the license of that person until compliance with the subpena or investigative demand is effected.

C. 45:14D-19 Immunity from prosecution.

9. (New section) If a person who refuses to testify or produce any book, paper, or other document in any proceeding under P. L. 1981, c. 311 (C. 45:14D–1 et seq.) for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, or convict him of a crime, is directed to testify or to produce the book, paper, or document by the Attorney General, he shall comply with the direction.

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

C. 45:14D-20 Additional penalties.

10. (New section). In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, the director may, after affording an opportunity to be heard:

a. Assess civil penalties in accordance with P. L. 1981, c. 311 (C. 45:14D–1 et seq.);

b. Order that any person violating any provision of that act cease and desist from future violations thereof or take affirmative corrective action as necessary with regard to any act or practice found to be unlawful by the director;

c. Order any person found to have violated any provision of that act to restore or to return to any person aggrieved by an unlawful act or practice any moneys or property, real or personal, acquired by means of that act or practice; except that the director shall not order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating that act.

In any administrative proceeding on a complaint alleging a violation of that act, the director may issue subpenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

C. 45:14D-21 Injunctive relief.

11. (New section) Whenever it shall appear to the director or the Attorney General that a violation of P. L. 1981, c. 311 (C. 45:14D–1 et seq.), including the unlicensed practice of the activities regulated therein, has occurred, is occurring, or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting the act or practice. In the proceeding the court may assess a civil penalty in accordance with the provisions of that act, order restoration to any person in interest of any moneys or property, real or personal, acquired by means of an unlawful act or practice and may enter any orders necessary to prevent the performance of an unlawful practice in the future and to remedy fully any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by the director.

C. 45:14D-22 Docketing of judgment.

12. (New section) Upon the failure of any person to comply within 10 days after service of any order of the director directing payment of penalties or restoration of moneys or property, the

Attorney General or the director may issue a certificate to the Clerk of the Superior Court that the person is indebted to the State for the payment of the penalty and the moneys or property ordered restored. A copy of the 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. The entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court, and the Attorney General shall have all rights and remedies of a judgment creditor, in addition to exercising any other available remedies. The entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the director's order.

An action to enforce the provisions of an order entered by the director or to collect a penalty levied thereby may be brought in any municipal or Special Civil Part of the Law Division of the Superior Court in a summary manner pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) and the rules of court governing the collection of civil penalties. Process in the action shall be by summons or warrant, and if the defendant fails to answer the action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing the person before the court to satisfy any order entered.

C. 45:14D-23 Violation of cease and desist order.

13. (New section) When it shall appear to the director or the Attorney General that a person against whom a cease and desist order has been entered has violated the order, the director or the Attorney General may initiate a summary proceeding in the Superior Court for the violation thereof. Any person found to have violated a cease and desist order shall pay to the State of New Jersey civil penalties in the amount of not more than $25,000.00 for each violation of the order. If a person fails to pay a civil penalty assessed by the court for violation of a cease and desist order, the court assessing the unpaid penalty is authorized, upon application of the director or the Attorney General, to grant any relief which may be obtained under any statute or court rule governing the collection and enforcement of penalties.

C. 45:14D-24 Personal actions.

14. (New section) Any person who suffers any ascertainable loss of moneys or property, real or personal, as a result of the use or employment by another person of any method, act, or practice declared unlawful under P. L. 1981, c. 311 (C. 45:14D–1 et seq.) may bring an action or assert a counterclaim therefor in any court of competent jurisdiction. In any action under this section the court shall, in addition to any appropriate legal or equitable relief, award threefold the damages sustained by any person in interest. In all actions under this section the court shall also award reasonable attorney's fees, filing fees, and reasonable costs of suit.

C. 45:14D-25 Insurance requirements.

15. (New section) No license shall be issued to a warehouseman or mover or remain in force unless the warehouseman or mover complies with the rules or regulations that the director shall prescribe governing policies of insurance, qualifications as a self-insurer, or other securities or agreements in the amount that the director may require.

16. This act shall take effect immediately.

Approved September 6, 1984.

CHAPTER 141

AN ACT concerning financing for redevelopment projects and amending P. L. 1949, c. 306 and P. L. 1956, c. 212.

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

1. Section 14 of P. L. 1949, c. 306 (C. 40:55C–14) is amended to read as follows:

C. 40:55C-14 Issuance of bonds.

14. Bonds of the agency shall be authorized by a resolution of the agency and may be issued in one or more series and shall be sold at public sale at not less than par after advertisement in a newspaper of general circulation in the municipality and in a financial paper published in the city of Philadelphia, Pennsylvania, or the city of New York, New York, one week prior to said sale, provided that said bonds may be sold at private sale without advertisement

not less than par to the municipality, the State or federal government. Whenever an agency shall, pursuant to P. L. 1949, c. 306 (C. 40:55C–1 et seq.), or P. L. 1956, c. 212 (C. 40:55C–30 et seq.), or the "Local Authorities Fiscal Control Law," P. L. 1983, c. 313 (C. 40A:5A–1 et seq.), issue notes for a period not exceeding five years, the agency may sell the notes at private sale without advertisement at not less than par.

2. Section 5 of P. L. 1956, c. 212 (C. 40:55C–34) is amended to read as follows:

C. 40:55C-34 Financial assistance.

5. Any municipality or other public body is hereby authorized (without limiting any provision in the preceding section) to do any and all things necessary to aid and cooperate in the planning and undertaking of a redevelopment project as authorized by this act in the area in which such municipality or public body is authorized to act, including the furnishing of such financial and other assistance as the municipality or public body is authorized by P. L. 1949, c. 306 (C. 40:55C–1 et seq.) to furnish for or in connection with a redevelopment plan or redevelopment project under that act. The financial or other assistance authorized to be furnished pursuant to this section includes guaranteeing unconditionally the punctual payment of the principal of and interest on any bonds of an agency. An agency is hereby authorized to contract with a municipality or other public body to perform any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project under this act in the area in which such municipality or public body is authorized to act, and such municipality or public body is hereby authorized to carry out or perform such powers or functions for the agency. Any public body is hereby authorized to enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this act, including the furnishing of funds or other assistance in connection with a redevelopment plan or a redevelopment project under this act.

3. This act shall take effect immediately.

Approved September 6, 1984.

CHAPTER 142

AN ACT to amend the "Spill Compensation and Control Act," approved January 6, 1977 (P. L. 1976, c. 141).

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

1. Section 3 of P. L. 1976, c. 141 (C. 58:10–23.11b) is amended to read as follows:

C. 58:10-23:11b Definitions.

3. Unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. "Administrator" means the chief executive of the New Jersey Spill Compensation Fund;

b. "Barrel" means 42 United States gallons or 159.09 liters or an appropriate equivalent measure set by the director for hazardous substances which are other than fluid or which are not commonly measured by the barrel;

c. "Board" means a board of arbitration convened by the administrator to settle disputed disbursements from the fund;

d. "Cleanup and removal costs" means all costs associated with a discharge, incurred by the State or its political subdivisions or their agents or any person with written approval from the department in the: (1) removal or attempted removal of hazardous substances, or (2) taking of reasonable measures to prevent or mitigate damage to the public health, safety, or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources;

e. "Commissioner" means the Commissioner of Environmental Protection;

f. "Department" means the Department of Environmental Protection;

g. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

h. "Discharge" means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the State, or into waters out-

side the jurisdiction of the State, when damage may result to the lands, waters or natural resources within the jurisdiction of the State;

i. "Fair market value" means the invoice price of the hazardous substances transferred, including transportation charges; but where no price is so fixed, "fair market value" shall mean the market price as of the close of the nearest day to the transfer, paid for similar hazardous substances, as shall be determined by the taxpayer pursuant to rules of the director;

j. "Fund" means the New Jersey Spill Compensation Fund;

k. "Hazardous substances" means such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977 (33 U. S. C. § 1251 et seq.) and the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 of that act; provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act;

l. "Major facility" includes, but is not limited to, any refinery, storage or transfer terminal, pipeline, deep-water port, drilling platform or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process or transport hazardous substances. A vessel shall be considered a major facility only when hazardous substances are transferred between vessels.

A facility shall not be considered a major facility for the purpose of this act unless it has total combined aboveground or buried storage capacity of:

(1) 50,000 gallons or more for hazardous substances which are other than petroleum or petroleum products, or

(2) 400,000 gallons or more for hazardous substances of all kinds.

For the purposes of this definition, "storage capacity" shall mean only that capacity which is dedicated to, used for or intended to be used for storage of hazardous substances. Where appropriate to the nature of the facility, storage capacity may be determined by the intended or actual use of open land or unenclosed space as well as by the capacities of tanks or other enclosed storage spaces;

m. "Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters and other such resources owned, managed, held in trust or otherwise controlled by the State;

n. "Owner" or "operator" means, with respect to a vessel, any person owning, operating or chartering by demise such vessel; with respect to any major facility, any person owning such facility, or operating it by lease, contract or other form of agreement; with respect to abandoned or derelict major facilities, the person who owned or operated such facility immediately prior to such abandonment, or the owner at the time of discharge;

o. "Person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, the United States, the State of New Jersey and any of its political subdivisions or agents;

p. "Petroleum" or "petroleum products" means oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and substances or additives to be utilized in the refining or blending of crude petroleum or petroleum stock in this State; however any compound designated by specific chemical name to the list of hazardous substances adopted by the department pursuant to subsection 3k. shall not be considered petroleum or a petroleum product for the purposes of this act, unless such compound is to be utilized in the refining or blending of crude petroleum or petroleum stock in this State;

q. "Taxpayer" means the owner or operator of a major facility subject to the tax provisions of this act;

r. "Tax period" means every calendar month on the basis of which the taxpayer is required to report under this act;

s. "Transfer" means onloading or offloading between major facilities and vessels, or vessels and major facilities, and from vessel to vessel or major facility to major facility, except for fueling or refueling operations and except that with regard to the movement of hazardous substances other than petroleum, it shall also include any onloading of or offloading from a major facility;

t. "Vessel" means every description of watercraft or other contrivance that is practically capable of being used as a means of commercial transportation of hazardous substances upon the water, whether or not self-propelled;

u. "Waters" means the ocean and its estuaries to the seaward limit of the State's jurisdiction, all springs, streams and bodies of

surface or groundwater, whether natural or artificial, within the boundaries of this State;

v. "Act of God" means an act exclusively occasioned by an unanticipated, grave natural disaster without the interference of any human agency.

2. Section 7 of P. L. 1976, c. 141 (C. 58:10–23.11f) is amended to read as follows:

C. 58:10-23.11f Hazardous discharge cleanup.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. § 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such moneys shall be used to pay promptly for all cleanup costs incurred by the department in removing or in minimizing damage caused by such discharge.

Nothing in this section is intended to preclude removal and cleanup operations by any person threatened by such discharges, provided such persons coordinate and obtain approval for such actions with ongoing State or federal operations. No action taken by any person to contain or remove a discharge shall be construed as an admission of liability for said discharge. No person who renders assistance in containing or removing a discharge shall be liable for any civil damages to third parties resulting solely from

acts or omissions of such person in rendering such assistance, except for acts or omissions of gross negligence or willful misconduct. In the course of cleanup operations, no person shall discharge any detergent into the waters of this State without prior authorization of the commissioner.

b. Notwithstanding any other provisions of P. L. 1976, c. 141 (C. 58:10–23.11 et seq.), the department, after notifying the administrator and subject to the approval of the administrator with regard to the availability of funds therefor, may remove or arrange for the removal of any hazardous substance which:

(1) Has not been discharged from a grounded or disabled vessel, if the department determines that such removal is necessary to prevent an imminent discharge of such hazardous substance; or

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

(a) Explosiveness;

(b) High flammability;

(c) Radioactivity;

(d) Chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) Is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) High toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum, to the extent that such revenues result from a tax levied at a rate in excess of $0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10–23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

d. The administrator may only approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance discharged prior to the effective date of P. L. 1976, c. 141, pursuant to subsection b. of this section, if, and to the extent that, he determines that adequate funds from another source are not or will not be available; and further provided, with regard to the cleanup and removal costs incurred for discharges which occurred prior to the effective date of P. L. 1976, c. 141, the administrator may not during any one year period pay more than $18,000,000.00 in total or more than $3,000,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, upon the approval of the department, after considering, among any other relevant factors, its priorities for spending funds pursuant to P. L. 1976, c. 141, and within the limits of available funds, shall make payments for the restoration or replacement of, or connection to an alternative water supply for, any private residential well destroyed, contaminated, or impaired as a result of a discharge prior to the effective date of P. L. 1976, c. 141; provided, however, total payments for said purpose shall not exceed $500,000.00 for the period between the effective date of this subsection e. and January 1, 1983, and in any calendar year thereafter.

f. Any expenditures made by the administrator pursuant to this act shall constitute a first priority claim and lien paramount to all other claims and liens upon the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent. All liens under P. L. 1976, c. 141 (C. 58:10–23.11 et seq.)

shall be filed with the clerk or register of deeds and mortgages of the county wherein the affected property is located, and with the clerk of the Superior Court, and shall immediately attach to, and become binding upon, all the property, whether real or personal, of the party against whom the lien is filed. If it is believed that the party chargeable under the lien has an interest or estate, whether vested or contingent, in property within the State, but the exact location of the property is not known, then the lien shall be filed with the clerk of the Superior Court and shall become binding upon all the property of the party chargeable under the lien, wherever situated within the State.

3. Section 12 of P. L. 1976, c. 141 (C. 58:10–23.11k) is amended to read as follows:

C. 58:10-23.11k Filing of claims.

12. Claims shall be filed with the administrator not later than one year after the date of discovery of damage. The administrator shall prescribe appropriate forms and procedures for such claims, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor. Upon receipt of any claim, the administrator shall as soon as practicable inform all affected parties of the claim.

4. This act shall take effect immediately.

Approved September 6, 1984.

CHAPTER 143

AN ACT providing for certification in the classified service of former employees of dissolved authorities who are employed by local units, and supplementing Title 11 of the Revised Statutes.

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

C. 11:22-3.1 Employees of dissolved authorities.

1. For those local units which have adopted the provisions of Title 11 of the Revised Statutes, and have authorized by ordinance or resolution, as the case may be, the dissolution of an authority,

all positions and employments formerly in the authority and absorbed by the local unit shall become subject to Title 11 of the Revised Statutes and shall be allocated to appropriate titles by the Civil Service Commission. Upon receipt from the Civil Service Commission of a list of the positions and employments so allocated to the classified service and their appropriate titles, the governing body shall certify to the Civil Service Commission within 30 days of receipt of the list, the names of all those employees formerly employed by the authority in these allocated positions and employments, who were employed on the effective date of this act. The employees so certified shall be recorded, under these titles after passing a qualifying examination, as having been permanently appointed in the classified service of Civil Service as of the dates of their original appointments, and shall thereafter be under and shall be subject to the provisions of Title 11 of the Revised Statutes.

2. This act shall take effect immediately.

Approved September 6, 1984.

CHAPTER 144

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. The following items of P. L. 1984, c. 58, are amended to read as follows:

DIRECT STATE SERVICES
DEPARTMENT OF CORRECTIONS
Public Safety and Criminal Justice
16 Detention and Rehabilitation
7040 State Prison, Trenton

07-7040 Institutional Control and Supervision	$21,955,000
08-7040 Institutional Care Program	6,293,000
09-7040 Institutional Treatment Program	1,394,000

10-7040 Education Program		$995,000
19-7040 Physical Plant and Support Services		4,220,000
99-7040 Management and Administrative Services		1,159,000
Total Appropriation, State Prison, Trenton		$36,016,000
Personal Services:		
Positions converted	($ 144,000)	
Services Other Than Personal	(2,262,000)	

7050 State Prison, Rahway

07-7050 Institutional Control and Supervision		$11,150,000
08-7050 Institutional Care Program		4,467,000
09-7050 Institutional Treatment Program		1,185,000
10-7050 Education Program		601,000
19-7050 Physical Plant and Support Services		3,136,000
99-7050 Management and Administrative Services		736,000
Total Appropriation, State Prison, Rahway		$21,275,000
Personal Services:		
Positions converted	($ 269,000)	
Services Other Than Personal	(1,824,000)	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

43 Environmental Quality

[Receipts derived from laboratory certification services in excess of those anticipated are appropriated.]

DEPARTMENT OF LABOR

Economic Planning, Development and Security

54 Manpower and Employment Services

The unexpended balance in the Employment Development Services account as of June 30, 1984 is appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY
Public Safety and Criminal Justice
11 Vehicular Safety

The unexpended balance in the Office of Highway Safety Administration—State Match account as of June 30, 1984 is appropriated.

12 Law Enforcement

Receipts in excess of $500,000 derived from license fees or audits conducted to insure compliance with the Private Detective Act of 1939, C45:19–8 et seq., are appropriated to defray the cost of this activity.

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS
41 Community Development Management—State Aid

Notwithstanding the provisions of C52:27D–118.1 et seq., $4,500,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 75,000; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that this allocation and its matching amount shall be used for law enforcement.

CAPITAL CONSTRUCTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Community Development and Environmental Management
45 Recreational Resource Management

[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.]

2. In addition to the sums appropriated under P. L. 1984, c. 58, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control		$85,000
03-3330 Resource Development Services		150,000
Total Appropriation, Natural Resource Management		$235,000
Personal Services:		
New positions	($61,000)	
Materials and Supplies	(24,000)	
Special Purpose:		
Rural Advisory Council	(50,000)	
Fish and seafood development and promotion	(100,000)	

Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services		$300,000
Total Appropriation, Economic Planning and Development		$300,000
Special Purpose:		
Promotion market development	($300,000)	
Total Appropriation, Department of Agriculture		$535,000

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development		$200,000
Total Appropriation, Economic Planning and Development		$200,000
Special Purpose:		
Small Business Development Center	($200,000)	
Total Appropriation, Department of Commerce and Economic Development		$200,000

DEPARTMENT OF COMMUNITY AFFAIRS

Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Human Resources	$75,000
	Total Appropriation, Related Social Services Programs	$75,000
Special Purpose:		
	Youth employment in community development ($75,000)	
	Total Appropriation, Department of Community Affairs	$75,000

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

17 Parole and Community Programs

7010 Office of Parole and Community Programs

04-7010	Community Programs	$95,000
	Total Appropriation, Office of Parole and Community Programs	$95,000
Special Purpose:		
	Juvenile Resource Center, Camden ($95,000)	

19 Central Planning, Direction and Management

02-7000	Program Operations Support	$97,000
	Total Appropriation, Central Planning, Direction and Management	$97,000
Grants:		
	Theatre Without Bars ($97,000)	
	Total Appropriation, Department of Corrections	$192,000

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

54-5010	Support of the Arts	$340,000
	Total Appropriation, Cultural and Intellectual Development Services	$340,000

Special Purpose:

Governor's School	($150,000)
New Jersey School of the Arts	(190,000)

Total Appropriation, Department of Education	$340,000*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

14-4885	Shellfish and Marine Fisheries Management	$60,000
	Total Appropriation, Natural Resource Management	$60,000

Special Purpose:

Oyster propagation and disease control (C50:3–20.17)	($60,000)

44 Hazardous and Toxic Pollution Control

Receipts derived from laboratory certification services in excess of those anticipated are appropriated for the program.

45 Recreation Resource Management

12-4875	Parks Management	$110,000
	Total Appropriation, Recreation Resource Management	$110,000

Special Purpose:
Maintenance of Old Barracks, Trenton (State share) ..... ($65,000)
Historic Sites Trust ..... (20,000)
Day trips and camping opportunities for youngsters from lower and moderate income families ..... (25,000)

Letters of credit to grantee agencies of day trips and camping opportunities shall be sent not later than July 6, 1984.

Total Appropriation, Department of Environmental Protection $170,000

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220 Community Health Services $166,000

Total Appropriation, Health Services $166,000

Grants:
Prenatal programs—
North Hudson Community Action Center of West New York and Health Services of Hudson County in Jersey City ..... ($150,000)
Chronic disease services ..... (16,000)

25 Health Administration

99-4210 Management and Administrative Services $200,000*

Total Appropriation, Health Administration $200,000*

Special Purpose:
Establish Eastern United States Training Center ..... ($50,000*)
Governor's Council on Physical Fitness—Garden State Games .. (150,000)

Of the sum appropriated above for the Governor's Council on Physical Fitness, $50,000 shall be retained by the Department of Health for administrative costs incurred in administering the Garden State Games.

Total Appropriation, Department of Health $366,000*

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

99-5400 Management and Administrative Services $150,000

Total Appropriation, Office of the Chancellor $150,000

Special Purpose:
Governor's School ..... ($150,000)

5450 Thomas A. Edison State College

17-5450 Institutional Support $156,000

Total Appropriation, Thomas A. Edison State College $156,000

Materials and Supplies ..... ($56,000)
Services Other Than Personal ..... (100,000)

5500 Glassboro State College

15-5500 Academic Support $567,000

Total Appropriation, Glassboro State College $567,000

Materials and Supplies ..... ($100,000)
Services Other Than Personal ..... (200,000)
Additions, Improvements and Equipment ..... (267,000)

5510 Jersey City State College

15-5510 Academic Support $500,000

Total Appropriation, Jersey City State College $500,000

Materials and Supplies	($150,000)	
Services Other Than Personal	(150,000)	
Additions, Improvements and Equipment	(200,000)	

5520 Kean College of New Jersey

15-5520 Academic Support		$465,000
19-5520 Physical Plant Support Services		350,000
Total Appropriation, Kean College of New Jersey		$815,000
Materials and Supplies	($155,000)	
Services Other Than Personal	(155,000)	
Maintenance and Fixed Charges	(350,000)	
Additions, Improvements and Equipment	(155,000)	

5530 The William Paterson College of New Jersey

15-5530 Academic Support		$411,500
Total Appropriation, The William Paterson College of New Jersey		$411,500
Materials and Supplies	($130,500)	
Services Other Than Personal	(130,500)	
Additions, Improvements and Equipment	(150,500)	

5540 Montclair State College

15-5540 Academic Support		$781,000
Total Appropriation, Montclair State College		$781,000
Materials and Supplies	($275,000)	
Services Other Than Personal	(250,000)	
Additions, Improvements and Equipment	(256,000)	

5550 Trenton State College

15-5550 Academic Support		$602,000
Total Appropriation, Trenton State College		$602,000
Materials and Supplies	($200,000)	
Services Other Than Personal	(200,000)	
Additions, Improvements and Equipment	(202,000)	

	5560 Ramapo College of New Jersey	
15-5560	Academic Support	$282,000
	Total Appropriation, Ramapo College of New Jersey	$282,000
	Materials and Supplies ($100,000)	
	Services Other Than Personal (100,000)	
	Additions, Improvements and Equipment (82,000)	
	5570 Richard Stockton State College	
15-5570	Academic Support	$400,500
	Total Appropriation, Richard Stockton State College	$400,500
	Materials and Supplies ($130,000)	
	Services Other Than Personal (130,000)	
	Additions, Improvements and Equipment (140,500)	
	Rutgers, The State University	
	5600 General University	
11-5600	Instruction	$3,015,000
13-5600	Extension and Public Service	10,000
15-5600	Academic Support	585,000
16-5600	Student Services	180,000
17-5600	Institutional Support	450,000
19-5600	Physical Plant Support Services	270,000
	Total, All Operations	$4,510,000
	Personal Services:	
	Salaries and wages ($2,480,000)	
	Special Purpose:	
	Forum on policy research and public service, Rutgers—Camden (10,000)	
	Additions, Improvements and Equipment (2,020,000)	
	5620 Agricultural Experiment Station	
12-5620	Sponsored Programs and Research	$100,000*
	Total, All Operations	$100,000*

Special Purpose:	
New Jersey State Agricultural Museum ..... ($100,000*)	
Total Appropriation, Rutgers, The State University	$4,610,000*

5630 University of Medicine and Dentistry of New Jersey

Instruction	$882,000
Extension and Public Services	359,000
Student Services	175,000
Physical Plant and Support Services	84,000
Total Appropriation	$1,500,000
Personal Services:	
Salaries and wages ..... ($1,500,000)	

5640 New Jersey Institute of Technology

11-5640	Instruction	$650,000
15-5640	Academic Support	90,000
16-5640	Student Services	40,000
17-5640	Institutional Support	170,000
	Total Appropriation	$950,000
	Personal Services:	
	Salaries and wages ..... ($700,000)	
	Additions, Improvements and Equipment ..... (250,000)	
	Total Appropriation, Department of Higher Education	$11,725,000*

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$1,379,000
	Total Appropriation, Division of Mental Health and Hospitals	$1,379,000

Grants:

Community Mental Health Center, University of Medicine and Dentistry, Newark	($519,000)
Community Mental Health Center, University of Medicine and Dentistry, Rutgers	(860,000)

Of the amount hereinabove appropriated for Community Mental Health Center, University of Medicine and Dentistry, Rutgers, $260,000 shall be reserved for rental payments.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

24-7540	Pharmaceutical Assistance to the Aged and Disabled	$141,240
	Total Appropriation, Division of Medical Assistance and Health Services	$141,240

Grants:

Pharmaceutical assistance for the aged—claims	($141,240)

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

02-7600	Social Supervision and Consultation	$270,000
03-7600	Adult Activities	220,000
99-7600	Management and Administrative Services	136,000
	Total Appropriation, Division of Mental Retardation	$626,000

Special Purpose:

Kids on the Block program	($120,000)
Statewide public awareness exhibit	(150,000)
Special Olympics	(100,000)
Regional center for autistic persons	(120,000)
Dental program for non-institutionalized mentally retarded and handicapped children	(136,000)

33 Supplemental Education and Training Program

7560 Commission for the Blind and Visually Impaired

12-7560 Instruction and Community Programs ... $240,000

Total Appropriation, Commission for the Blind and Visually Impaired $240,000

Personal Services:
Salaries and wages .....($240,000)

Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

18-7570 General Social Services $186,000

Total Appropriation, Division of Youth and Family Services $186,000

Grants:
Fisherman's Mark for child care and support services .....($108,000)
Martin Luther King Youth Center, Bridgewater .....(28,000)
Community Planning and Advocacy Council, Camden County .....(50,000)

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500 Management and Administrative Services $250,000

Total Appropriation, Division of Management and Budget $250,000

Special Purpose:
For transfer to the State Police for fingerprinting/background checks of job applicants for employment at State institutions and potential foster parents/adoptive parents ..($250,000)

Special Government Services
83 Services to Veterans
7520 Division of Veterans' Services

19-7520	Management and Field Services	$214,000
	Total Appropriation, Division of Veterans' Services	$214,000

Special Purpose:
Vietnam veterans' outreach program ($189,000)

Grants:
Association of Blind Veterans (25,000)

Total Appropriation, Department of Human Services	$3,036,240

DEPARTMENT OF LAW AND PUBLIC SAFETY
Public Safety and Criminal Justice
11 Vehicular Safety

The unexpended balance as of June 30, 1984 in the Implementation of Surcharge Program account derived from Unsatisfied Claim and Judgment Fund Board loan proceeds, pursuant to C39:6–88, is appropriated.

12 Law Enforcement

99-1200	Management and Administrative Services	$1,385,000
	Total Appropriation, Law Enforcement	$1,385,000

Special Purpose:
State Police recruit training ($525,000)
State Police recruit training, Clinton Station (860,000)

Total Appropriation, Department of Law and Public Safety	$1,385,000

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530	New Jersey State Council on the Arts	$434,900
07-2540	Development of Historical Resources	88,000
	Total Appropriation, Cultural and Intellectual Development Services	$522,900

Special Purpose:

Morris Museum of Arts and Sciences	($ 50,000)
William Carlos Williams Center	(200,900)
Special audiences	(64,000)
School pamphlet series	(88,000)
John Harms Regional Performing Arts Center	(120,000)

The unexpended balance as of June 30, 1984 in the special purpose account for the Morris Museum of Arts and Sciences is appropriated for the same purpose.

Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

The unexpended balance as of June 30, 1984, in the Special Election Account is appropriated.

Total Appropriation, Department of State	$522,900

DEPARTMENT OF TRANSPORTATION

Transportation Services

62 Public Transportation

04-6050	Railroad and Bus Operations	$50,000
	Total Appropriation, Public Transportation	$50,000

Special Purpose:

Passenger service subsidies for bus operations	($50,000)

Of the amount hereinabove appropriated for Passenger service subsidies for bus operations, $50,000 will be made available for bus service to the elderly in Verona and Cedar Grove, Essex County.

Total Appropriation, Department of Transportation	$50,000
Total Appropriation, Direct State Services	$18,597,140*

STATE AID

Department of Community Affairs

Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020	Housing Services	$190,000
04-8030	Local Government Services	1,390,000*
	Total Appropriation, Community Development Management	$1,580,000*

State Aid:

Emergency rental assistance for the homeless	($90,000)
Revolving Housing Development and Demonstration Grant Fund	(100,000)
Safe and clean neighborhoods	(1,000,000)
Payment to Camden to raze vacant buildings	(200,000*)
Special aid to Lawnside Borough	(90,000)
Special aid to Middlesex County for the John E. Toolan Kiddie Keep Well Camp	(50,000)
Special aid to Willingboro	(32,500*)
Special aid to Beverly City	(17,500*)

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	$640,000
08-8060	Programs for the Aging	20,000
	Total Appropriation, Related Social Services Programs	$660,000

State Aid:
Grant to Ewing Township for the Hollowbrook Center ..... ($65,000)
Grant to Newark Central Ward Boys' Club ..... (150,000)
Office of Hispanic Affairs ..... (175,000)
United Vailsburg Service Organization .. (70,000)
Grant to the Leaguers ..... (90,000)
Grant to the Ironbound Educational and Cultural Center ..... (90,000)
Grant to Union County Council of Senior Citizens ..... (20,000)

Total Appropriation, Department of Community Affairs $2,240,000*

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

03-5120 Miscellaneous Grants in Aid $785,000

Total Appropriation, Direct Educational Services and Assistance $785,000

State Aid:
Payments for institutionalized children whose districts of residence cannot be determined ..... ($785,000)

34 Educational Support Services—State Aid

39-5095 Teachers' Pension and Annuity Assistance $6,000,000

Total Appropriation, Educational Support Services $6,000,000

State Aid:
Teachers' Pension and Annuity Fund and Insurance ..... ($4,500,000)
Minimum pension for pre-1955 retirees ..... (1,500,000)

The sum hereinabove appropriated for minimum pensions for pre-1955 retirees shall be expended as may be prescribed in enabling legislation. Such additional sums as may be necessary for this purpose are appropriated.

Of the sum appropriated for the Teachers' Pension and Annuity Fund and Insurance, $4,500,000 may be expended only upon the enactment of legislation providing for retirement at half pay for veteran members of the Teachers' Pension and Annuity Fund that have attained the age of 55 years with at least 25 years of service or age 60 with at least 20 years of service, such service having been rendered continuously or in the aggregate.

37 Cultural and Intellectual Development Services—State Aid

51-5070	Library Services	$685,000
	Total Appropriation, Cultural and Intellectual Development Services	$685,000

State Aid:
Library networking program ..... ($685,000)

The unexpended balance as of June 30, 1984 in the Library network aid account, not to exceed $125,000, is appropriated.

Total Appropriation, Department of Education	$7,470,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management—State Aid

15-4890	Marine Lands Management	$168,000
	Total Appropriation, Natural Resource Management	$168,000

State Aid:
Storm damage for coastal towns ... ($168,000)

43 Environmental Quality—State Aid

07-4850	Water Monitoring and Planning	$217,000
	Total Appropriation, Environmental Quality	$217,000

State Aid:
Lake Management ..... ($217,000)

Of the amount hereinabove appropriated for Lake Management, $217,000 shall be made available for Lake Hopatcong.

45 Recreational Resource Management—State Aid

21-4895	Navigational Aids	$100,000
	Total Appropriation, Recreational Resource Management	$100,000

State Aid:
Dredging of inland waterways—State aid to counties and municipalities, 100% grants for maintenance dredging projects ..... ($100,000)

Of the amount hereinabove appropriated for dredging of inland waterways, $100,000 shall be made available for the dredging of Imlaystown Pond, Upper Freehold Township, Monmouth County.

	Total Appropriation, Department of Environmental Protection	$485,000

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

5400 Office of the Chancellor

06-5400	Aid to County Colleges	$50,000
	Total Appropriation, Office of the Chancellor	$50,000

State Aid:
Brookdale Community College—Site acquisition and improvement .... ($50,000)

	Total Appropriation, Department of Higher Education	$50,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health—State Aid

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540	General Medical Services	$308,880
	Total Appropriation, Division of Medical Assistance and Health Services	$308,880

State Aid:
Payments for medical assistance recipients (State share) ..... ($308,880)

Total Appropriation, Department of Human Services	$308,880

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535	Museum Services	$75,000
	Total Appropriation, Cultural and Intellectual Development Services	$75,000

State Aid:
Turtle Back Zoo ..... ($75,000)

Total Appropriation, Department of State	$75,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

29-2088	Locally Provided Services	$800,000
	Total Appropriation, State Subsidies and Financial Aid	$800,000

State Aid:
Pinelands Municipal Property Tax Stabilization Fund, created pursuant to C54:1–72 ..... ($800,000)

Total Appropriation, Department of the Treasury $800,000

Total Appropriation, State Aid $11,428,880*

CAPITAL CONSTRUCTION

Department of Defense

Public Safety and Criminal Justice

14 Military Services

Capital Projects:
Flemington Armory addition ..... ($400,200)

Total Appropriation, Department of Defense $400,200

Department of Higher Education

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

Reimbursement from the transfer of property to the Department of Transportation shall be appropriated for use as determined by the Chancellor and the Board of Higher Education.

5600 Rutgers, The State University

Capital Projects:
Renovation of Winants Hall ..... ($600,000)

Total Appropriation, Department of Higher Education $600,000

Total Appropriation, Capital Construction .. $1,000,200

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Medical Services

7540 Division of Medical Assistance and Health Services

22-7540 General Medical Services	$276,120
Total Appropriation, Division of Medical Assistance and Health Services	$276,120
State Aid and Grants:	
Medical assistance ($276,120)	
Total Appropriation, Department of Human Services	$276,120
Total Appropriation, Federal Funds	$276,120
Total Appropriation, General Fund	$31,302,340*

CASINO REVENUE FUND

DIRECT STATE SERVICES

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Health Services

24-7540 Pharmaceutical Assistance to the Aged and Disabled	$73,260
Total Appropriation, Special Health Services	$73,260
Grants:	
Pharmaceutical assistance to the aged and disabled—claims ($73,260)	
Total Appropriation, Department of Human Services	$73,260
Total Appropriation, Casino Revenue Fund	$73,260
Grand Total Appropriation, All Funds	$31,375,600*

3. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved September 8, 1984.

* Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 144 (Senate Bill No. 2000)

Pursuant to Article V, Section 1, paragraph 15 of the Constitution I am today returning Senate Bill No. 2000 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended hereto.

This bill is a supplement to the Annual Appropriations Act for Fiscal Year 1985, which was passed simultaneously, and would provide for a number of activities in State government. Senate Bill No. 2000 includes a total appropriation of $32,110,600; I have reduced this amount by $735,000, thereby leaving a total appropriation of $31,375,600, which includes a total of $20,185,000 in increased funding for education in New Jersey, including $7,810,000 for the Department of Education and $12,375,000 for the Department of Higher Education. This bill also includes $655,000 for the Department of Environmental Protection; $366,000 for the Department of Health; $3,694,500 for the Department of Human Services; $597,900 to the Department of State for cultural, intellectual, and artistic programs; $535,000 for the Department of Agriculture; $200,000 for the Department of Commerce; $2,315,000 for the Department of Community Affairs; $192,000 for the Department of Corrections; $400,200 for the Department of Defense; $1,385,000 for the Department of Law and Public Safety; $50,000 for the Department of Transportation; and $800,000 to the Department of the Treasury, to fund the Pinelands Tax Stabilization Fund.

With our current surplus we are able to meet these additional governmental obligations with revenues on hand. This may be a one-time situation so it should be carefully noted by the sponsors and organizations involved that these appropriations should not be anticipated in their budgets for next year.

I am therefore appending to Senate Bill No. 2000 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.

"DIRECT STATE SERVICES"
"EXECUTIVE BRANCH"
"Department of Education"

"30-5063 General Academic Education ..... $60,000"
This item is deleted in its entirety.

"Total Appropriation, Educational Support Services ..... 60,000"
This item is deleted in its entirety.

"In-service teacher training, Bloomfield public schools ..... (60,000)"
This item is deleted in its entirety.

"Total Appropriation, Department of Education ..... 400,000"
This item is reduced to $340,000.

"Department of Health"

"99-4210 Management and Administrative Services ..... 450,000"
This item is reduced to $200,000.

"Total Appropriation, Health Administration . 450,000"
This item is reduced to $200,000.

"Establish Eastern United States Training Center ..... (300,000)"
This item is reduced to $50,000.

"Total Appropriation, Department of Health 616,000"
This item is reduced to $366,000.

"Department of Higher Education"

"12-5620 Sponsored Programs and Research .. 200,000"
This item is reduced to $100,000.

"Total, All Operations ..... 200,000"
This item is reduced to $100,000.

"New Jersey State Agricultural Museum ..... (200,000)"
This item is reduced to $100,000.

"Total Appropriation, Rutgers, The State University ..... This item is reduced to $4,610,000.	$4,710,000"
"Total Appropriation, Department of Higher Education ..... This item is reduced to $11,725,000.	11,825,000"
"Department of Insurance"	
"03-3130 Regulation of the Real Estate Industry ..... This item is deleted in its entirety.	75,000"
"Total Appropriation, Economic Regulation .. This item is deleted in its entirety.	75,000"
"Real Estate Commissioners' salaries ..... This item is deleted in its entirety.	(75,000)"
"Total Appropriation, Department of Insurance ..... This item is deleted in its entirety.	75,000"
"Total Appropriation, Direct State Services... This item is reduced to $18,597,140.	19,082,140"
"STATE AID"	
"Department of Community Affairs"	
"04-8030 Local Government Services ..... This item is reduced to $1,390,000.	1,640,000"
"Total Appropriation, Community Development Management ..... This item is reduced to $1,580,000.	1,830,000"
"Payment to Camden to raze vacant buildings This item is reduced to $200,000.	(400,000)"
"Special aid to Willingboro [for increased police and fire services or to avert layoffs] .... The bracketed language is deleted in its entirety, and this item is reduced to $32,500.	(65,000)"
"Special aid to Beverly City [for increased police and fire services or to avert layoffs] .... The bracketed language is deleted in its entirety, and this item is reduced to $17,500.	(35,000)"

"Of the amount hereinabove for the Housing Demonstration Grant Fund, $100,000 is appropriated for the nonprofit rehabilitation and sales program in the City of Trenton."
The quoted language is deleted in its entirety.

"Total Appropriation, Department of Community Affairs ..... $2,490,000"
This item is reduced to $2,240,000.

"Total Appropriation, State Aid ..... 11,678,880"
This item is reduced to $11,428,880.

"Total Appropriation, General Fund ..... 32,037,340"
This item is reduced to $31,302,340.

"Grand Total Appropriation, All Funds ..... 32,110,600"
This item is reduced to $31,375,600.

"Capital Construction"

"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."

The quoted section repealing this paragraph is deleted in its entirety, thereby leaving the text as it stands in P. L. 1984, c. 58.

SUMMARY

I have reduced the funds for the following programs in the amounts indicated.

"Direct State Services"

Department of Education

— $60,000 In-service teacher training, Bloomfield public schools. Local school districts are reimbursed for in-service programs through equalization aid formula.

Department of Health

—$250,000 Establish Eastern United States Training Center. Funds not requested by the department. (Leaves $50,000 for this purpose.)

Department of Higher Education

— 100,000 For a New Jersey State Agricultural Museum. (Leaves $100,000 for this purpose.)

Department of Insurance

— 75,000 For Real Estate Commissioners' salaries. This matter would be more appropriately handled through Assembly Bill No. 1934, now pending before the Legislature.

"State Aid"

Department of Community Affairs

— 200,000 Payment to Camden to raze vacant buildings. (Leaves $200,000 for this purpose.)

— 32,500 Special aid to Willingboro (Leaves $32,500 for this purpose.)

— 17,500 Special aid to Beverly City. (Leaves $17,500 for this purpose.)

Respectfully,

/s/ THOMAS H. KEAN,
Governor.

[SEAL]
Attest:
/s/ W. CARY EDWARDS,
Chief Counsel.

CHAPTER 145

AN ACT to amend "An act concerning motor vehicles amending, supplementing and repealing parts of Title 39 of the Revised Statutes and supplements thereto," approved July 4, 1964 (P. L. 1964, c. 136).

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

1. Section 7 of P. L. 1964, c. 136 (C. 39:3-61.1) is amended to read as follows:

C. 39:3-61.1 Mounting of lamps, reflectors.

7. Lamps and reflectors required by section 39:3-61 shall be mounted on a vehicle as follows:

(a) Every lamp and every reflector shall be permanently and securely mounted in a workmanlike manner on a permanent part of the vehicle.

(b) When two lamps or two reflectors of the same type are required on the front or on the rear of a vehicle, they shall be mounted at the same level and spaced as widely laterally as practicable.

(c) The mounted height of a lamp or reflector shall be measured from the center thereof to the level surface upon which the vehicle stands.

(d) Headlamps shall be so mounted that their beams are readily adjustable, both vertically and horizontally, and their aim is not readily disturbed by ordinary conditions of service. The mounted height of headlamps shall be not more than 54 inches nor less than 24 inches, but these height requirements shall not apply to trucks prepared for snowplowing.

(e) The mounted height of tail lamps shall be not more than 72 inches nor less than 15 inches; eye-level tail lamps may be mounted outside the passenger vehicle; provided their height does not exceed 72 inches. Rear lamps may be mounted higher than 72 inches on any vehicle designed for carrying flammable liquids as a cargo.

(f) Clearance lamps shall be mounted to indicate the extreme width and height of the vehicle so far as is practicable, except that on a truck tractor, they shall be mounted to indicate the extreme width of the cab. On flatbed vehicles and vehicles designed for carrying flammable liquids, rear clearance lamps may be located on the chassis, and front clearance lamps may be located on the cab of trucks or truck tractors or the vehicle's chassis, provided the lamps are clearly visible from a distance of 500 feet in the direction set forth therefor.

(g) Side-marker lamps may be mounted at optional height on the side of a vehicle.

(h) Turn signals required on the rear of a truck tractor not equipped with double-faced turn signals on or near the front shall be mounted on the rear in a manner to be visible to passing drivers.

(i) Identification lamps shall be mounted on the front and rear of the vehicle as close as practicable to the vertical center line of the vehicle, and shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than 12 inches apart; provided, however, that where the cab is not more than 42 inches wide at the front roof line, a single identification lamp at the center line of the cab shall be deemed to comply with the requirements for front identification lamps. No part of front identification lamps or their mountings may extend below the top of the vehicle windshield. Rear identification lamps on a truck, trailer, or semitrailer need not be lighted if they are obscured by another vehicle towed by the truck or in the same combination of vehicles.

(j) The mounted height of reflectors shall be not less than 20 inches nor more than 60 inches. Every reflector shall be so installed in a workmanlike manner as to perform its function adequately, and to provide maximum stability and minimum likelihood of damage. Any reflector otherwise properly mounted may be securely installed on flexible strapping or belting; provided that under conditions of normal operation it reflects light in the required direction.

(k) The director in his discretion may prescribe additional requirements for mounting lamps or reflectors on vehicles, provided they are not inconsistent with the provisions of this article.

2. This act shall take effect immediately.

Approved September 8, 1984.

CHAPTER 146

AN ACT concerning emergency medical services, supplementing Title 26 of the Revised Statutes, and repealing P. L. 1973, c. 229.

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

C. 26:2K-7 Definitions.

1. As used in this act:

a. "Advanced life support" means an advanced level of prehospital, inter-hospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-

arrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the commissioner;

b. "Board of Medical Examiners" means the State Board of Medical Examiners;

c. "Board of Nursing" means the New Jersey Board of Nursing;

d. "Commissioner" means the Commissioner of the State Department of Health;

e. "Department" means the State Department of Health;

f. "Emergency service" means a program in a hospital staffed 24 hours a day by a licensed physician trained in emergency medicine;

g. "Inter-hospital care" means those emergency medical services rendered by mobile intensive care units to emergency patients before and during transportation between emergency treatment facilities, and upon arrival within those facilities;

h. "Mobile intensive care paramedic" means a person trained in advanced life support services and certified by the commissioner to render advanced life support services as part of a mobile intensive care unit;

i. "Mobile intensive care unit" means a specialized emergency medical service vehicle staffed by mobile intensive care paramedics or registered professional nurses trained in advanced life support nursing and operated for the provision of advanced life support services under the direction of an authorized hospital;

j. "Pre-hospital care" means those emergency medical services rendered by mobile intensive care units to emergency patients before and during transportation to emergency treatment facilities, and upon arrival within those facilities.

C. 26:2K-8 Certification of paramedics.

2. a. A mobile intensive care paramedic shall obtain certification from the commissioner to staff a mobile intensive care unit and shall make application therefor on forms prescribed by the commissioner.

b. The commissioner, with the approval of the board of medical examiners, shall establish written standards which a mobile intensive care paramedic shall meet in order to obtain certification. The commissioner shall act on a regular basis upon applications of candidates for certification as a mobile intensive care paramedic. The commissioner shall certify a candidate who pro-

vides satisfactory evidence of the successful completion of an educational program approved by the commissioner for the training of mobile intensive care paramedics and who passes an examination in the provision of advanced life support services, which examination shall be conducted by the department at least twice a year.

c. The department shall maintain a register of all applicants for certification hereunder, which register shall include but not be limited to:

(1) The name and residence of the applicant;

(2) The date of the application;

(3) Information as to whether the applicant was rejected or certified and the date of that action.

The department shall annually compile a list of mobile intensive care paramedics. This list shall be available to the public.

C. 26:2K-9 Revocation of certification.

3. The commissioner after notice and hearing may revoke the certification of a mobile intensive care paramedic for violation of any provision of this act or regulations promulgated hereunder.

C. 26:2K-10 Direct voice communication.

4. A mobile intensive care paramedic may perform advanced life support services, provided they maintain direct voice communication with and are taking orders from a licensed physician or physician-directed registered professional nurse, both of whom are affiliated with a mobile intensive care hospital which is approved by the commissioner to provide advanced life support services. A telemetered electrocardiogram shall be monitored when deemed appropriate by the licensed physician or when required by written rules and regulations established by the mobile intensive care hospital and approved by the commissioner.

C. 26:2K-11 Life-threatening situation.

5. If the direct voice communications fail, a mobile intensive care paramedic may perform any advanced life support procedure for which that person is certified and which is included in a written protocol established by the mobile intensive care hospital and approved by the commissioner, if, in the judgment of the nurse or paramedic, the life of the patient is in immediate danger and requires that care for his preservation.

C. 26:2K-12 Hospital authorization.

6. a. Only a hospital authorized by the commissioner with an accredited emergency service may develop and maintain a mobile intensive care unit, and provide advanced life support services utilizing licensed physicians, registered professional nurses trained in advanced life support nursing, and mobile intensive care paramedics.

b. A hospital authorized by the commissioner pursuant to subsection a. of this section shall provide mobile intensive care unit services on a continuous 24-hour-a-day, 7-day-a-week basis.

c. The commissioner shall establish, in writing, criteria which a hospital shall meet in order to qualify for the authorization.

d. The commissioner may withdraw his authorization if the hospital or unit violates any provision of this act or rules or regulations promulgated pursuant thereto.

C. 26:2K-13 Authorization required.

7. a No person may advertise or disseminate information to the public that the person provides advanced life support services by a mobile intensive care unit unless the person is authorized to do so pursuant to section 6 of this act.

b. No person may impersonate or refer to himself as a mobile intensive care paramedic unless he is certified or approved therefor, as appropriate.

C. 26:2K-14 Civil immunity.

8. No mobile intensive care paramedic, licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses or other employees of the hospital, first aid, ambulance or rescue squad, or officers and members of a rescue squad shall be liable for any civil damages as the result of an act or the omission of an act committed while in training for or in the rendering of advanced life support services in good faith and in accordance with this act.

C. 26:2K-15 Violations; penalties.

9. An individual who violates the provisions of this act is subject to a penalty of $200.00 for the first offense and $500.00 for each subsequent offense. If the violation of this act is of a continuing nature, each day during which it continues shall constitute a separate offense for the purposes of this section. The penalty shall be collected and enforced by summary proceedings under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.).

C. 26:2K-16 Advisory council.

10. The commissioner shall establish a State mobile intensive care advisory council which shall advise the department on all matters of mobile intensive care services. The council shall select a chairman annually to chair the meetings and coordinate the activities of the advisory council. The chairman shall appoint subcommittees to review and recommend policy on subjects including, but not limited to, advanced life support training programs, advanced life support patient care equipment, biomedical and telecommunications equipment and procedures, and treatment protocols, as well as other medical matters.

C. 26:2K-17 Rules, regulations.

11. The commissioner shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) as he deems necessary to effectuate the purposes of this act, and the board of medical examiners and the board of nursing shall promulgate such rules and regulations as they deem necessary to carry out their functions under this act.

C. 26:2K-18 Restrictions on paramedics.

12. Nothing in this act shall be interpreted to permit a mobile intensive care paramedic to perform the duties or fill the position of another health care professional employed by the hospital, except that the paramedic may perform those functions that are necessary to assure the orderly transfer of advanced life support care from the mobile intensive care unit to hospital staff upon arrival at an emergency room, and that are necessary to obtain the clinical training in the provision of advanced life support services required by the department.

C. 26:2K-19 Highway program unaffected.

13. Nothing in this act shall be construed as interfering with an emergency service training program authorized and operated under provisions of the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351 (C. 27:5F–1 et seq.).

C. 26:2K-20 Professionals unaffected.

14. Nothing in this act shall be construed to prevent a licensed and qualified member of the health care profession from performing any of the duties of a mobile intensive care paramedic if the duties are consistent with the accepted standards of the member's profession.

New Jersey State Library

Repealer.

15. P. L. 1973, c. 229 (C. 26:2K–1 et seq.) is repealed.

16. This act shall take effect 90 days following enactment.

Approved September 8, 1984.

CHAPTER 147

AN ACT to amend the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89).

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

1. Section 11 of P. L. 1965, c. 89 (C. 53:5A–11) is amended to read as follows:

C. 53:5A-11 Disability retirement allowance.

11. a. Upon the receipt by the retirement system of a written application for a disability retirement allowance, the system shall refer the application to the medical board, which shall designate a physician or physicians to examine the applicant and the report of the medical board shall be considered by the board of trustees in acting upon such application.

b. (Deleted by amendment, P. L. 1984, c. 147.)

2. This act shall take effect immediately.

Approved September 8, 1984.

CHAPTER 148

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, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the amounts appropriated under P. L. 1983, c. 240, there is appropriated from the General Fund the following amount for the purpose specified:

DIRECT STATE SERVICES
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Community Development and Environmental Management
45 Recreational Resource Management

12-4875	Parks Management	$1,500,000
	Special Purpose:	
	Repair and renovation of Trenton War Memorial in accordance with capital improvement master plan adopted by Trenton War Memorial Commission	($1,500,000)

2. The amount appropriated hereunder shall be made available to the Trenton War Memorial Commission only upon its adoption of a capital improvement master plan and the subsequent approval of that plan by the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury. The amount appropriated hereunder shall be expended by the commission in accordance with the provisions of that plan.

3. This act shall take effect immediately.

Approved September 8, 1984.

CHAPTER 149

AN ACT to establish the New Jersey Institute on Conflict Resolution and Peace Studies, prescribing the functions and purposes thereof, and making an appropriation therefor.

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

C. 18A:3A-1 Short title.

1. This act shall be known and may be cited as the "Conflict Resolution and Peace Studies Act."

C. 18A:3A-2 Findings, determinations, declarations.

2. The Legislature finds, determines and declares:

a. It is a fundamental aspiration of the people of New Jersey to live in a peaceful world, in which the threat of war, with its material destruction and human suffering, is steadily reduced and ultimately eliminated;

b. Accordingly, it is an appropriate act of State government, in furtherance of this aspiration, to promote the development, collection and analysis of the best research on, and most advanced techniques of, conflict resolution and peaceful settlement of disputes; and

c. It is the intent and purpose of the Legislature that the Institute established pursuant to this act shall produce significant aid to the understanding and implementation of methods for prevention of violent conflict arising from disputes on all levels of human interaction; and it is reasonably anticipated that, in addition to its primary benefits aimed at the avoidance of armed national conflict, the results of the Institute's labors will produce significant benefits of a domestic nature here in New Jersey—as in improving labor-management relations, mediating environmental issue disputes and mitigating landlord-tenant conflicts.

C. 18A:3A-3 Institute on Conflict Resolution.

3. a. There is established in, but not of, the Department of Higher Education the New Jersey Institute on Conflict Resolution and Peace Studies, hereafter referred to as the Institute.

b. The Institute shall be under the direct management and supervision of the Chancellor of Higher Education, who shall, by rules and regulations promulgated pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), provide for its organization and methods of proceeding, so as to fulfill the purposes prescribed in section 4 of this act.

c. The Chancellor may at any time, and from time to time, enter into agreements with any public or private institution of higher learning in this State, under which such institution shall undertake to carry out any of the functions or projects of the Institute, pursuant to section 4 of this act; and in consideration of such undertaking the Chancellor may authorize the payment to such institution of funds appropriated or otherwise made available to the Institute under this act or any other law, or from any other lawful source, and which are determined by him to be necessary or appropriate for the funding of the function or project so undertaken.

C. 18A:3A-4 Duties.

4. The Institute created by this act shall:

a. Foster wide varieties of approaches to conflict resolution by sponsoring research, seminars, conferences, and other activities which may contribute to the fulfillment of the goals set forth in section 2 of this act;

b. Facilitate the collection of, and access to, the best available research relating to the understanding, analysis and techniques of conflict resolution; and

c. Take steps, through or in cooperation with public and private institutions of higher learning in the State, to develop courses and curricula in conflict resolution and peace studies, including a range of programs and study materials that will offer appropriate choices for use at all academic levels and for pupils of all age groups, so that the most advanced and most useful knowledge in this field shall be widely and effectively disseminated.

C. 18A:3A-5 Annual recommendations.

5. In order to make a concrete and substantial contribution to peace through understanding, the Institute shall annually, and at such other times as it deems appropriate, transmit its findings and recommendations to the presiding officers of the United States Senate and House of Representatives, to each of the members of the Congress of the United States elected from New Jersey, to the appropriate officers of the Department of State and the Department of Defense, to the Executive Office of the President, to the Secretary-General of the United Nations, and to other such institutions which are devoted to the study and advancement of peace.

C. 18A:3A-6 Advisory board.

6. To assist him in the organization of the Institute, and in fulfilling his other duties and responsibilities under this act, the Chancellor shall appoint an advisory board, which shall be broadly representative of those organizations and individuals having active interest in, and academic or practical knowledge and experience in, the methods and techniques of conflict resolution and the peaceful settlement of disputes; including, without limitation, representatives of religious, cultural and academic organizations, and persons actively engaged in the promotion of international and intercultural understanding, the study or conduct of foreign relations, and the advancement of world peace.

7. There is appropriated to the Department of Higher Education, for the purposes of the Institute, the sum of $50,000.00. Disbursements from the amount thus appropriated, or which may hereafter be appropriated or otherwise made available for the purposes of the Institute, shall be made upon certification of the Chancellor pursuant to the terms of this act and rules and regulations made pursuant thereto, and warrant of the Comptroller.

8. This act shall take effect immediately.

Approved September 8, 1984.

CHAPTER 150

AN ACT concerning the bidding requirement for the leasing of certain telephone equipment and supplementing chapter 11 of Title 40A of the New Jersey Statutes.

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

1. The leasing of telephone wiring and equipment installed and in service as of January 1, 1984 is exempt from the bidding requirements of section 4 of P. L. 1971, c. 198 (C. 40A:11–4) until June 1, 1986 or where a contract concerning the leasing of the wiring and equipment is in effect on the effective date of this act until the expiration date of the contract.

2. This act shall take effect immediately.

Approved September 8, 1984.

CHAPTER 151

AN ACT to amend the title of "An act authorizing municipalities to undertake, develop, construct, operate and finance, as local improvements, pedestrian malls, and supplementing chapter 56 of Title 40 of the Revised Statutes," approved August 17, 1972 (P. L. 1972, c. 134), so that the same shall read "An act authorizing municipalities to undertake, develop, construct, operate and finance, as local improvements, pedestrian malls, and to create special improvement districts and district management corporations, and supplementing chapter 56 of Title 40 of the Revised Statutes," 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. 1972, c. 134 is amended to read as follows: An act authorizing municipalities to undertake, develop, construct,

operate and finance, as local improvements, pedestrian malls, and to create special improvement districts and district management corporations, and supplementing chapter 56 of Title 40 of the Revised Statutes.

2. Section 1 of P. L. 1972, c. 134 (C. 40:56–65) is amended to read as follows:

C. 40:56-65 Findings; policy declaration.

1. a. The Legislature finds: (1) increases in population and automobile usage have created conditions of traffic congestion in business districts of New Jersey municipalities; (2) such conditions constitute a hazard to the safety of pedestrians and impede the movement of police and fire equipment, ambulances and like emergency vehicles; (3) streets in such districts that now accommodate both sidewalks and vehicular rights-of-way cannot be further widened without taking valuable buildings and improvements, thereby substantially impairing the primary function of such streets, that of being primarily pedestrian facilities, and impairing municipal ratables, the primary source of tax revenue; and (4) limitation on the use of such streets by private vehicles may be found by the governing body of any such municipality to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes.

b. The Legislature further finds: (1) that district management corporations may assist municipalities in promoting economic growth and employment within business districts; (2) that municipalities should be encouraged to create self-financing special improvement districts and designated district management corporations to execute self-help programs to enhance their local business climates; and (3) that municipalities should be given the broadest possible discretion in establishing by local ordinance the self-help programs most consistent with their local needs, goals and objectives.

c. It is the public policy of the State of New Jersey to permit the governing body of any municipality to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such municipalities by the adoption of ordinances as in this act authorized.

3. Section 2 of P. L. 1972, c. 134 (C. 40:56–66) is amended to read as follows:

C. 40:56-66 Definitions.

2. As used in this act:

a. "Pedestrian mall" or "pedestrian mall improvement" means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, whether or not a part of a street is set apart for roadway for emergency vehicles, transit vehicles and private vehicles or any of them, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of a municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties.

b. "Special improvement district" means an area within a municipality designated by municipal ordinance as an area in which a special assessment on all property within the district shall be imposed for the purposes of promoting the economic and general welfare of the district and the municipality.

c. "District management corporation" means an entity created by municipal ordinance or incorporated pursuant to Title 15A of the New Jersey Statutes and designated by municipal ordinance to receive funds collected by a special assessment within a special improvement district, as authorized by this amendatory and supplementary act.

4. Section 3 of P. L. 1972, c. 134 (C. 40:56–67) is amended to read as follows:

C. 40:56-67 Additional local improvements.

3. In addition to the works enumerated in R. S. 40:56–1, any municipality may undertake development and maintenance of a pedestrian mall, or provide for the creation and management of a special improvement district, as a local improvement in accordance with this act and the provisions of chapter 56 of Title 40 of the Revised Statutes (R. S. 40:56–1 et seq.).

5. Section 4 of P. L. 1972, c. 134 (C. 40:56–68) is amended to read as follows:

C. 40:56-68 Conditions for adoption of ordinances.

4. a. A pedestrian mall ordinance may be adopted if the governing body of any municipality finds: (1) a street or part thereof is not a part of any State highway, is located primarily in a business district, is improved to its maximum feasible width with regard to adjoining buildings and improvements, (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles, (3) continued unlimited use of the street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians, (4) abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials, and (5) it is in the best interests of the municipality and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

b. A special improvement district ordinance may be adopted if the governing body of a municipality finds: (1) that an area within the municipality, as described by lot and block numbers and by street addresses in the enabling ordinance, would benefit from being designated as a special improvement district; (2) that a district management corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the special improvement district; (3) that a special assessment shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the district management corporation to effectuate the purposes of this amendatory and supplementary act and to exercise the powers given to it by municipal ordinance; and (4) that it is in the best interests of the municipality and the public to create a special improvement district and to designate a district management corporation; except that no district management corporation shall be designated to receive any funds or to exercise any powers pursuant to the provisions of this amendatory and supplementary act, unless the board of directors of that corporation shall include at least one member of the governing body of the municipality.

6. Section 6 of P. L. 1972, c. 134 (C. 40:56–70) is amended to read as follows:

C. 40:56-70 Studies, plans.

6. The governing body of any municipality may by resolution authorize the commencement of studies and the development of preliminary plans and specifications relating to the creation and maintenance of a pedestrian mall facility or special improvement district, including, whenever possible, estimates of construction and maintenance, and costs and estimates of potential gross benefit assessment.

In the case of a special improvement district, these studies and plans may include criteria to regulate the construction and alteration of facades of buildings and structures in a manner which promotes unified or compatible design.

7. Section 7 of P. L. 1972, c. 134 (C. 40:56–71) is amended to read as follows:

C. 40:56-71 Adoption of ordinances.

7. Upon review of the reports and recommendations submitted, an ordinance may be adopted authorizing and directing the establishment and maintenance of a pedestrian mall facility or special improvement district. In addition to other requirements for the consideration and adoption of ordinances, at least 10 days prior to the date fixed for a public hearing thereon, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners and tenants of the lots or parcels of land abutting or directly affected by any proposed pedestrian mall or included in the special improvement district proposed by the ordinance, as the case may be.

In the case of a special improvement district, the ordinance may include the requirement that construction or alteration of building and structure facades be subject to prior review and approval to assure compliance with design criteria included in the ordinance. The design criteria shall be approved by the municipal planning board prior to inclusion in the ordinance. A municipal officer or agency shall be designated by ordinance to conduct the review and grant or deny approvals of proposed construction or alteration of facades. In lieu of that designation, the governing body may designate the district management corporation to conduct these reviews and grant or deny these approvals, but only if the governing body finds in the ordinance that the corporation is so constituted and organized as to be reasonably appropriate and qualified

for this role. If the district management corporation is so designated, the ordinance may provide for the appeal of individual determinations of the corporation to the municipal planning board.

8. Section 8 of P. L. 1972, c. 134 (C. 40:56–72) is amended to read as follows:

C. 40:56-72 Assessment of benefited properties.

8. A pedestrian mall or special improvement district ordinance may provide that all costs of development, construction and acquisition relating to the creation of a pedestrian mall or provision of improvements for a special improvement district, as the case may be, shall be financed and assessed to properties especially benefited thereby as provided generally by R. S. 40:56–1 et seq., and the ordinance shall list and describe, by lot and block numbers and by street addresses, all properties to be assessed for the pedestrian mall or special district improvements, as the case may be.

9. Section 9 of P. L. 1972, c. 134 (C. 40:56–73) is amended to read as follows:

C. 40:56-73 Annual costs.

9. If the governing body determines that the improvements will involve annual costs in addition to the initial cost of constructing and making the improvements, and that such annual costs relate to maintenance services peculiar to the mall facility or special improvement district, as the case may be, and distinguished from maintenance services normally provided by the municipality outside of the mall facility or special improvement district, as the case may be, and will provide benefits primarily, in the case of a pedestrian mall, to adjacent, surrounding or neighboring property, or in the case of a special improvement district, to property included in the district, rather than to the municipality as a whole, the ordinance may provide that the improvements and facilities thereof shall be operated and maintained pursuant to the provisions of this act and the costs thereof assessed or taxed to benefited properties or businesses pursuant to the provisions of section 16 of P. L. 1972, c. 134 (C. 40:56–80) or section 19 of this amendatory and supplementary act. At any time after a pedestrian mall or special improvement district ordinance has been adopted or lands have been acquired or improved for a pedestrian mall or special improvement district, as the case may be, the governing body may upon such determination provide, by separate ordinance or by amendment to the

ordinance, that the improvements and facilities thereof shall be so operated and maintained and the costs so taxed and assessed to benefited properties or businesses. In any such case, such ordinance shall describe the properties to be assessed or taxed, or in which any businesses may be contained which may be assessed or taxed, for such annual costs, which area may be given the name "(name of Pedestrian Mall) Improvement District" or "(name of Special Improvement District) Improvement District."

10. Section 10 of P. L. 1972, c. 134 (C. 40:56–74) is amended to read as follows:

C. 40:56-74 Street, sidewalk construction.

10. Notwithstanding any contrary provision of law, ordinance, code or regulation governing standards and specifications for street and sidewalk construction, a pedestrian mall or any street or sidewalk included in a special improvement district may be constructed of concrete, bricks, asphalt tiles, blocks, granite or such other materials and such combinations of materials as the governing body of a municipality shall approve, and the governing body of a municipality may in its discretion narrow any roadway to be kept and maintained in connection with any pedestrian mall or special improvement district, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block as well as at the ends of blocks, and may cause the roadway to curve and meander within the limits of the street, regardless of the uniformity of width of the street or curve or absence of curve in the center line of such street, to enhance the usefulness and appearance of a pedestrian mall or special improvement district.

11. Section 11 of P. L. 1972, c. 134 (C. 40:56–75) is amended to read as follows:

C. 40:56-75 Retention of municipal rights, powers.

11. Notwithstanding the improvement of any street as a pedestrian mall or incident to a special improvement district, the municipality and its governing body shall retain its police powers and other rights and powers relating to the street or part thereof constituting the pedestrian mall or included in a special improvement district, and no such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of a pedestrian mall or special improvement district pursuant to this act, as the case may be, is a matter of a regulation only. This act shall not prevent the governing body of any municipality, at any time sub-

sequent to the adoption of a pedestrian mall or special improvement district ordinance, by ordinance, from abandoning the operation of the pedestrian mall or special improvement district, changing the extent of the pedestrian mall or special improvement district, supplementing or amending the description of the district to be specially assessed or taxed for annual costs of the pedestrian mall or special improvement district, or changing or repealing any limitations on the use of the pedestrian mall or special improvement district streets by private vehicles or any plan, rules or regulations adopted for the operation of a pedestrian mall or special improvement district.

12. Section 12 of P. L. 1972, c. 134 (C. 40:56–76) is amended to read as follows:

C. 40:56-76 Condemnation proceedings.

12. Condemnation proceedings incidental to the development or maintenance of a pedestrian mall or special improvement district, as the case may be, are authorized and shall be taken in accordance with the provisions of chapter 56 of Title 40 of the Revised Statutes. All procedures incidental to the development and maintenance of a pedestrian mall or special improvement district pursuant to this act, including financing land acquisition and legal challenges and appeals not specifically prescribed hereunder, shall be taken in accordance with other applicable provisions of said chapter 56 of Title 40.

13. Section 13 of P. L. 1972, c. 134 (C. 40:56–77) is amended to read as follows:

C. 40:56-77 Uses of malls, districts.

13. a. Any pedestrian mall created pursuant to this act above or any property of a special improvement district may be used, under the direction of the governing body, for any purpose or activity which will enhance the movement, safety, convenience or enjoyment of pedestrians, including seating, display and sale of merchandise, exhibiting, advertising, public events, and any other use or activity which in the judgment of the governing body will enhance the movement, safety, convenience or enjoyment of pedestrians and any other use or activity permitted by any applicable pedestrian mall ordinance, a special improvement district or other applicable law, ordinance or power.

b. Upon adoption of a pedestrian mall or special improvement district ordinance, the governing body may, from time to time, provide for the control and regulation of:

(1) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the pedestrian mall or special improvement district, as the case may be, and not otherwise located or fixed by the plans and specifications;

(2) The uses to be permitted on the mall or special improvement district property by occupants of abutting property, any transit or telephone utility, concessionaires, vendors and others to serve the convenience and enjoyment of pedestrians and the location of such uses;

(3) The issuance of permits to conduct any special activity consistent with the broad purposes of the pedestrian mall or special improvement district;

(4) The operation of any lighting, heating or other facilities in the mall or on special improvement district property, replacing landscaping and maintaining the furniture and facilities in the mall or on special improvement district property.

14. Section 14 of P. L. 1972, c. 134 (C. 40:56–78) is amended to read as follows:

C. 40:56-78 Not deemed nuisance.

14. Any movable furniture, structure, facility or appurtenance or activity located or permitted in connection with a pedestrian mall improvement or special improvement district shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, notwithstanding any rule or regulation or principle of negligence law pertaining to the use of public streets and highways, and neither the municipality nor any user acting under permit shall be liable for any injury to person or property, unless such furniture, structure, facility or use shall be negligently constructed, maintained or operated.

15. Section 15 of P. L. 1972, c. 134 (C. 40:56–79) is amended to read as follows:

C. 40:56-79 Advisory board.

15. The mayor or other chief executive officer of the municipality may create and appoint an advisory board, consisting of seven or more persons, at least a majority of whom shall be owners or occupants of properties adjoining a pedestrian mall or included in a special improvement district, as the case may be, or representatives of these owners or occupants, to advise the governing body in connection with the acquisition, construction and improve-

ment of a pedestrian mall, or the acquisition and construction of improvements for a special improvement district, as the case may be, the making of a plan therefor and the operation and maintenance thereof and to meet and furnish recommendations or comments and requests of members of the public and of owners and occupants of property adjoining the pedestrian mall or included in the district, as the case may be. Upon designation of a district management corporation, in the case of a special improvement district, the corporation shall exercise the functions of an advisory board, and any other advisory board shall cease to function.

16. Section 16 of P. L. 1972, c. 134 (C. 40:56–80) is amended to read as follows:

C. 40:56-80 Estimate of costs; assessments.

16. a. Concurrently with the submission of a plan for a pedestrian mall improvement or special improvement district, and annually thereafter, the mayor or other chief executive officer of the municipality shall, with the assistance of the advisory board, if any, or district management corporation, if appropriate, report to the governing body an estimate of the cost of operating and maintaining and annually improving the pedestrian mall or special improvement district, as the case may be, for the next fiscal year, to be incurred under the plan, and an estimate of changes in the amounts of such costs which would follow upon the adoption of any addition or amendment to the plan recommended to or under consideration by the governing body. Such estimate shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:

(1) The amount of such costs to be charged against the general funds of the municipality, which shall be that amount which the municipality would pay from its general funds for street maintenance and operation on a street of similar size and location, but not improved as a pedestrian mall or included in a special improvement district, as the case may be;

(2) The amount of costs to be charged and assessed against properties benefited in the district in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the district during the ensuing year;

(3) The amount of costs, if any, to be specially taxed against properties in the district.

b. The governing body shall receive and consider such estimate and the items of cost after such notice and hearing before it or its

appropriate committee as it shall deem necessary or expedient, and shall approve the same, with such amendments thereto as it shall find necessary, and the amounts of each item of cost estimated shall be deemed appropriated and expendable to operate and maintain the pedestrian mall or special improvement district, as the case may be, during the ensuing fiscal year.

c. Each year, when the governing body shall have acted on the estimate of costs for the ensuing year, the municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the district, as recorded and listed in connection with the procedures prescribed by this act for the adoption of the pedestrian mall or special improvement district ordinance, in proportion to the benefits. Descriptions of such properties, and the names of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the municipal clerk and be there available for inspection. The governing body shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the governing body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the municipal clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the county tax board.

d. For the purpose of this section, "annual improvements" shall, with respect to pedestrian malls or special improvement districts, mean and include any reconstruction, replacement or repair of trees and plantings, furniture, shelters and other facilities of a pedestrian mall or special improvement district, furnishing overhead or underground heating for snow removal or for enjoyment of pedestrians, and any other local improvement which benefits properties within the district. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of pedestrian malls or special improvement districts, mean costs of annual improvements; fees of consultants employed by the governing body to assist in the planning of annual improvements; and all other costs incurred or to be incurred in

connection with annual improvements to and operation and maintenance of pedestrian malls or special improvement districts, as the case may be.

e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a pedestrian mall or special improvement district shall be credited to a special account. The governing body is authorized to incur the annual costs of improving, operating and maintaining a pedestrian mall or special improvement district, as the case may be, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

C. 40:56-83 Additional powers.

17. (New section) a. In addition to the powers otherwise conferred pursuant to this amendatory and supplementary act, a district management corporation may exercise those of the powers listed herein as may be conferred upon it by ordinance. A district management corporation incorporated pursuant to Title 15A of the New Jersey Statutes shall exercise its powers in a manner consistent with that title.

b. The district management corporation shall have all powers necessary and requisite to effectuate its purposes, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;

(2) Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation;

(3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;

(4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;

(5) Administer and manage its own funds and accounts and pay its own obligations;

(6) Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods;

(7) Fund the improvement of the exterior appearance of properties in the district through grants or loans;

(8) Fund the rehabilitation of properties in the district;

(9) Accept, purchase, rehabilitate, sell, lease or manage property in the district;

(10) Enforce the conditions of any loan, grant, sale or lease made by the corporation;

(11) Provide security, sanitation and other services to the district, supplemental to those provided normally by the municipality;

(12) Undertake improvements designed to increase the safety or attractiveness of the district to businesses which may wish to locate there or to visitors to the district, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, and those improvements generally permitted for pedestrian malls under section 2 of P. L. 1972, c. 134 (C. 40:56–66), pursuant to pertinent regulations of the governing body;

(13) Publicize the district and the businesses included within the district boundaries;

(14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the district;

(15) Organize special events in the district;

(16) Provide special parking arrangements for the district;

(17) Provide temporary decorative lighting in the district.

C. 40:56-84 Annual budget.

18. (New section) a. The district management corporation shall submit a detailed annual budget for approval by resolution of the municipal governing body. The budget shall be submitted with a report which explains how the budget contributes to goals and objectives for the special improvement district.

b. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the governing body.

The procedure shall be as follows:

(1) Introduction and approval;

(2) Public advertising;

(3) Public hearing;

(4) Amendments and public hearings, if required;

(5) Adoption.

c. The budget shall be introduced in writing at a meeting of the governing body. Approval thereof shall constitute a first reading, which may be by title.

Upon the approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

d. The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time and place of the hearing. It shall be published at least 10 days prior to the date fixed therefor in a newspaper published and circulating in the municipality, if there be one, and, if not, in a newspaper published in the county and circulating in the municipality.

e. No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections.

The hearing shall be held not less than 28 days after the approval of the budget.

f. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.

The budget, as advertised, shall be read at the public hearing, in full, or it may be read by its title, if:

(1) At least one week prior to the date of the hearing, a complete copy of the approved budget, as advertised:

(a) Shall be posted in a public place where public notices are customarily posted in the principal municipal building of the municipality, but if there is no principal municipal building, then in that public place where notices are usually posted in the municipality; and

(b) Is made available to each person requesting the same, during that week and during the public hearing; and

(2) The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the budget

shall be read by its title and declare that the conditions set forth in paragraph (1) have been met.

After closing the hearing, the governing body may adopt the budget by title, without amendments, or may approve amendments, as provided in subsection g. of this section, before adoption.

g. The governing body may amend the budget during or after the public hearing.

No amendment by the governing body shall be effective until taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:

(1) Add a new item in an amount in excess of 1% of the total amount as stated in the approved budget; or

(2) Increase or decrease any item by more than 10%; or

(3) Increase the amount to be raised pursuant to section 16 of P. L. 1972, c. 134 (C. 40:56–80) or section 19 of this amendatory and supplementary act by more than 5%, unless the same is made pursuant to an emergency temporary appropriation only.

Notice of hearing on an amendment shall be advertised at least three days before the date set therefor. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing and before adoption.

h. Final adoption shall be by resolution, adopted by a majority of the full membership of the governing body, and may be by title.

C. 40:56-85 Licensing of businesses.

19. (New section) a. In lieu of, or in addition to, funding pursuant to section 16 of P. L. 1972, c. 134 (C. 40:56–80) of the activities of the district management corporation to be undertaken pursuant to this amendatory and supplementary act, the municipality may, by ordinance, require annual licenses for businesses operating in properties within the special improvement district, and establish fees for those licenses based on the assessment among these businesses of the aggregate amount of the annual budget of the district management corporation, approved pursuant to section 18 of this amendatory and supplementary act, which is not funded pursuant to section 16 of P. L. 1972, c. 134. The ordinance may establish reasonable categories of businesses subject to licensing, and reasonable exemptions therefrom or abatements of the fees therefor. The assessments to businesses pursuant to this section shall be by floor area of licensable business space, or sales volume, or some other reasonable basis or combination of bases.

b. Moneys appropriated and collected on account of annual costs to be funded pursuant to subsection a. of this section shall be credited to a special account. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied toward the financial requirements of the succeeding year.

c. The ordinance shall provide for a reasonable appeal procedure for any administrative determination made under the provisions of this section.

C. 40:56-86 Contracting unit.

20. (New section) The municipality may, by ordinance, delegate to the district management corporation the contracting of work to be done on any street or streets, or on other municipal property, included in the special improvement district. The corporation shall be a "contracting unit" within the meaning of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.). The plans and specifications for the work to be contracted shall be approved by the municipal engineer prior to initiation of any action for the awarding of a contract under that act.

C. 40:56-87 Inclusion in established areas.

21. (New section) Nothing contained in P. L. 1972, c. 134 (C. 40:56-65 et seq.) or in this amendatory and supplementary act shall prohibit a municipality from including a pedestrian mall or special improvement district within the bounds of any area, district or zone established pursuant to law, which has as one of its purposes the encouragement of the construction of improvements or the rehabilitation of properties located within those bounds, or the inducement of private enterprises to locate within those bounds, whether by the provision of tax credits, exemptions or abatements, or by provision of special public financing arrangements. The provisions for the pedestrian mall or special improvement district shall be included within the plans for the area, district or zone so established, whether by integration into the original plans or by amendment.

C. 40:56-88 Annual audit.

22. (New section) The district management corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the governing body of the municipality, and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four

months after the close of the fiscal year of the corporation, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of the filing of the audit with the governing body of the municipality.

C. 40:56-89 Annual report.

23. (New section) The district management corporation shall, within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the governing body of the municipality.

24. This act shall take effect immediately.

Approved September 10, 1984.

CHAPTER 152

AN ACT to provide a system of ownership certification for vessels, hulls and outboard motors.

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

C. 12:7A-1 Short title.

1. This act shall be known and may be cited as the "Boat Ownership Certificate Act."

C. 12:7A-2 Policy declaration.

2. The Legislature declares it to be a public policy of this State that vessels, hulls, and outboard motors shall be titled.

C. 12:7A-3 Definitions.

3. As used in this act:

a. "Abstract" means a duplicate copy of the original certificate of ownership recording any encumbrance or upon which the existence of a security interest is noted.

b. "Buyer" includes purchaser, debtor, lessee, bailee, transferee, and any person buying or attempting to buy marine equipment, or any person acquiring marine equipment subject to a security interest, lease, bailment or transfer agreement, and their legal successors in interest.

c. "Certificate of number" means the paper or papers issued in conformance with chapter 7 of Title 12 of the Revised Statutes certifying registration of the numbers assigned to the vessel.

d. "Certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer to his agent or a dealer, or a person purchasing directly from the manufacturer, certifying the origin of the vessel, hull, or outboard motor.

e. "Certificate of ownership" means the paper or papers issued in conformance with this act, certifying ownership of a vessel, hull, or outboard motor, other than a manufacturer's or importer's certificate of origin.

f. "Dealer" means any person who engages wholly or in part in the business of buying, selling or exchanging new or used marine equipment.

g. "Debtor" means the person who owes payment or other performance of the obligation secured by a security interest in marine equipment.

h. "Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

i. "Documentation papers" means those papers issued to a documented vessel by the United States Coast Guard or any federal agency successor thereto.

j. "Documented vessel" means a vessel which has valid documentation papers issued by the United States Coast Guard or any federal agency successor thereto.

k. "Hull" means a vessel, exclusive of all means of propulsion.

l. "Inboard vessel" means a hull with an inboard engine including an inboard/outboard or stern drive installed as a primary or auxiliary means of propulsion.

m. "Manufacturer" means any person engaged in the business of manufacturing new marine equipment for the purpose of sale or trade.

n. "Manufacturer's number" means a hull identification number affixed by the manufacturer pursuant to federal regulation or assigned by the director pursuant to regulation, the manufacturer's serial number of an outboard motor, or a number assigned to an outboard motor by the director pursuant to regulation.

o. "Marine equipment" means vessels, hulls, and outboard motors.

p. "New marine equipment" means a newly manufactured vessel, hull, or outboard motor.

q. "Outboard motor" means any completely self-contained propulsion system, excluding fuel supply, which is used to propel a vessel and which is detachable from such vessel as a unit, and commonly known as an outboard motor.

r. "Outboard vessel" means a hull with an outboard motor attached as a primary or auxiliary means of propulsion.

s. "Principal use within this State" means marine equipment that has been within this State for a period in excess of 60 consecutive days, unless the equipment is in this State for the purpose of wet or dry storage, or for repairs, in which case the actual time for this storage or repairs shall not be counted as included within the 60 day period.

t. "Purchaser" means a person who takes possession of marine equipment by transfer of ownership, either for use or resale, except a dealer when he takes possession through a certificate of origin.

u. "Secured party" means a lender, seller or other person in whose favor there is a security interest.

v. "Security agreement" means an agreement which creates or provides for a security interest in marine equipment.

w. "Security interest" means an interest in marine equipment which secures payment or other performance of an obligation.

x. "Sell" or "sale" or "purchase" and any form thereof include absolute or voluntary sales and purchases, agreements to sell and purchase, bailments, leases, security agreements whereby any marine equipment is sold and purchased, or agreed to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise, or bequest, gift or any other form or manner of sale or agreement of sale thereof, or the giving or transferring of possession of a piece of marine equipment to a person for a permanent use, where there is continued possession for 60 days or more.

y. "Seller" means manufacturer, dealer, lessor, bailor, transferor with or without a security interest, and any other person selling, attempting to sell, or delivering marine equipment and their legal successors in interest.

z. "Title papers" mean any instrument or document that is evidence of ownership of a vessel, hull, or outboard motor.

aa. "Used marine equipment" means a vessel, hull, or outboard motor, title to, or possession of, which has been first transferred from the person who first acquired it from the manufacturer or dealer, and so used as to become what is commonly known as "secondhand" within the ordinary meaning thereof, and every

vessel, hull, or outboard motor other than a new vessel, hull, or outboard motor.

bb. "Vessel" means a boat or watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

C. 12:7A-4 All sales subject to law.

4. No person shall sell or purchase any marine equipment in this State, except in the manner and subject to the conditions provided in this act and the regulations adopted hereunder by the director.

C. 12:7A-5 Applications for certificates of ownership.

5. a. Except as provided in section 6 of this act, for each piece of marine equipment principally used in this State, the owner shall make application to the director for a certificate of ownership.

b. Except as may be otherwise provided in this act, the Department of Law and Public Safety shall not number or renew the certificate of number of a vessel required to be numbered in this State pursuant to the "New Jersey Boat Act of 1962," P. L. 1962, c. 73 (C. 12:7–34.36 et seq.) unless a certificate of ownership has been issued by the director to the owner pursuant to this act.

C. 12:7A-6 Renewals; exemptions.

6. a. Any person who, prior to the effective date of this act, owned any marine equipment shall, at the time its certificate of number is due to be renewed, file an application for a certificate of ownership for the marine equipment as required in section 5, and shall file a financing statement as required in section 12 of this act.

b. A certificate of ownership shall not be required under this act for any marine equipment that is:

(1) A ship's lifeboat;

(2) A non-motorized, inflatable surfboard, racing shell, rowing scull, tender for direct transportation between a vessel and the shore and for no other purpose (dinghy), or vessel, except outboard vessels, of 12 feet or less in length; or

(3) A canoe or kayak.

C. 12:7A-7 Possession, exhibit of certificate.

7. a. A certificate of ownership shall be in the possession of any person who possesses or has custody of a piece of marine equipment and shall be exhibited by the person at the request of the director, a member of the State Marine Police Force, or any law enforcement officer.

b. The director shall prescribe, by regulation, the forms for certificates and certified copies.

c. Whenever marine equipment is in the possession of a marina operator, dealer, or service facility, production by the marina operator, dealer, or service facility of a writing, signed by the person delivering possession of the marine equipment which states that the person delivering possession is the owner or entitled to possession of the marine equipment and that the person has title papers or certificate of number or other evidence of ownership, shall satisfy the requirements of this section. However, the director, the State Marine Police Force or any law enforcement officer may seize and take into possession anywhere in this State any marine equipment for which the manufacturer's number is not readable. The marine equipment shall be disposed of as provided in this act.

d. If any marine equipment, including documented vessels, is titled or exhibits registration numbers or other identifying marks issued by another state or the United States Coast Guard and is being used, operated or stored in this State, a person in possession of, or using or operating the marine equipment or documented vessel shall be entitled to ownership or possession in accordance with federal regulations or the laws of the state where the marine equipment or documented vessel is titled or registered. However, the person in possession shall produce for the director, the State Marine Police Force, or any law enforcement officer anywhere in this State, documents showing title to, or right of possession in, the marine equipment or documented vessel in the person or in the person who is authorized to possess or use, or to use and operate, the marine equipment or documented vessel, which documents shall evidence the valid documentation, titling or registering of the marine equipment or documented vessel pursuant to federal regulation or requirements of the particular state.

e. If there is a failure to produce a valid certificate of number as required by section 4 of P. L. 1962, c. 73 (C. 12:7–34.39), certificate of ownership or documentation papers, the director, the State Marine Police Force or any law enforcement officer may, if necessary, seize and take possession, either constructive or actual, anywhere in this State of the marine equipment or documented vessel and dispose of it as provided in this act; provided that if a person charged with a violation of this section can exhibit the certificate of number, certificate of ownership, or documentation papers that were valid on the day he was charged, to the judge of the court before whom he is summoned to answer to the charge, the judge may dismiss the charge and may impose court costs.

C. 12:7A-8 Manufacturer's number.

8. a. Subsequent to the effective date of this act, each piece of marine equipment for sale and purchase in this State shall contain a manufacturer's number.

b. After six months from the effective date of this act, no person shall possess, operate, use, transport, or sell any marine equipment requiring a certificate of ownership, without the manufacturer's number.

c. The director shall adopt regulations to implement the purpose of this section, and the director shall provide for the assignment of manufacturers' numbers to that marine equipment, including home-made marine equipment, which is without a manufacturer's number.

d. Beginning six months from the effective date of this act, the director, the State Marine Police Force or any law enforcement officer may immediately seize and take possession anywhere in this State of any marine equipment on which the manufacturer's number or numbers have been obliterated, erased, mutilated, removed or missing.

C. 12:7A-9 Certificate of origin; assignment.

9. a. Whenever new marine equipment is delivered in this State by the manufacturer to his agent or to a dealer, or to a person purchasing directly from the manufacturer, the manufacturer shall execute and deliver a certificate of origin in the form prescribed by the director. No person shall bring into this State for the purpose of offering for sale any new marine equipment unless he has in his possession the certificate of origin as prescribed by the director.

b. The certificate of origin shall contain the manufacturer's number; name of the manufacturer; the description of the marine equipment, including its trade name, if any; year, series or model; body type; type of propulsion; type of fuel; length; and any other items that may be prescribed by the director.

c. Whenever new marine equipment is sold in this State, the seller shall execute and deliver to the purchaser an assignment of the certificate of origin, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. If, in connection with the sale, the security interest is taken or retained by the seller to secure all or part of the purchase price of the marine equipment, or is taken by a person who by making an advance or incurring an obligation gives value to enable the purchaser to acquire rights in the

marine equipment, the name and the business or residence address of the secured party or his assignee shall be noted on the assignment of the certificate of origin. Nothing in this section shall apply to a security interest in marine equipment which constitutes inventory held for sale, but the interest shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

C. 12:7A-10 Assignment of certificate of ownership.

10. Whenever marine equipment is sold in this State, the seller shall execute and deliver to the purchaser an assignment of the certificate of ownership. If a security interest exists at the time of the sale or if, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price of the marine equipment, or is taken by a person who by making an advance or incurring an obligation gives value to enable the purchaser to acquire rights in the marine equipment, the name and business or the residence address of the secured party or his assignee shall be noted on the certificate of ownership. Nothing in this section shall apply to a security interest in marine equipment which constitutes inventory held for sale, but the interest shall be subject to chapter 9 of Title 12A of the New Jersey Statutes. Nothing in this section shall apply to seized marine equipment sold by the director, the State Marine Police Force or any law enforcement agency.

C. 12:7A-11 Termination of security interest.

11. When the contract or term of the security agreement noted on the certificate of origin or certificate of ownership has been satisfied, the secured party shall deliver to the buyer the certificate of ownership thereto, executed as provided in this act, with proper evidence of satisfaction of the contract or termination of the security interest. Within 15 days after the performance of the contract or termination of the security interest, the secured party shall file with the director a notice, in whatever form the director shall prescribe, containing evidence of the performance or termination. The director shall thereupon cause a notation to be made on his records of certificate of ownership of the marine equipment that the contract has been satisfied or the security interest terminated.

C. 12:7A-12 Issuance of certificate of ownership.

12. a. The purchaser of any marine equipment in this State shall, within 10 days after its purchase, submit to the director evidence of the purchase. Upon presentation to the director of the certificate of

origin or certificate of ownership, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee for the issuance and filing thereof.

b. In the case of a sale subject to a security interest, the original certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee and a nonnegotiable copy thereof shall be delivered to the buyer. The director shall collect a fee for his services in issuing a certificate and a copy thereof, and for making and filing a record of the transaction pursuant to this subsection.

c. Except as otherwise provided in this section, whenever a security interest is created in any marine equipment, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership as provided in sections 11 and 12 of this act, there shall be filed with the director the certificate of ownership of the marine equipment together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the owner. The director shall collect a fee for his services in issuing a certificate and copy thereof and for making and filing a record of the transaction pursuant to this subsection.

d. The financing statement required to be filed pursuant to subsection c. of this section shall be signed only by the owner, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the marine equipment affected, the date of the security agreement, and the names and addresses of the parties thereto. The security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, need not be presented to the director. When the owner is a corporation, it shall be sufficient if the financing statement is signed by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is

more than one owner, it shall be sufficient if the financing statement is signed by any one of them.

e. Nothing in subsections c. and d. of this section shall apply to a security interest in marine equipment which constitutes inventory held for sale, but the interest shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

f. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest where the marine equipment is subject to a lien or encumbrance or a security interest.

g. Notwithstanding any other provision of this section to the contrary, when any dealer licensed under the provisions of section 20 of this act is the purchaser of any marine equipment in this State, he shall, within 10 days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the purchaser, and the director shall collect a fee for the issuing and filing thereof. A purchaser of any marine equipment who fails to comply with the provisions of this subsection shall pay the director a penalty plus the issuing and filing fee.

h. The failure of a person to comply with the requirements of this section shall constitute a violation within the provisions of section 25 of this act, but the failure shall not affect the validity of any instrument creating or reserving a security interest in any marine equipment as between the parties to the instrument.

i. The notation of the name and business or residence address of a secured party or his assignee on the certificate of origin or on the certificate of ownership, as provided in sections 9 and 10 of this act, and the presentation to the director of the certificate of origin or certificate of ownership so noted, in the compliance with the security interest filing requirements of this act, shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of the security interest in the marine equipment, and the rights and remedies of the debtors and the secured parties in respect to the security interest shall, except as otherwise expressly provided in this act, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

C. 12:7A-13 Duplicate certificate.

13. a. If a certificate of ownership or title papers are lost, the director may, upon proof by certification or otherwise in the manner required by him and if satisfied with the application, prepare a certificate of ownership, certify it and authorize its use in place of the original, with the same effect as the original. The director shall collect a fee for this duplicate certificate.

b. A person who falsely states, in an application to the director for a duplicate certificate of ownership, that a certificate of ownership or title papers are lost, shall be subject to the penalties of section 25 of this act. Notwithstanding any other provision of law, a prosecution may be commenced at any time up to three years after the issuance of the duplicate certificate.

C. 12:7A-14 File of certificates.

14. The director shall retain a file of all certificates of ownership for a period, prescribed by him, beyond the date that the marine equipment described therein is no longer registered in this State.

C. 12:7A-15 Notation of security interest.

15. a. The director shall, on the record or abstract of any marine equipment registered with him which is subject to a security interest of which notice is required to be filed with him, make a notation of the existence of the security interest and shall index the same under the name of the owner of record of the marine equipment so long as the security interest remains unterminated of record.

b. Upon request from any person, the director shall issue a certificate, for which he shall be entitled to a fee, showing names and addresses of the parties to any contract of conditional sale or chattel mortgage or other instrument or to any financing statement; the name and address of the holder of any lien under such contract, chattel mortgage or other instrument or of the secured party; the date thereof or of the financing statement; the date of filing; the make, model, identification number or numbers of the marine equipment; and, if the condition in the contract of conditional sale or chattel mortgage has been performed or the security interest has been terminated, a statement to that effect.

c. For a full certified copy of any instrument showing a lien on or a security interest in any marine equipment the director shall be entitled to a fee for the certificate plus a fee for each copy of any paper certified.

d. When evidence of satisfaction of any contract of conditional sale or chattel mortgage or other instrument or evidence of the

termination of the security interest shall be presented to the director, he shall make a notation thereof on his records.

e. The director, his agents and employees of the Division of Motor Vehicles in the Department of Law and Public Safety or the agency or instrumentality of the State that may process certificates of ownership, registrations and associated functions shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information provided herein from the records of the State.

C. 12:7A-16 Seizure of vessels.

16. a. If any marine equipment, numbered vessel, or documented vessel is seized, levied upon, or attached and taken into possession, actually or constructively, by virtue of judicial process issued by a court of competent jurisdiction in this State, or by virtue of a State or federal statute, the person from whom possession of the marine equipment, numbered vessel, or documented vessel was taken, and without prejudice to his rights in the premises, shall surrender the title papers or certificate of ownership, certificate of number or marine documents to the director upon written notice or demand from the director. The officer or person so seizing and taking possession of such marine equipment, numbered vessel, or documented vessel shall file with the director a notice in writing giving a full description of such items as prescribed by regulation, and the name and address of the person from whom taken, and shall attach a copy of the process or statutory or other authority to the notice. If the marine equipment, numbered vessel, or documented vessel is sold in pursuance thereof, the officer so selling it shall execute and deliver to the purchaser at the sale an application for certificate of ownership in the same form and manner as provided in this act, which shall also contain the name and address of the person from whom the marine equipment, numbered vessel, or documented vessel was taken. A copy of the process or statutory or other authority under which the marine equipment, numbered vessel, or documented vessel is sold and a copy of the notice of sale, which notice of sale shall contain a description of the marine equipment, numbered vessel, or documented vessel as required by this act, shall be attached thereto. If the sale is held by a bailiff or attorney in fact for a lienor, the lienor shall also execute the application for certificate of ownership. The director, upon new application to him by the purchaser at the sale, shall file and record the purchase of the marine equipment as provided in this act.

b. The director shall provide by regulation for procedures regarding marine equipment or documented vessels forfeited to the State.

C. 12:7A-17 Failure to produce evidence of ownership.

17. a. Any marine equipment or vessel seized by the director, the State Marine Police Force or any law enforcement officer for failure to produce evidence of ownership upon demand, shall be held by the director, the State Marine Police Force or law enforcement agency, as the case may be, not longer than 90 days until the certificate of number, or certificate of ownership, or documentation papers have been produced to the satisfaction of the officer or person so seizing and taking possession of the marine equipment or vessel. If the documents have not been produced after seizure, the director, the State Marine Police Force or law enforcement agency, as the case may be, may collect any transportation fees or recover the expenses that were incurred in storage of the marine equipment or vessel. The director may prescribe a schedule of storage fees where the storage, including necessary liability coverage, is performed by a State facility. After 90 days, the marine equipment or vessel shall be sold at public auction, and the proceeds deposited in a special fund as hereinafter provided.

b. Except for marine equipment missing a manufacturer's serial number, the director may prescribe by regulation a time period before the marine equipment is seized. The director may also prescribe procedures permitting constructive seizure of marine equipment.

c. Whenever any marine equipment alleged to be stolen comes into the custody of the director, the State Marine Police Force or any law enforcement agency, as the case may be, the officer or person so seizing and taking possession of the marine equipment shall proceed as provided in chapter 65 of Title 2C of the New Jersey Statutes.

d. Neither the director, the State Marine Police Force, nor any law enforcement officer or agency shall be liable for any action taken pursuant to this act regarding the seizure of vessels. Neither the director, the State Marine Police Force, nor any law enforcement officer or agency shall be liable for any remaining lien or security interest held in the marine equipment. The remaining lien or security interest shall be the sole obligation of the person who obtained the lien or interest.

C. 12:7A-18 Correction of defects; recording of foreign papers.

18. a. If the title papers or certificate of ownership are defective or improper, or if the marine equipment was purchased and its

sale consummated in another state or country, in accordance with the laws of the state or country regulating the sale of marine equipment and not made for the purpose of evading the provisions of this act, the owner of the marine equipment may apply to the director to correct the defects, or permit the title papers to be received.

b. The director, upon whatever proof as he requires showing that it is just and equitable that the defects should be corrected or that the title papers or certificate of ownership should be received, with or without hearing, shall determine the truth and merits of the application and whether the holder appears to be the bona fide owner of the marine equipment, and may issue his certificate correcting the defects or permitting the title papers or certificate of ownership to be so recorded and filed. The person submitting the papers shall pay a fee to the director for the issuing and filing of the certificate.

c. The director may promulgate regulations supplementing this section, prescribing a procedure for the issuance of a certificate of ownership to a purchaser who purchased marine equipment in a state or jurisdiction that does not require or issue title papers.

d. Before issuing a certificate the director may require the person to advertise in a newspaper having a general circulation in the county where he resides, or where the marine equipment is located, or both, for the space of two weeks, at least once a week, a notice briefly stating that the person has applied to the director to correct defects in the marine equipment title papers or receive title papers out of time, or as the case may be, giving a description of the marine equipment as provided by regulation, and that if anyone desires to be heard in opposition thereto he may do so by appearing before the director or his designee on a date and at a place named, or communicating with the director or his designee prior thereto. The applicant shall also serve like notice on local police, both where the applicant resides and where the marine equipment is located, the State Marine Police Force, and any other person or agency as prescribed by the director. The notice shall be made personally or by certified mail. Proofs of the publication and service shall be submitted to the director. The director, his agent, or inspector may have the notice advertised or served at the cost and expense of the applicant.

C. 12:7A-19 Title papers required.

19. The director may refuse to issue a certificate of number for any vessel required to have the certificate, unless there is furnished

to the director or his agent title papers or certificates of ownership in conformity to this act. The director may provide by regulation for the issuance of title papers to marine equipment in possession as of the effective date of this act or marine equipment purchased in a jurisdiction that does not require or issue title papers.

C. 12:7A-20 Licensing of dealers.

20. a. No dealer shall engage in the business of buying, selling, or dealing in marine equipment in this State unless he is authorized to do so under the provisions of this act. The director may, upon application in such form as he prescribes, license any person as a dealer.

b. Except as required by the provisions of P. L. 1968, c. 282 (C. 2A:168A–1 et seq.) and P. L. 1974, c. 161 (C. 2A:168A–4 et seq.), no person who has been convicted of a violation of any of the following shall be eligible to receive a license:

(1) The consumer fraud law, chapter 8 of Title 56 of the Revised Statutes;

(2) An offense arising out of fraud or misrepresentation in the sale or financing of any marine equipment or motor vehicles;

(3) A deceptive business practice; or

(4) Any other violation relating to the consumer fraud law of this State, or of any other state or federal law.

c. An applicant for a license shall at the time the license is issued have established and maintained, or by said application shall agree to establish and maintain within 90 days after the issuance thereof, a permanent place of business in this State of a size to be prescribed by the director by regulation, which place of business shall be used principally in conformance with regulations to be prescribed by the director.

d. A license fee of $100.00 shall be paid by an applicant upon his initial application for a license, which fee shall include special dealer numbers, including up to three duplicates thereof and up to four sets of temporary numbers bearing a number corresponding to the special dealer numbers. The director may renew an applicant's license from year to year upon application for renewal on a form prescribed by the director and accompanied each year by renewal fee of $100.00. Each license shall expire one year from the date of issue at a time to be prescribed by the director by regulation. The director may prescribe a pro rata fee schedule of licenses issued within 12 months of the effective date of this act.

e. Renewal applicants shall meet the same criteria as initial applicants.

C. 12:7A-21 Dealers' possession of ownership documents.

21. a. Dealers for both new and used marine equipment in this State shall have a certificate of origin, certificate of ownership, or writing as provided in section 7 of this act for marine equipment in their possession. The director, the State Marine Police Force or any law enforcement officer may demand production of and examine the certificate of origin, certificate of ownership or writing for any marine equipment in the dealer's possession, and examine and inspect marine equipment in a dealer's possession.

b. If the demand is not complied with in regard to either inspection of the documents or inspection of the marine equipment, or if the dealer is unable to produce the documents for marine equipment in his possession, or if the documents are not in conformance with the provisions of this act and the regulations adopted thereunder, the director, his agent or any law enforcement officer may seize and take possession of the marine equipment and hold the marine equipment or issue stop use or stop sale orders until the required documents are produced or corrected, if defective, or ownership of the marine equipment is established according to law and to the satisfaction of the director, his agent or the law enforcement agency. If such documents have not been produced or corrected within 24 hours after seizure, the dealer shall pay storage fees to the director, unless the marine equipment remains on the dealer's premises, in a manner similar to that provided by section 16 of this act.

c. After 90 days from the date the marine equipment came into the director's possession and during which time documents have not been provided or corrected, the director may sell the marine equipment at public sale upon at least 10 days' written notice of sale to the dealer, served personally or by certified mail, addressed to the dealer at his last known place of business as indicated by the files of the director, and notice of the sale being published for a space of two weeks, once a week, making two insertions in all, in one or more newspapers published and circulating in a county where the dealer had his last known place of business and also by posting the notice in five places in that county. The newspaper and places of posting shall be designated by the director. Upon the sale of the marine equipment, all valid liens and claims for interest therein, if any, shall be transferred from the marine equipment to the proceeds of sale, which, subject thereto, shall become the sole property of the State, to be used as other moneys received by the director pursuant to the provisions of this act. Claims for moneys in

excess of the amount realized by the sale, deducting expenses of the sale therefrom, shall be extinguished.

d. The director may prescribe procedures for the seizure and storage of any marine equipment.

C. 12:7A-22 Forms; seizure.

22. The director shall prepare and prescribe forms necessary for the proper administration of this act. The director or a member of the State Marine Police Force may seize and take possession of any certificate of ownership or other title papers to which the director may be entitled, and which a person is under duty to return to the director, from any person or place in this State, with all the rights, privileges and immunities conferred by law on an officer executing a writ of replevin.

C. 12:7A-23 Surrender of certificate.

23. Whenever marine equipment is scrapped, dismantled, destroyed, lost, changed in any manner so that it loses its character as a vessel, hull, or outboard motor, or changed in any manner so that it is not the marine equipment described in the certificate of ownership, or a person permanently relinquishes possession other than by sale, the owner named in the last certificate of ownership shall immediately surrender and deliver the certificate to the director, who shall issue a receipt to the person surrendering the certificate of ownership. Whenever marine equipment is sold to be scrapped, junked or destroyed, assignment shall be made to the purchaser in accordance with the provisions of this act. The purchaser shall, within five days, deliver the certificate of ownership to the director, who shall issue a receipt to the person surrendering it.

The director may require an affidavit, in form that he may prescribe, that the marine equipment was so lost, destroyed, dismantled or altered, scrapped or junked, or if practicable and feasible, the director may require that his agent or designee make inspection or investigation of the facts surrounding the circumstances.

C. 12:7A-24 Issuing agents.

24. The director may designate any person to be his agent for the issuing and filing of certificates of origin and certificates of ownership in accordance with the provisions of this act and regulations to be prescribed by the director. The agent shall so act at the discretion of the director until his authority is revoked by the director. All moneys received by the agents for the issuance and filing of certificates of origin and certificates of ownership under

the provisions of this act shall forthwith be deposited upon receipt with the State Treasurer.

The director shall prescribe the fee to be paid to the agent and the fee shall be paid to the agent by the State Treasurer upon the voucher of the director in the same manner as other State expenses are paid.

C. 12:7A-25 Injunctive relief; penalties.

25. a. If any person violates any of the provisions of this act or any rule, regulation or order adopted or issued pursuant to the provisions of this act, the director may institute a civil action in a court of competent jurisdiction for injunctive relief to enforce said provisions and to prohibit and prevent that violation, and the court may proceed in the action in a summary manner. Any person who violates the provisions of this act or any rule, regulation or order adopted or issued pursuant to this act shall be liable to a civil administrative penalty of not more than $5,000.00 for each offense, to be imposed by the director pursuant to standards adopted in regulations; or a civil penalty of not more than $5,000.00 for each offense, to be collected in a civil action by a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58–1 et seq., or in any case before a court of competent jurisdiction wherein injunctive relief has been requested.

b. The Superior Court, the municipal courts, and the county district courts shall have jurisdiction to enforce the provisions of this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The director is authorized to compromise and settle any claim for a penalty under this section in such amount in the discretion of the director as may appear appropriate and equitable under all of the circumstances.

c. A dealer convicted of a violation of any provision of this act, whether penalized by this section or another section, may have his license suspended by the director.

C. 12:7A-26 Boat Certification Fund.

26. All moneys collected for fees and penalties imposed by this act shall be deposited as part of the State's general funds with the State Treasurer, who shall keep a record of the same. The sums shall be credited to a fund to be known as the "Boat Certification Fund," which fund shall be used exclusively for the administrative and enforcement costs associated with carrying out the provisions of this act. Any moneys remaining in the Boat Certification Fund at the close of each fiscal year shall be allocated to the Attorney

General for disbursement to the State Marine Police Force. This fund shall be kept separate and apart from all other State moneys and shall be disbursed by the State Treasurer on vouchers certified to by the director.

C. 12:7A-27 Severability.

27. This act shall be construed liberally to effectuate its purposes. Any act or part of acts inconsistent with this act are hereby superseded. If any section or provision or rule or regulation issued pursuant to this act is held invalid, such ruling shall not affect the validity of the remainder of the sections or regulations of this act.

C. 12:7A-28 Rules, regulations.

28. a. The director is authorized to adopt, pursuant to law, regulations to implement the provisions of this act. The director shall, to the maximum extent practicable and feasible, adopt regulations similar to those adopted for implementation of chapter 10 of Title 39 of the Revised Statutes.

b. The director may adopt regulations regarding stop sale, stop use or stop movement orders in lieu of seizure, whether actual or constructive, of marine equipment that does not conform to the provisions of this act or any regulations adopted pursuant to this act.

c. The director shall adopt, and may amend, rules providing a schedule of reasonable fees similar to those adopted for implementation of chapter 10 of Title 39 of the Revised Statutes, to the maximum extent practicable and feasible, to defray the administrative costs of issuing certificates of ownership, providing copies and duplicates of certificates, and filing certificates, as provided for by sections 12, 13, 15 and 18 of this act.

d. All rules and regulations for the implementation of this act shall be adopted by the director pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.).

C. 12:7A-29 Transfer of Boat Act powers.

29. All powers and duties exercised by the Department of Environmental Protection pursuant to the "New Jersey Boat Act of 1962," P. L. 1962, c. 73 (C. 12:7–34.36 et seq.) are transferred to the Division of Motor Vehicles in the Department of Law and Public Safety. The transfer directed by this section shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

30. This act shall take effect six months following enactment.

Approved September 12, 1984.

CHAPTER 153

A SUPPLEMENT to "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255; C. 43:16A–1 et seq.), as said title was amended by P. L. 1976, c. 139.

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

1. The provisions of any other law to the contrary notwithstanding, the governing body of any municipality which: is duly incorporated as a borough; is operating under the borough form of government pursuant to the provisions of R. S. 40:86–1 et seq.; has a population in excess of 3,000, but less than 5,500, according to the most recent federal decennial census; and is located in a county of the fifth class with a population in excess of 500,000, according to the most recent federal decennial census, may, by ordinance, adopt the provisions of P. L. 1944, c. 255 (C. 43:16A–1 et seq.). If the governing body of any municipality shall adopt an ordinance pursuant to the provisions of this act, the provisions of P. L. 1944, c. 255 (C. 43:16A–1 et seq.) shall take effect in that municipality on January 1 next following the date on which the ordinance was adopted. Upon the adoption of an ordinance pursuant to the provisions of this act, the clerk of the municipality shall immediately give notice thereof to the board of trustees of the Police and Firemen's Retirement System of New Jersey.

2. This act shall take effect immediately and shall expire on December 31, 1984.

Approved September 12, 1984.

CHAPTER 154

AN ACT concerning flood control, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C. 58:16A-100 Flood early warning system.

1. a. The Commissioner of the Department of Environmental Protection shall, in consultation with the United States Army Corps of Engineers and in coordination with the Office of Emergency Management in the Division of State Police, develop a flood early warning system.

b. The flood early warning system shall consist of weather, rainfall and stream data collection devices required to enable the National Weather Service to predict with reasonable accuracy what areas are likely to flood, at what levels, and the specific locations of overflow.

C. 58:16A-101 Notification; evacuation.

2. a. As soon as the flood early warning system indicates and the Office of Emergency Management has been notified by the National Weather Service that an area is in danger of flooding, the Office of Emergency Management shall notify the emergency management organizations in the counties, which shall then notify the local police department or the municipal emergency management organization, as appropriate.

b. Once the determination is made to evacuate persons in the flood area, the Office of Emergency Management shall request that local news media broadcast the following message every quarter hour on the quarter hour:

"The Office of Emergency Management has been advised by the National Weather Service that the ..... (body of water) is approaching critical flood stage and the properties adjacent to ..... (streets, roads, avenues, other general addresses or vicinities) in the municipalities of ..... are in danger of flooding at a level of ..... feet. All persons located in those areas should take appropriate action to evacuate the area in an orderly fashion."

3. There is appropriated to the Department of Environmental Protection from the General Fund the sum of $200,000.00 to be used as the State share of moneys made available by the United States government for flood emergency management.

4. This act shall take effect immediately.

Approved September 19, 1984.

CHAPTER 155

AN ACT concerning the referendum on intertrack wagering, amending P. L. 1983, c. 340, and repealing section 14 of that act.

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

Repealer.

1. Section 14 of P. L. 1983, c. 340 is repealed.

2. Section 15 of P. L. 1983, c. 340 is amended to read as follows:

15. This act shall take effect immediately.

3. This act shall take effect immediately.

Approved September 25, 1984.

CHAPTER 156

AN ACT concerning benefits for certain retirants, supplementing Title 43 of the Revised Statutes and making an appropriation.

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

C. 43:3C-6 "Retirant" defined.

1. As used in this act, "retirant" means any person who was employed by the State of New Jersey, any of its instrumentalities, any of its political subdivisions, any of the instrumentalities of its political subdivisions, or any Board of Education, who as a result of such service was a member of any State administered retirement system or is entitled to retirement benefits under any law administered by the Division of Pensions in the Department of the Treasury, who has 20 or more years of creditable service, who retired on or before January 2, 1955, and who does not receive State retirement benefits which are coordinated with Social Security.

C. 43:3C-7 $6,000 minimum allowance.

2. A retirant shall receive a minimum retirement allowance of $6,000.00 per year from the Division of Pensions in the Department of the Treasury.

C. 43:3C-8 Rules, regulations.

3. The Director of the Division of Pensions shall promulgate those rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) necessary to effectuate the purposes of this act.

4. There is appropriated to the Department of the Treasury from the General Fund $1,500,000.00 to effectuate the purposes of this act.

5. This act shall take effect July 1, 1984.

Approved September 25, 1984.

CHAPTER 157

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of $60,000,000.00 for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of human services facilities; providing the ways and means to pay the interest of the 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 "New Jersey Human Services Facilities Construction Bond Act of 1984."

2. The Legislature finds that:

a. The State of New Jersey has the responsibility of providing for and assuring the continued operation of safe and humane facilities for persons who require institutionalization or extended care in residential facilities;

b. The State of New Jersey requires additional funding to continue efforts to develop community based facilities as alternatives to institutionalization or extended care for those who would benefit from these programs;

c. The State of New Jersey requires an immediate program to replace, improve, renovate and construct human services facilities in order to phase out obsolete buildings, recycle suitable vacant buildings, upgrade facilities at developmental centers for the mentally retarded, maintain eligibility for Veterans' Administration construction grant funding for phases 2 and 3 of the new veterans' nursing home and provide adequate solid waste facilities for human services institutions;

d. Implementation of these programs will be a substantial step toward meeting the immediate and critical need of the people of New Jersey, will substantially further the public interest, and can be most economically financed through a bond issue;

e. The New Jersey Commission on Capital Budgeting and Planning has recommended the passage of a bond issue for this purpose.

3. As used in this act:

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. "Construction" means the planning, construction, reconstruction, replacement, extension, improvement, betterment and equipment of human services facilities, including all equipment and facilities necessary to the operation thereof, and includes the acquisition of land necessary for these purposes;

d. "Cost" means the cost of acquisition or construction of all or any part of a 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, costs of issuance of bonds, administrative costs, geological and hydrological surveys, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, the cost of a bond registrar and authenticating agent, the cost of organizational, operating and other expenses prior to and during this acquisition or construction, and such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of the project or part thereof and the placing of the same in operation, and also the provisions for a reserve fund, or reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest on bonds during or after this acquisition or construction as the Comptroller of the Treasury may determine;

e. "Department" means Department of Human Services;

f. "Project" means any work relating to human services facilities;

g. "Human services facilities" means (1) structures, institutions and facilities under the supervision or control of the Department of Human Services; and (2) structures, institutions and facilities necessary for the operation of State, county, municipal or private programs for the mentally retarded, the mentally ill, the developmentally disabled, the aged, or veterans.

4. The Commissioner of the Department of Human Services shall adopt, 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. Bonds of the State of New Jersey in the sum of $60,000,000.00 are authorized for the purpose of capital expenditure for the cost of construction of human services facilities. Of this total, the proceeds from the sale of bonds shall be allocated, to the maximum extent practicable and feasible, according to the following purposes:

a. For renovation and improvement of human services facilities in conjunction with Life Safety Code requirements;

b. For the maintenance of physical plant accreditation standards;

c. To upgrade solid waste facilities at human services institutions;

d. For grants to establish alternative residential facilities for deinstitutionalized individuals; and

e. For the replacement, rehabilitation, repair and improvement of human services facilities.

6. The bonds shall be serial bonds, term bonds, or a combination thereof, and shall be known as "Human Services Facilities Construction Bonds." The bonds shall be subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the date of issuance.

The bonds shall be issued from time to time as the issuing officials herein named shall determine, and may be issued in coupon form, fully registered form or book-entry form.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of these officials, hereinafter referred to as "the issuing officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith subject to the provisions hereof.

If an issuing official is absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by the person 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 it becomes due and for the payment of the principal at maturity. The principal of and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The 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 manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury, and may be authenticated by an agent or registrar, as the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. The bonds may be issued notwithstanding that an issuing official signing them or whose manual or facsimile signature appears on the bonds or coupons has ceased to hold office at the time of issuance or at the time of the delivery of the bonds to the purchaser.

10. a. The 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, 1984 and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the authority of the State to issue the bonds and of their validity. Any bonds containing this 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 therewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. The 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 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. The bonds shall be issued and sold at such price or prices, and under such terms, conditions and regulations as the issuing officials may prescribe, after notice of the sale published at least once in at least three newspapers published in 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 appear at least five days prior to the day of bidding. The 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 rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices 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 a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in such form and with such privileges as to their 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 shall be held by him in a separate fund which shall be known as the "Human Services Facilities Construction Fund," and shall be deposited in such depositories as may be selected by the treasurer to the credit of the fund.

15. a. The moneys in the "Human Services Facilities Construction Fund" are specifically dedicated and shall be applied to the purposes set forth in section 5 of this act, and all such moneys are appropriated for those purposes, and no such moneys shall be expended for such purposes, 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 has not adopted an act making a specific

appropriation of any of the moneys. Any act appropriating moneys from the "Human Services Facilities Construction Fund" shall identify the particular project or projects to be funded by such moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available money in any fund of the Treasury of the State to the credit of the "Human Services Facilities Construction Fund" such sum as he may deem necessary. The sum transferred shall be returned to the same fund of the Treasury by the treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, moneys in the "Human Services Facilities Construction Fund" may be invested and reinvested as are 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 that fund shall be paid into the General Fund.

16. If any coupon bond or coupon or any registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials evidence satisfactory to them of the 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 the bonds shall be applied to the discharge of the like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, 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 the 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. The bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issuance thereof and in such amounts as shall be determined by the issuing officials. 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 the bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in the bonds.

19. The issuing officials may issue refunding bonds and in an amount not to exceed the amount necessary to effectuate the refinancing of all or any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond issued pursuant to this act, subject to the enactment of legislation providing for the issuance of refunding bonds in accordance with and under the authorization provided by Article VIII, Section II, paragraph 3 of the Constitution of the State of New Jersey. Refunding bonds issued pursuant to this section 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 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 (C. 54:32B–1 et seq.) or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest and principal payments upon outstanding bonds issued under this act be insufficient or not available 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 the bonds proposed to be issued under this act in the calendar year in which the 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 shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property. The governing body of each municipality shall cause to be paid to the treasurer of the county in which the 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 the 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, by resolution, determine that there are moneys in the General 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, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by him, and shall pay the principal and interest out of that fund as the same shall become due and payable, and the other sources of payment of the principal and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in subsection a. of this section shall thereupon be considered part of the General Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the insufficiency of funds collected from the sources of revenue 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 those purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. 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. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the 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 the amount to the county board of taxation and the treasurer of each county. The 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, 1984, be submitted to the people. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 15 days prior to the 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 clerks respectively, in accordance with the instructions of the

Secretary of State, shall cause to be printed on each of the 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 these markings respectively.

	Yes.	HUMAN SERVICES FACILITIES CONSTRUCTION BOND ISSUE Should the "New Jersey Human Services Facilities Construction Bond Act of 1984," which authorizes the State to issue bonds in the amount of $60,000,000.00 for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation, and equipping of human services facilities, and providing the ways and means to pay for the principal and interest on these bonds, be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act will authorize the sale of $60,000,000.00 in bonds to be used (1) to bring human services facilities into compliance with Life Safety Code requirements; (2) to maintain physical plant accreditation standards; (3) to upgrade solid waste facilities at human services institutions; (4) to provide grants to establish alternative residential facilities for deinstitutionalized individuals; and (5) to replace, rehabilitate, repair and improve human services facilities.

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 the ballot. No other requirements of law as to notice or procedure, except as herein provided, need be adhered to.

The votes 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 the 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 is a majority of all votes cast for and against it at the 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 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 of the Department of Human Services 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 "Human Services Facilities 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 whole, by funds from the "Human Services Facilities 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 Commissioner of the Department of Human Services 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 Subcommittee on Transfers of the Joint Appropriations Committee, 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 Commissioner of the Department of Human Services shall

report to and consult with the Subcommittee on Transfers of the Joint Appropriations Committee, as reconstituted and continued from time to time by the Legislature.

27. All appropriations from the bond fund shall be by specific allocation for each major project, and any transfer of any funds so appropriated shall require the approval of the Joint Appropriations Committee's Subcommittee on Transfers or its successor.

28. 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 September 26, 1984

CHAPTER 158

AN ACT concerning certain construction projects of the Department of Corrections, appropriating funds from the Correctional Facilities Construction Fund and supplementing P. L. 1984, c. 58.

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

1. There is appropriated to the Department of Corrections from the Correctional Facilities Construction Fund created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $10,000,000.00 for the following construction projects:

DEPARTMENT OF CORRECTIONS

Southern State Correctional Facility	80 Beds	$1,500,000
State Prison, Leesburg	160 Beds	3,000,000
State Prison, Rahway	80 Beds	1,500,000
Youth Reception and Correction Center, Yardville	48 Beds	1,000,000
Youth Correctional Institution, Bordentown	128 Beds	2,500,000
Youth Correctional Institution, Annandale— sewage treatment plant		500,000
Total Appropriation		$10,000,000

2. There is also appropriated from the fund such items as may be necessary to meet any expense incurred by the issuing officials under P. L. 1982, c. 120 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized to approve expenditures for predesign program planning and other related costs for capital projects authorized under section 1 of this act.

4. In order to provide flexibility in administering the provisions of section 1 of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the Correctional Facilities Construction Fund. The transfers shall be made in a manner consistent with section 27 of P. L. 1982, c. 120.

5. In addition to the sums appropriated under P. L. 1984, c. 58, there are appropriated out of the General Fund the following sums for the purposes specified:

CAPITAL CONSTRUCTION

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

16 Detention and Rehabilitation

Capital Projects:

State Prison, Leesburg, Sewage treatment plant	($2,000,000)
Youth Correctional Institution, Annandale, Sewage treatment plant	(500,000)
State Prison, Leesburg, Electrical distribution system	(1,000,000)
Youth Correctional Institution, Annandale, Roof, window and other renovations	(1,800,000)
Youth Reception and Correction Center, Yardville, Re-roofing	(2,600,000)

Youth Correctional Institution, Bordentown, Emergency generators	(1,000,000)	
Ancora Psychiatric Hospital, Spruce Hall roof replacement	(100,000)	
Deferred maintenance, various institutions	(2,500,000)	
Industrial-vocational space, various institutions	(1,500,000)	
Total Appropriation, Department of Corrections		$13,000,000

6. This act shall take effect immediately and shall be retroactive to July 1, 1984.

Approved September 27, 1984.

CHAPTER 159

AN ACT concerning special State utility supplements to the Supplemental Security Income program and amending P. L. 1979, c. 197 and P. L. 1981, c. 210.

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

1. Section 4 of P. L. 1979, c. 197 (C. 48:2–29.18) is amended to read as follows:

C. 48:2-29.18 Special State utility supplement.

4. Upon certification by the Commissioner of the Department of Human Services, the State Treasurer shall pay to each electric and gas utility the amount of the credit provided for each eligible residential customer served by such utility. The payments shall be made pursuant to a schedule approved by the Director of the Division of Budget and Accounting and payments made for unused credit shall be returned to the Casino Revenue Fund pursuant to a plan approved by him. For eligible residential customers receiving benefits pursuant to the program of Supplemental Security Income under P. L. 1973, c. 256 (C. 44:7–85 et seq.), the credit shall consist of a special State utility supplement to the Supplemental Security Income program and shall be made in 12 monthly install-

ments. If, at the end of a year, a person eligible for the special State utility supplement has not received the full credit for that year, a payment for the balance thereof shall, upon certification by the commissioner, be issued by the State Treasurer. This special State utility supplement shall be in addition to existing supplementary payments which have been or may be authorized and made pursuant to P. L. 1973, c. 256 (C. 44:7–85 et seq.).

2. Section 5 of P. L. 1981, c. 210 (C. 48:2–29.34) is amended to read as follows:

C. 48:2-29.34 Tenant's assistance payment.

5. a. Upon certification by the commissioner, the State Treasurer shall issue a tenant's assistance payment to each residential tenant found eligible for the "Tenants' Lifeline Assistance Program." For residential tenants found eligible between July 1 and December 31 of 1981 or any year thereafter, the tenant's assistance payment shall be made during October, or as soon as practicable after eligibility has been determined, and during October of each year thereafter for which eligibility is determined.

b. For eligible residential tenants receiving benefits pursuant to the program of Supplemental Security Income under P. L. 1973, c. 256 (C. 44:7–85 et seq.), the tenant's assistance payment shall consist of a special State utility supplement to the Supplemental Security Income program and shall be made in 12 monthly installments. If, at the end of a year, a person eligible for the special State utility supplement has not received the full tenant's assistance payment for that year, a payment for the balance thereof shall, upon certification by the commissioner, be issued by the State Treasurer. This special State utility supplement shall be in addition to existing supplementary payments which have been or may be authorized and made pursuant to P. L. 1973, c. 256 (C. 44:7–85 et seq.).

3. This act shall take effect immediately.

Approved September 29, 1984.

CHAPTER 160

AN ACT concerning Sunday sales in cities of the first class and supplementing P. L. 1959, c. 119 (C. 2A:171–5.8 et seq.).

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

C. 2A:171-5.19 Petition for referendum.

1. If in any city of the first class located within any county in which, by referendum of the voters therein, the provisions of P. L. 1959, c. 119 (C. 2A:171–5.8 et seq.) prohibiting Sunday sales apply, there shall be filed with the city clerk a petition signed by not less than 2,500 registered voters of the city requesting that there shall be submitted to the voters of the city the question of whether the provisions of P. L. 1959, c. 119 shall apply within the city, the question shall be submitted to the legal voters of the city at the next general election succeeding the 30th day following the date of the filing of the petition in the manner and form as provided in section 2 of this act.

C. 2A:171-5.20 Ballot question.

2. There shall be printed on each official ballot to be used at the election authorized by section 1 of this act, the following:

If you favor the provision 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 Sunday sales be permitted in this city?
	No.	

In any city in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

C. 2A:171-5.21 Consequences of vote.

3. If at the election at which the question set forth in section 2 of this act is submitted, the majority of all votes cast, both for and against the question, in the city, shall be cast in favor of the question, the provisions of P. L. 1959, c. 119 (C. 2A:171–5.8 et seq.) shall be inoperative in that city, but if a majority of such votes shall be cast against the question, the provisions of P. L. 1959, c. 119 shall remain operative.

4. This act shall take effect immediately.

Approved October 1, 1984.

CHAPTER 161

AN ACT concerning cities and repealing certain statutes.

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

Repealer.

1. The following sections compiled and assigned section numbers in the Revised Statutes are repealed:

R. S. 40:187–1 to R. S. 40:187–5 inclusive.

2. This act shall take effect immediately.

Approved October 10, 1984.

CHAPTER 162

AN ACT concerning the organization of the Department of Transportation and revising parts of the statutory law.

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

1. Section 8 of P. L. 1966, c. 301 (C. 27:1A–8) is amended to read as follows:

C. 27:1A-8 Assistant commissioners.

8. (a) The commissioner shall be assisted in the performance of his duties by three assistant commissioners, an Assistant Commis-

sioner for Transportation Services and Planning, an Assistant Commissioner for Engineering and Operations, and an Assistant Commissioner for Finance and Administration. Each assistant commissioner shall be appointed by and shall serve at the pleasure of the commissioner and until his successsor has been appointed and qualified.

(b) The Assistant Commissioner for Transportation Services and Planning shall be a person qualified by training and experience relating to transportation planning and the development of policy in the various modes of transportation services in the State.

(c) The Assistant Commissioner for Engineering and Operations shall be a professional engineer qualified by training and experience in the design, construction and maintenance of highways, bridges and other transportation facilities. He shall also serve as the State Highway Engineer.

(d) The Assistant Commissioner for Finance and Administration shall be a person qualified by training and experience relating to administration and financial control.

(e) Each assistant commissioner shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, which salary shall be not in excess of comparable salaries established by P. L. 1969, c. 194 (C. 52:14–15.104).

2. Section 10 of P. L. 1966, c. 301 (C. 27:1A–10) is amended to read as follows:

C. 27:1A-10 Highway engineers.

10. (a) The commissioner shall appoint as assistants to the Assistant Commissioner for Engineering and Operations—State Highway Engineer, a Deputy State Highway Engineer and two chief engineers: for design and for construction and maintenance, respectively. The Deputy State Highway Engineer and each chief engineer shall serve at the pleasure of the commissioner and until his successor has been appointed and qualified.

(b) The qualifications for the Deputy State Highway Engineer and the chief engineers shall be the same as those prescribed for the Assistant Commissioner for Engineering and Operations—State Highway Engineer.

(c) The Deputy State Highway Engineer and the chief engineers shall receive such salary as established by the commissioner with the approval of the President of the Civil Service Commission and

the Director of the Division of Budget and Accounting, which salary shall be not in excess of comparable salaries established by P. L. 1969, c. 194 (C. 52:14–15.104).

3. Section 12 of P. L. 1966, c. 301 (C. 27:1A–12) is amended to read as follows:

C. 27:1A-12 Deputy commissioner.

12. To assist the commissioner in the performance of his duties, the commissioner may appoint a deputy commissioner, who shall also serve as executive director. The deputy commissioner shall serve at the pleasure of the commissioner and until his successor has been appointed and qualified and shall have such powers and duties as may be delegated to him by the commissioner from time to time. The deputy commissioner shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting.

4. Section 13 of P. L. 1966, c. 301 (C. 27:1A–13) is amended to read as follows:

C. 27:1A-13 Directors.

13. (a) The commissioner shall be assisted in the performance of his duties relating to transportation planning and research by a Director of Planning and Research, who shall be appointed by the commissioner and serve at his pleasure.

The Director of Planning and Research shall be qualified by training and experience to perform the duties of his office, and shall receive such salary as may be established by the commissioner with the approval of the Director of the Division of Budget and Accounting, subject to the availability of funds.

(b) The commissioner may also appoint a deputy executive director to serve at his pleasure as assistant to the executive director in the performance of general administrative duties as may be assigned. The deputy executive director shall be a person qualified by training and actual experience in public administration to perform the duties of his office, and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

(c) The commissioner shall be assisted in the performance of his duties relating to coordinating the various modes of transportation

and maximizing resources for the movement of people and goods by a Director of Modal Transportation Services, who shall be appointed by the commissioner and serve at his pleasure. The Director of Modal Transportation Services shall be qualified by training and experience to perform the duties of his office and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

(d) The commissioner shall be assisted in the performance of his duties relating to the promotion and regulation of aeronautics by a Director of Aeronautics, who shall be appointed by the commissioner and serve at his pleasure. The Director of Aeronautics shall be qualified by training and experience to perform the duties of his office and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

(e) The commissioner shall be assisted in the performance of his duties relating to the regulatory responsibilities over rail, motorbus, and limousine operations by a Director of Regulatory Affairs, who shall be appointed by the commissioner and serve at his pleasure. The Director of Regulatory Affairs shall be qualified by training and experience to perform the duties of his office and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

(f) The commissioner shall be assisted in the performance of his duties relating to policy analysis and governmental affairs by a Director of Policy Analysis and Governmental Affairs, who shall be appointed by the commissioner and serve at his pleasure. The Director of Policy Analysis and Governmental Affairs shall be qualified by training and experience to perform the duties of his office and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

(g) The commissioner shall be assisted in the performance of his duties relating to the promotion, coordination, and development of waterborne transportation by a Director of Waterborne Transportation, who shall be appointed by the commissioner and serve at his

pleasure. The Director of Waterborne Transportation shall be qualified by training and experience to perform the duties of his office and shall receive such salary as may be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, subject to the availability of funds.

5. Section 14 of P. L. 1966, c. 301 (C. 27:1A–14) is amended to read as follows:

C. 27:1A-14 Retention of rights.

14. In the event that the deputy commissioner, Assistant Commissioner for Transportation Services and Planning, the Assistant Commissioner for Engineering and Operations, the Assistant Commissioner for Finance and Administration, the Director of Transportation Planning and Research, the deputy executive director, the Director of Modal Transportation Services, the Director of Aeronautics, the Director of Regulatory Affairs, the Director of Policy Analysis and Governmental Affairs, the Director of Waterborne Transportation, the Deputy State Highway Engineer or the chief engineers are appointed from persons holding positions in the classified service of the State, they shall retain, during their tenure in such positions, any rights or protection provided them by Title 11, Civil Service, of the Revised Statutes or any pension law or retirement system.

Repealer.

6. The following are repealed:

R. S. 6:1–3 through R. S. 6:1–8, inclusive, R. S. 6:1–10, R. S. 27:1–1 through R. S. 27:1–20, inclusive, sections 3 through 9 of P. L. 1938, c. 48 (C. 6:1–22 through 6:1–28), sections 8 through 10 of P. L. 1948, c. 91 (C. 27:1–16.1, 27:1–1.1 and 27:1–1.2), sections 1 and 2 of P. L. 1953, c. 167 (C. 27:1–16.2 and 27:1–16.3), P. L. 1959, c. 14 (C. 27:24–1 et seq.) and section 9 of P. L. 1966, c. 301 (C. 27:1A–9).

7. This act shall take effect immediately.

Approved October 10, 1984.

CHAPTER 163

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

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

1. The following State-owned real property is declared surplus and shall be disposed of in accordance with the provisions of this act:

DEPARTMENT OF HUMAN SERVICES

Residence, 138 West Hanover Ave., Morris Twp., Morris County—Block 205, Lot 1 ..... 1.70± acres
Residence, Berlin-Blue Anchor Road, Winslow Twp., Camden County, Block 5802, Lot 3 ..... 5.19± acres
Residence, 1880 Maple Ave., City of Vineland, Cumberland County—Block 380, P/O Lot 2 ..... 2.23± acres
Residence, 1505 Almond Rd., City of Vineland, Cumberland County—Block 401, P/O Lot 11 ..... 9.8± acres
Residence, Henderson Rd., Union Twp., Hunterdon County—Block 7, Lot 10 ..... 2.50± acres
Residence, Henderson Rd., Union Twp., Hunterdon County—Block 7, Lot 12 ..... 2.50± acres
Residence, Henderson Rd., Union Twp., Hunterdon County—Block 6, Lot 13 ..... 2.63± acres

DEPARTMENT OF CORRECTIONS

Residence, 45 W. Main St., Town of Clinton, Hunterdon County—Block 25, Lot 8 ..... 1.10± acres
Residence, 66 Hickory Ct., Rocky Hill Borough, Somerset County—Block 13, Lot 22 ..... 1.28± acres

DEPARTMENT OF EDUCATION

Residence, 32 Hilvista Blvd., City of Trenton, Mercer County—Block 422; Lots 45, 46, 47 ..... 1.04±acres

2. The Bureau of Real Property Management in the Division of Purchase and Property shall circulate notice of these surplus properties through the State Real Property Review System to determine interest on the part of other agencies. If interest exists

on the part of another State agency to use surplus real property, the property shall be transferred to that agency at no cost. Where no interest exists, the Bureau of Real Property Management shall have the property appraised to determine fair market value and shall dispose of the property in accordance with the terms and conditions authorized by the State House Commission.

3. First right of refusal shall be given to the State employee who presently occupies the residence, to purchase the property at fair market value.

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

5. This act shall take effect immediately.

Approved October 10, 1984.

CHAPTER 164

AN ACT concerning municipal shade tree commissions and amending R. S. 40:64–1 and R. S. 40:64–2.

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

1. R. S. 40:64–1 is amended to read as follows:

Shade tree commissions.

40:64–1. The body having charge of the finances of any municipality, and in case of a municipality governed by commissioners, the board of commissioners thereof, may provide by ordinance that the regulation, planting, care and control of shade and ornamental trees and shrubbery upon and in the streets, highways, public places, parks and parkways of the municipality, except State highways, unless the Department of Transportation shall assent thereto and except county highways, parks and parkways, in counties now or hereafter having a county shade tree commission, unless the county shade tree commission or county department of parks and recreation shall assent thereto, shall be exercised by and be under the authority of a commission, which shall be known as the shade tree commission of ..... The commission shall consist of not less than five nor more than seven members appointed by the

mayor or other chief executive officer of the municipality, who shall be residents of the municipality, and shall serve without compensation, except as hereinafter provided.

2. R. S. 40:64–2 is amended to read as follows:

Terms of commissioners.

40:64–2. The first commissioners shall be appointed within 60 days after the ordinance providing for the commission shall become effective, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one, two, three, four and five years, if the commission consists of five members, beginning on January 1 next succeeding such appointment. If the commission is to consist of six members, the first commissioners shall be appointed as above, except that two shall be appointed for five years; and if the commission is to consist of seven members, two shall be appointed for five years and two shall be appointed for four years. In the event that the membership of any commission is increased, the new members shall be appointed in such manner that the terms shall expire in acordance with the foregoing. The term of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full terms of five years, to take effect on January 1.

3. This act shall take effect immediately.

Approved October 10, 1984.

CHAPTER 165

AN ACT concerning boards of education of county vocational-technical schools in certain counties, supplementing chapter 54 of Title 18A of the New Jersey Statutes and repealing P. L. 1977, c. 30.

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

C. 18A:54-16.11 County vocational board.

1. Notwithstanding any provision of chapter 54 of Title 18A of the New Jersey Statutes to the contrary, in all counties of the third class with a population greater than 80,000, but less than 105,000, as of the latest federal decennial census, the board of

education of the county vocational-technical school shall consist of at least five members to be appointed by the appointing authority of the county.

C. 18A:54-16.12 Terms of members.

2. The board members elected pursuant to section 1 of P. L. 1977, c. 30 (C. 18A:54–16.1), for the school year preceding the year in which this act takes effect, shall remain in office until their successors are appointed and qualified, which shall occur no later than November 1, 1984. In making the first five appointments to a board, one person shall be appointed to serve for one year, one person for two years, one for three years and two for four years, and the terms of any additional members of the board shall also be staggered to ensure that an approximately equal number of terms expire every year. Thereafter, members shall serve for terms of four years. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made.

C. 18A:54-16.13 Applicable laws.

3. The budget approval process, the determination of the amount to be raised by taxes for county vocational school purposes, and the approval of capital projects in these counties shall be conducted in the manner prescribed for county vocational schools under N. J. S. 18A:54–28, N. J. S. 18A:54–29, and N. J. S. 18A:54–31.

Repealer.

4. P. L. 1977, c. 30 (C. 18A:54–16.1 through 18A:54–16.6) is repealed.

5. This act shall take effect immediately.

Approved October 10, 1984.

CHAPTER 166

AN ACT concerning the analysis of job and salary classification in the State government and making an appropriation.

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

1. The Legislature states that it is the purpose of the State of New Jersey to act consistently with both the federal "Equal Pay Act of 1963," Pub. L. 88-38 (29 U. S. C. § 206), which requires that employees of both sexes receive equal pay for equal work and the federal "Civil Rights Act of 1964," Pub. L. 88-352 (42 U. S. C. § 2000e-2), which prohibits discrimination on the basis of sex in all terms of employment; to prohibit discrimination on the basis of pay under P. L. 1952, c. 9 (C. 34:11–56.1 et seq.); to prohibit sex discrimination in the workplace under the New Jersey "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5–1 et seq.); to eliminate discrimination in State employment, facilities and services through Executive Order No. 21 of 1965; and to obtain compliance with federal and State laws and regulations in the area of equal employment opportunity and to seek correction of discriminatory employment practices and procedures in State service through Executive Order No. 14 of 1974, Executive Order No. 61 of 1977, and Executive Order No. 58 of 1983.

The Legislature finds that the policy of the State of New Jersey is to ensure a fair, nonbiased wage structure for its own employees. The Legislature further finds that sex, race, or national origin shall not be a consideration either directly or indirectly in determining the proper compensation for a title in State service, nor in determining the pay for any individual or group of employees.

2. As used in this act:

a. "Reviewable titles" means titles or any class of titles dominated by a single sex, race or national origin. A title shall be considered reviewable when at least 70% of the incumbents are of one sex or when the department determines that one race or national origin is disproportionately represented. A reviewable title shall have not fewer than 15 incumbents.

b. "Compensable factors" means standards used to evaluate jobs or positions in State employment. The compensable factors used shall be based on the same criteria for both men and women and shall be selected so as to avoid any discrimination on the basis either directly or indirectly of sex, race or national origin, and the composite measure of these factors shall be considered determinative of a job's overall worth. These factors shall be objectively determined, evaluated and used to establish rates of pay between titles.

c. "Department" means the Department of Civil Service.

d. "President" means the President of the Civil Service Commission.

e. "Task force" means the Task Force on Equitable Compensation as established by this act.

3. The Task Force on Equitable Compensation shall, as to reviewable titles:

a. Consider the Commission on Sex Discrimination in the Statutes' report, "An Analysis of Wage Discrimination in New Jersey State Service," as a basis for further research;

b. Recommend modification of compensable factors to achieve equitable pay;

c. Reevaluate the title evaluation and wage-setting process, as currently utilized by the department, to achieve equitable pay in the reviewable titles;

d. Review the State compensation plan and recommend any changes in the current salary range determination mechanisms; and

e. Assist in the development of any fiscal implementation plan pursuant to this act, but not recommend that wages be lowered to achieve pay equity.

f. This section shall not be construed to affect the existing authority of the Civil Service Commission.

4. The task force shall submit an interim report of its findings and recommendations, no later than six months from the effective date of this act, to the Governor, the Civil Service Commission, and to the Legislature. The Civil Service Commission shall act on the interim report within 30 days of the receipt thereof, by filing a report with fiscal recommendations to the Governor and to the Legislature. Any fiscal recommendations contained in the interim report of the task force and the corresponding report of the Civil Service Commission shall be acted upon by the Legislature within 60 days of the receipt of the Civil Service Commission's report; provided, however, that if the Civil Service Commission fails to act within the prescribed 30 day period, the Legislature shall act upon the task force's report as if the Civil Service Commission's report was filed on the 30th day following receipt of the interim report. The task force shall continue working after the submission of an interim report but shall not file any further interim reports until the most recently filed one has been acted upon by the Legislature as herein set forth.

The task force shall cease to function if appropriate legislative action has not been taken within five months of the submission of the interim report. The task force shall resume operations once appropriate Legislative action has been taken; provided, however, that if appropriate Legislative action has not been taken within 12 months after the expiration of the five month period referred to above, the task force shall terminate.

5. a. There is created a Task Force on Equitable Compensation in but not of the department. The task force shall consist of 21 members: the President of the Civil Service Commission; the Public Advocate; the Commissioner of Labor; the Directors of the Division of Classification and Compensation in the Department of Civil Service, the Division on Civil Rights in the Department of Law and Public Safety, the Division on Women in the Department of Community Affairs, and the Director of the Office of Employee Relations, or their designees; 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, no more than one of whom shall be of the same political party; eight public members, appointed by the Governor, no more than four of whom shall be members of the same political party; and one representative from each of the two major collective bargaining unions representing classified employees in the executive branch of State government, appointed by the Governor.

Vacancies in the membership of the task force shall be filled in the same manner as original appointments were made. Members shall continue to serve until their successors are appointed. Members shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

In the performance of its duties, the task force shall be authorized to appoint a full-time executive director, who shall be the chief administrative officer. The executive director shall serve at the pleasure of the task force, and shall be a person qualified by training and experience to perform the duties of the office. The task force shall be entitled to avail itself of the services of the 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 stenographic and clerical assistants and incur 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 these purposes. The Governor shall designate one member of the task force to serve as chairperson.

A simple majority of the members of the task force shall constitute a quorum, the presence of which at any meeting thereof duly called by the chairperson of the task force, or upon the request of a simple majority of the members of the task force, shall have authority to act upon and resolve in the name of the task force any matter brought to its attention. No interim or final report shall be issued to the Governor, Legislature, or Civil Service Commission unless approved by a majority of the voting members of the task force.

b. The task force may:

(1) Contract for such experts and technical or professional services which have an ability to undertake and complete the tasks described in section 3 of this act;

(2) Review any matter relating to the job evaluation and wage-setting process of reviewable titles and transmit such recommendations thereon to the department; and

(3) Hold public meetings or hearings within this State on any matter related to the State service job evaluation and wage-setting process involving reviewable titles.

6. There is appropriated from the General Fund to the Department of Civil Service the sum of $300,000.00 to fund the activities of the task force.

7. This act shall take effect on the 45th day following its enactment and shall terminate three years from the effective date.

Approved October 17, 1984.

CHAPTER 167

AN ACT permitting the appointment of a director of the bureau of narcotics in the county sheriff's office without civil service examination under certain circumstances and supplementing chapter 9 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:9-119.2 Examination waiver.

1. The sheriff of any county may appoint any person who, at the time of his appointment, has: a. served for 10 years or more as a law enforcement official, three years of which shall have been in a supervisory position that included responsibilities for narcotic investigation or control activities; and b. has been certified by the Police Training Commission as having completed a police training course at an approved police training school, pursuant to P. L. 1961, c. 56 (C. 52:17B–66 et seq.), as director of the bureau of narcotics, to serve for a term of one year without having to take at civil service examination. The director of the bureau of narcotics shall have full police officer status, as is granted to other sheriff's officers.

2. This act shall take effect immediately.

Approved October 18, 1984.

CHAPTER 168

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated by P. L. 1984, c. 58, the following amount is appropriated from the General Fund for the following purpose:

DEPARTMENT OF HIGHER EDUCATION

36 Higher Educational Services

5630 University of Medicine and Dentistry of New Jersey $6,200,000

Capital Projects:

Renovation of space, equipment and construction of addition to building or construction of additional building ..... ($6,200,000)

2. This act shall take effect immediately.

Approved October 26, 1984.

CHAPTER 169

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, 1985 and regulating the disbursement thereof", approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

CAPITAL CONSTRUCTION

Department of Environmental Protection

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Watershed Management	$18,250,000

Capital Projects:

Emergency preparedness and flood marking	($ 100,000)
Passaic basin land acquisition	(5,000,000)
Flood plain delineation	(250,000)
Flood control Molly Ann's Brook	(5,000,000)
Flood control Lower Saddle River sub-basin	(7,000,000)
Flood control Ramapo River at Oakland	(500,000)
Flood control Mahwah and Ramapo Rivers at Mahwah and Suffern	(400,000)

2. This act shall take effect immediately but no expenditure of State funds shall be made on projects for which federal cost-sharing participation is anticipated until such federal funds are appropriated by the Congress of the United States or otherwise committed by the federal government to such projects.

Approved October 29, 1984.

CHAPTER 170

AN ACT concerning education programs in certain second class counties for certain juveniles, and supplementing Title 2A of the New Jersey Statutes.

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

1. For the purpose of this act, a "qualified community center" means a residential or nonresidential community center located in a county of the second class with a population of not more than 485,000 and not less than 450,000, according to the most recent decennial federal census, which is operated by a private, nonprofit agency, within the scope of section 501 (c) (3) of the federal Internal Revenue Code of 1954 (26 U. S. C. § 501 (c) (3)), which provides intensive services including educational and vocational services to juveniles for specified hours and which, as part of its program, operates an alternative school approved by the Department of Education.

2. For each eligible child who, as of September 30 of the prebudget year has been referred to a qualified community center, the State shall pay an amount equal to the State average net current expense budget per pupil in the prebudget year. These funds shall be appropriated to the Department of Corrections and shall serve as payment for tuition for the provision of the educational program for that child at the community center.

3. In order to be eligible to receive State aid for an educational program under this act the child shall:

a. Be entitled to receive a free public education pursuant to N. J. S. 18A:38–1 or N. J. S. 18A:38–2;

b. Have been adjudicated for an act of delinquency as defined in section 4 of P. L. 1982, c. 77 (C. 2A:4A–23);

c. Have been referred to the community center by a court, or by an appropriate State, county or municipal agency or official;

d. Meet the requirements of the community center for participation in the program; and

e. Be ineligible for State aid funds for education pursuant to P. L. 1975, c. 212 (C. 18A:7A–1 et seq.) or P. L. 1979, c. 207 (C. 18A:7B–1 et seq.).

4. Funds received pursuant to this act shall be used only for the provision of educational programs approved by the State Board of Education which may consist of:

a. A standard high school curriculum; or

b. An alternative curriculum, including but not limited to a high school equivalency program (G. E. D.) supplemented by counseling and vocational education.

No funds shall be used for capital improvement or for the costs of residential care, if that care is available.

5. On or before September 1 of each year, an eligible community center shall present a report to the Governor and the Legislature describing the operation of the center during the preceding year. The report shall include, but need not be limited to a description of the program offered at the center; the number of youths in each program; the length of time each youth was enrolled at the center; an analysis of the effectiveness of the program, taking into consideration such factors as permanent employment, return to a regular academic program, recidivism and other appropriate factors; and a copy of the audited budget accounts of the center. Any report received under this section shall be reviewed and approved by both the Senate and Assembly Education Committees before any further appropriations may be made under the provisions of this act. The failure of an eligible community center to present this report shall prohibit the center from receiving further appropriations.

6. The Department of Corrections shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt the rules and regulations necessary to effectuate the purposes of this act.

7. This act shall take effect immediately and shall terminate on July 1, 1985.

Approved October 31, 1984.

CHAPTER 171

AN ACT concerning credit unions, supplementing Title 17 of the Revised Statutes, amending N. J. S. 12A:9–203 and N. J. S. 12A:10–104, amending and supplementing P. L. 1968, c. 196, and repealing P. L. 1938, c. 293.

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

C. 17:13-79 Short title.

1. (New section) Sections 2 through 46 of this act shall be known and may be cited as "The Credit Union Act of 1984."

C. 17:13-80 Definitions.

2. (New section) For the purposes of this act:

a. "Board" means the board of directors of the credit union.

b. "Commissioner" means the Commissioner of Banking.

c. "Credit union" means any organization incorporated under the provisions of this act, or the laws of another state or the "Federal Credit Union Act," 48 Stat. 1216 (12 U. S. C. § 1751 et seq.), which is a cooperative association organized for the purpose of promoting thrift among its members and creating a fund which will establish a source of credit for them for provident or productive purposes.

d. "Director" means a member of the board of directors.

e. "Member" means an owner of a share, deposit, or certificate in a credit union.

C. 17:13-81 Certificate of incorporation.

3. (New section) Seven or more natural persons, all of whom are residents of this State, may incorporate a credit union on the terms and conditions provided for in this act. The incorporators shall apply to the Commissioner of Banking, on a form supplied by the commissioner, for permission to incorporate a credit union. A certificate of incorporation, executed by the incorporators, shall be submitted with the application, as well as a fee of $25.00. The certificate shall include:

a. The proposed name of the credit union, and the street, street number, and name of the municipality in which it is to be located;

b. The name and street address of its registered agent, where process may be served;

c. The powers which the credit union proposes to exercise;

d. The group to which membership will be limited;

e. The number of directors proposed to serve on the board;

f. The name and address of each of the proposed members, who shall be at least 30 in number, and the number of shares subscribed by each;

g. The original par value of the shares of the corporation, which shall not be less than $5.00;

h. Any other provision not inconsistent with this act or with the laws of this State for the regulation of the business.

C. 17:13-82 Grounds for disapproval.

4. (New section) The commissioner shall disapprove the application if he finds that:

a. The incorporation of the proposed credit union will not be in the public interest;

b. The incorporators do not evidence character, responsibility, and general fitness;

c. The provisions contained in the certificate of incorporation for the regulation of the business and the provisions creating or limiting the powers of the proposed credit union are improper provisions, or will not serve the best interest of the members of the proposed credit union; or

d. The conditions of employment or other conditions prevailing in the group from which the membership is to be drawn are such as to result in financial instability or otherwise render the organization of the credit union by them inadvisable.

If the application is approved by the commissioner he shall annex a certificate of approval, and the application shall be filed in the department.

C. 17:13-83 Organizational meeting.

5. (New section) The organizational meeting of the members of the credit union shall take place within 10 days of the filing of the certificate of incorporation. A written notice, signed by a majority of the incorporators, shall be given personally or by mail to each of the members proposed in the certificate of incorporation, designating the time, place, and purpose of the meeting. The notice shall be given at least five days before the date on which the meeting is to be held. At the meeting the members present by majority vote shall elect a board of directors as provided for in section 17 of this act and shall transact any other business as may properly come before them.

C. 17:13-84 Required affidavit.

6. (New section) Before the commissioner may issue a certificate of authority, two of the incorporators shall submit an affidavit to the commissioner which attests to the following:

a. That the certificate of incorporation has been filed with the commissioner;

b. That the shares of the incorporators and 30 members have been fully paid in cash;

c. That the cash paid in is on deposit in a depository institution in this State without offset, claim or demand against it whatsoever, and that it is subject to withdrawal on demand.

C. 17:13-85 Certificate of authority.

7. (New section) Within 30 days of receipt of the affidavit required by section 6 of this act, the commissioner shall issue a certificate of authority for the credit union to begin the transaction of business provided for in the certificate of incorporation if:

a. After an examination, he finds that the facts presented in the affidavit are true;

b. The incorporators have received firm commitment of the insurance required by section 9 of this act;

c. The proposed directors and officers of the credit union possess the qualifications, experience, and character required for the duties and responsibilities with which they will be charged.

Upon receipt of the certificate of authority, the credit union may begin transacting business. The commissioner shall file a copy of the certificate of authority with the certificate of incorporation.

C. 17:13-86 Amendment procedure.

8. (New section) a. A credit union may amend its certificate of incorporation in the following manner:

(1) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the members;

(2) The meeting of the members shall be held upon at least 10 days' notice given personally or by mail;

(3) If three-fourths of the members present at the meeting approve the amendment, the amendment shall be deemed to be adopted.

b. Upon adoption by the members, a certificate of amendment shall be executed in the name of the credit union by its president or vice president, attested by its secretary, sealed with the corporate seal, and submitted to the commissioner for his approval. If the

commissioner does not notify the credit union of his disapproval in writing within 30 days, it shall be deemed approved. If the commissioner finds that the amendment does not meet the standards set forth in this act, he shall disapprove it. Upon the commissioner's approval, the amendment to the certificate shall be filed with the department. No amendment to a certificate of incorporation shall contain any provision which would not, under the terms of this act, be permitted in the original certificate.

C. 17:13-87 Commitment for insurance.

9. (New section) a. No credit union shall be granted a charter on or after the effective date of this act unless the incorporators have obtained a commitment for the insurance of its accounts from the National Credit Union Administration or another insurer approved by the commissioner.

b. The commissioner may make available reports of financial condition and examination reports to the National Credit Union Administration or to any qualified insurer and may accept any report of examination made on behalf of the insurer or insuring agency. The commissioner may appoint an official of the National Credit Union Administration or any qualified insuring organization as liquidating agent of an insured credit union.

C. 17:13-88 "Credit Union" in name.

10. (New section) a. The name of every credit union incorporated under this act shall contain the words "Credit Union." No name shall be adopted by any credit union which is already in use by another existing credit union of this State or be so similar thereto as to lead to uncertainty or confusion.

b. The use by any person, except corporations established under this act or affiliates or associations thereof, or by federal law or by the laws of another state, of a name or title containing the words "credit union" shall be a crime of the fourth degree.

C. 17:13-89 Powers of credit unions.

11. (New section) A credit union's powers shall include, but not be limited to, the power to:

a. Make contracts;

b. Sue and be sued;

c. Adopt and use a common seal and alter same;

d. Acquire, lease, hold, assign, pledge, hypothecate, sell and otherwise dispose of property, either in whole or in part, necessary or incidental to its operations;

e. Offer its members and other credit unions, shares, share certificates, deposits, deposit certificates, or share drafts as provided in this act;

f. Lend its funds to its members as hereinafter provided;

g. Borrow money from any source, provided that a credit union shall notify the commissioner in writing of its intention to borrow in excess of an aggregate of 50% of its shares and undivided earnings;

h. Discount or sell any of its assets, and purchase the assets of another credit union, subject to the approval of the commissioner;

i. Make deposits and invest in legally chartered banks, savings banks, savings and loan associations, trust companies, and other credit unions, including corporate credit unions, and invest funds as otherwise provided in this act;

j. Hold membership in other credit unions organized under this act, and in associations and organizations controlled by or fostering the interests of credit unions, including a central liquidity facility organized under state or federal law;

k. Act as fiscal agent for and receive payment on shares or deposits, or both, from the federal government, this State, or any agency or political subdivision thereof;

l. Have and exercise all the powers of corporations organized under Title 14A of the New Jersey Statutes which are not inconsistent with this act;

m. Maintain service facilities, including automated terminals at locations other than its principal office upon the approval of the commissioner. The maintenance of these facilities shall be reasonably necessary to furnish service to its members. A credit union may join with one or more financial institutions in the operation of a service facility to meet member needs;

n. Contract with outside vendors to make insurance and group purchasing plans available to its members and receive compensation from the vendors in return for performing administrative functions on their behalf;

o. Participate in loans to credit union members jointly with other credit unions, credit union organizations, or financial institutions, provided that the originating credit union retains an interest of at least 10% of the face amount of the loan;

p. Participate in any guaranteed loan program of the federal or state government;

q. Purchase the conditional sales contracts, notes, and similar instruments of its members;

r. Purchase and maintain insurance on behalf of any person who is an officer, director, employee, or agent of the credit union;

s. Collect, receive and disburse monies in connection with the providing of negotiable checks, money orders, travelers' checks, and similar instruments, and for any other purposes which may provide benefit or convenience to its members, and to charge a reasonable fee for these services;

t. Declare dividends to its members, as provided in the bylaws or by rules and regulations of the commissioner;

u. Participate in government programs designed to alleviate social and economic problems at the community, state, or regional levels.

C. 17:13-90 Regulations.

12. (New section) The commissioner shall have the power to make, amend and repeal regulations permitting credit unions to exercise any power, right, benefit, or privilege permitted to federally chartered credit unions, provided that the power, right, benefit or privilege is not contrary to law. The regulations shall be in substantial conformity with similar rules or regulations of the National Credit Union Administration.

C. 17:13-91 Change in location.

13. (New section) a. A credit union may change the location of its office by resolution of the board. A copy of the resolution, attested by the secretary, shall be forwarded to the commissioner for his approval. If the resolution is not approved within 30 days by the commissioner, it shall be deemed to be approved. Upon the approval of the commissioner, the resolution shall be filed with the department.

b. Any municipality, school board, county, State department, or any agency or instrumentality thereof may make facilities available for use by a credit union as an office or meeting room.

c. A credit union may maintain service facilities, or may join with one or more financial institutions in the operation of a service facility to meet member needs, including an automated terminal, if these facilities are reasonably necessary to furnish service to its members, at locations other than its principal office, upon the approval of the commissioner.

C. 17:13-92 Membership restrictions.

14. (New section) a. The membership of a credit union shall be limited to and consist of the incorporators and other persons within the common bond established by the certificate of incorporation who

have paid any required entrance fee or membership fee, or both, have subscribed to one or more shares, have paid the initial installment thereon, and have complied with any other requirements as the certificate of incorporation or bylaws specify.

b. Credit union membership may include groups having a common bond of similar occupation, association or interest, or groups who reside within a well-defined neighborhood, community or rural district, and members of the immediate family of those persons.

c. Societies and copartnerships composed primarily of persons who are eligible for membership, and corporations, including cooperative organizations, whose stockholders are composed primarily of persons who are eligible for individual membership, may be admitted to membership. Any entity thus admitted to membership shall not borrow in excess of its shareholdings unless at least 10% of its members are qualified members of the credit union.

d. Members who leave the field of membership may be permitted to retain their memberships in the credit union under reasonable standards established by the board.

e. Members of the credit union shall not be personally or individually liable for the payment of the credit union's debts.

C. 17:13-93 Meetings.

15. (New section) a. The annual meeting of the members of the credit union shall be held on a date to be designated by the board for the election of directors and committee members and the transaction of any other business as may properly come before the meeting.

b. Regular and special meetings may be held in the manner prescribed in the bylaws.

c. At all of these meetings a member shall have one vote. No member may vote by proxy, but a member may vote by absentee ballot if the bylaws of the credit union so provide.

d. The bylaws shall prescribe the number of members which constitute a quorum, but less than a quorum may adjourn the meeting from time to time.

e. A society, association, copartnership or corporation, having membership in the credit union, may be represented and have its vote cast by one of its members or shareholders, if the person has been so authorized by resolution of the organization's board of directors.

C. 17:13-94 Bylaws.

16. (New section) Every credit union shall, by majority vote of its members, adopt bylaws consistent with the laws of this State. The

bylaws may be amended from time to time. A copy of the bylaws and all amendments thereto shall be certified by the secretary and forwarded to the commissioner, but shall not become effective until approved by the commissioner. If the commissioner does not approve the bylaws or any amendments thereto within 30 days of their submission, they shall be deemed approved. Upon the commissioner's approval the bylaws or any amendments thereto shall be filed with the department.

C. 17:13-95 Board of directors.

17. (New section) The credit union shall be directed by a board consisting of an odd number of directors, not less than five in number, who shall be members and who shall be elected by ballot of the members at the annual meeting for terms as the bylaws provide, except that the bylaws shall provide for staggered terms.

The directors shall be at least 18 years of age and a majority of the directors shall be residents of this State. Every director shall subscribe to an oath in a form prescribed by the commissioner, and the form shall be filed with the commissioner within five days of its execution. A vacancy on the board shall be filled by the directors until the next annual meeting, when it shall be filled by the members for the unexpired term. The board or the executive committee shall meet at least once a month and upon any other occasions which it deems necessary.

C. 17:13-96 Officers.

18. (New section) The board of directors or the members, as provided by the bylaws, shall elect a chairman, who shall be a member of the board, a vice chairman, a secretary, and a treasurer, who shall hold their offices at the pleasure of the board or of the members, as the case may be. Officers and members of committees may be compensated for their services as provided for in the bylaws. The commissioner may, at any time, order the compensation reduced if in his judgment it is excessive. The board shall require any officer or employee having custody of or handling funds to give bond with good and sufficient surety in an amount and character to be determined by the board in compliance with regulations prescribed by the commissioner.

The commissioner shall promulgate rules and regulations establishing the duties of directors.

C. 17:13-97 Executive committee.

19. (New section) a. The board may appoint an executive committee of the board, consisting of not less than three directors,

which may be authorized to act for the board, as provided in the bylaws, except that the executive committee may not:

(1) Exercise any powers granted to it, while a quorum of the board is actually convened for the conduct of business;

(2) Declare a dividend, or make any other kind of distribution to members;

(3) Make, alter, or repeal the bylaws of the credit union;

(4) Elect or appoint any officer or director; or

(5) Exercise any other power which this act specifically provides shall be exercised by at least a majority of all the directors.

b. The minutes of the proceedings of the executive committee shall be presented to the board at the meeting next following any meeting of the executive committee.

C. 17:13-98 Examining committee.

20. (New section) The members of each credit union shall elect an examining committee, composed of at least three members, none of whom shall be officers, directors, or members of the credit committee. The members of the committee shall be elected for staggered terms, and at least one-third of the membership of the committee shall be elected by the members at the annual meeting each year. Every member of the examining committee shall subscribe to an oath in a form prescribed by the commissioner. The examining committee shall make, or cause to be made, a thorough audit or examination of the condition of the credit union as of December 31 of each year, and a verification of member accounts at least once every year. The report of the examining committee shall be signed and sworn to by the members of the committee and filed with the board on or before March 31 of each year. The examining committee shall perform any other duties as may be provided for in the bylaws of the credit union.

C. 17:13-99 Violations of act, charter, bylaws.

21. (New section) a. The examining committee may, by a majority vote of its members, call a special meeting of the members to consider any violation of this act, the credit union's charter or bylaws, or any practice of the credit union deemed by the committee to be unsafe or unauthorized.

b. The examining committee may, by a unanimous vote of its members, suspend any officer, member of the board of directors, or member of the credit committee for good cause until a meeting of the members, which shall be held not less than seven nor more

than 21 days after the suspension, to ratify the action of the examining committee.

c. Subsequent to ratification by the members, the examining committee shall refer the matter to the board for appropriate action.

C. 17:13-100 Credit committee.

22. (New section) a. If the bylaws provide for a credit committee, then pursuant to the provisions of the bylaws, the board shall appoint or the members shall elect a credit committee of not less than three nor more than seven members, who shall serve as set forth in the bylaws. The committee shall approve or deny written applications for loans from members pursuant to and consistent with the general loan policy and rules and regulations established by the board for member loans.

The credit committee shall elect a chairman and a secretary and any other officers which it deems necessary. It shall be the duty of the secretary of the credit committee to keep permanent minutes of all of its meetings.

b. A majority of members of the credit committee shall constitute a quorum. No member loans shall be approved except at meetings of the credit committee, and the approval shall be signed by a majority of those members present.

c. If the bylaws provide for a credit committee, the credit committee may appoint one or more loan officers, to whom it may delegate the power to approve applications up to the unsecured limit, or in excess of the unsecured limit if the excess is fully secured by unpledged shares. Each loan officer shall submit to the credit committee a record of each application approved or denied by him, at the next meeting of the credit union or within 30 days of the receipt of the loan application, whichever is earlier. All applications denied by a loan officer shall be reviewed by the credit committee. No person shall have the authority to disburse funds for any loan which has been approved by him as loan officer. Not more than one member of the credit committee may be appointed as loan officer.

d. If there is no credit committee, a member shall have the right, upon written request to the board of directors, to review by the board of a loan application which has been denied by a loan officer.

C. 17:13-101 Types of accounts.

23. (New section) a. A credit union shall issue shares and share certificates, which shall constitute the capital of the credit union.

Shares may be subscribed to, paid for and transferred in any manner prescribed by the bylaws. Ownership of shares or share certificates shall confer membership and voting rights.

b. A credit union may accept deposits from and issue deposit certificates to its members and to other credit unions, subject to terms, rates, and conditions prescribed by the board and regulations established by the commissioner.

c. A credit union may offer special purpose share or deposit accounts, including, but not limited to, Christmas club accounts and vacation club accounts, under terms and conditions established by the board.

d. A credit union may offer joint accounts, trust accounts, or pay-on-death accounts, as provided in the "Multiple-party Deposit Account Act," P. L. 1979, c. 491 (C. 17:16I–1 et seq.). These accounts may be held as shares, share certificates, deposits, deposit certificates, or any other form provided by law.

e. A credit union may act as trustee or custodian of: (1) individual retirement accounts authorized by State or federal law; (2) pension funds of self-employed individuals or of a company or organization sponsoring the credit union; or (3) other similar retirement or pension plans; or (4) pension and profit-sharing plans.

f. The board may authorize the payment of dividends from the undivided earnings. Dividends may be paid at varying rates with respect to the conditions which pertain to each type of account, including, but not limited to, minimum balance, notice and time requirements.

C. 17:13-102 Membership of minors.

24. (New section) a. Shares, share certificates, and deposit certificates may be issued to, and deposits received from, a minor, who may withdraw the shares and deposits, including the dividends and interest thereon. Deposits and share payments made by a minor and withdrawals thereof by the minor shall be valid in all respects.

b. No minor may hold office within the credit union until he shall have reached his 18th birthday.

c. In exercising his membership privileges with a credit union, a minor may make all contracts which any other of its members may make. Any contract of a member who is a minor shall be binding and enforceable against the member in the same manner as if he were of full age at the time of entering the contract.

C. 17:13-103 Withdrawals.

25. (New section) a. Shares, share certificates, deposits and deposit certificates of a credit union may be withdrawn for payment to the account holder or to third parties in accordance with procedures established by the board and subject to regulation of the commissioner. The bylaws may provide for members giving written notice of withdrawal, not exceeding 30 days. If the funds available to the credit union are insufficient to pay all withdrawals, then each member seeking withdrawal shall receive a pro rata share of the assets of the credit union which are available for withdrawal.

b. Any non-member who, by assignment, as a legal representative, trustee, or otherwise, acquires title to the shares of a member, may withdraw the shares on the same basis as a member, except that unless he becomes a member, he shall have no other rights attendant to membership.

c. The board shall have the authority to retire the shares of any member or group of members in the manner provided in its bylaws. Shares retired shall be paid in the same manner and subject to the same conditions as withdrawals.

C. 17:13-104 Loans to members.

26. (New section) a. A credit union may make loans to its members, evidenced by a written instrument, upon terms and upon any security, including, but not limited to, the endorsement of a note by a surety, comaker, or guarantor, assignment of an interest in real or personal property, or assignment of shares, as the board may provide. The adequacy of any security shall be determined by the credit committee. No loan shall be made to any member when the aggregate amount of all that member's loans outstanding exceeds 10% of the credit union's total assets. The board, in its discretion, may fix a lower amount.

b. Notwithstanding the provisions of R. S. 31:1–1 to the contrary, a credit union may charge, contract for, and receive interest on loans at a rate or rates agreed to by the credit union and the member. A credit union may charge late fees and lawful fees paid to any public officer for filing, recording, or releasing a document, and may charge collection fees, not to exceed 20% of the principal balance and interest outstanding, which may be added to the principal balance of any loan placed for collection after default thereon.

c. A credit union shall have a lien on the shares, share certificates, deposits, deposit certificates, and accumulated interest or dividends of a member in any individual, joint, or trust account, for any sum past due the credit union from the member or for any loan endorsed

by him. The credit union shall have a right of immediate setoff with respect to these accounts.

C. 17:13-105 Types of loans.

27. (New section) Loans made by credit unions may be payable to the members in a lump sum or in installments, of the following types:

a. Loans to be repaid in a lump sum by the member;

b. Loans to be repaid in two or more installments, which installments are approximately equal in amount;

c. A line of credit to be made available to the member by the credit union, whereby funds may be advanced to the member pursuant to the member's written authorization and repaid upon terms as established by the board.

C. 17:13-106 No favoritism.

28. (New section) a. No credit union may extend credit to any member of the board, any officer, or member of a committee or to any related interest of that person unless the extension of credit is made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions by the credit union with other members, and does not involve more than normal risk of repayment or present other unfavorable features.

b. No director, committee member, officer, agent, or employee of the credit union shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his pecuniary interest or the pecuniary interest of any corporation, partnership, or association other than the credit union, in which he has a direct or indirect interest.

C. 17:13-107 Authorized investments.

29. (New section) Funds not used in loans to members may be invested:

a. In securities, obligations, or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

b. In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof;

c. In certificates of deposit or passbook-type accounts issued by a state or federally chartered bank, savings bank, or savings and loan association;

d. In loans to or in shares or deposits of other credit unions, corporate central credit unions, or a central liquidity facility established under any state or federal law;

e. In shares, stocks, loans or other obligations of any organization, corporation, or association, membership or ownership of which is primarily confined or restricted to credit unions, or organizations of credit unions, and the purpose of which is to strengthen or advance the development of credit unions or credit union organizations;

f. In shares of a cooperative society organized under the laws of this State or of the laws of the United States in a total amount not exceeding 10% of the shares, deposits, and surplus of the credit union.

C. 17:13-108 Escheat.

30. (New section) When no transaction has occurred in a member's share or deposit account for 12 months and his whereabouts are unknown, as verified by the return of a certified letter addressed to him at his last known address, all sums due to the member shall be credited to a special reserve account. If the sums are not reclaimed within a five year period, they shall escheat to the State and be forwarded to the Treasurer of the State of New Jersey.

C. 17:13-109 Reserve requirements.

31. (New section) a. Immediately before the payment of each dividend, the gross earnings of the credit union shall be determined, and from this amount there shall be set aside, as a regular reserve against contingencies, sums in accordance with the following schedule:

(1) A credit union in operation for more than four years and having assets of $500,000.00 or more shall set aside:

(a) 10% of gross income until the regular reserve shall equal 4% of the total of outstanding loans and risk assets; then

(b) 5% of gross income until the regular reserve shall equal 6% of the total of outstanding loans and risk assets.

(2) A credit union in operation less than four years or having assets of less than $500,000.00 shall set aside:

(a) 10% of gross income until the regular reserve shall equal 7½% of the total of outstanding loans and risk assets; then

(b) 5% of gross income until the regular reserve shall equal 10% of the total of outstanding loans and risk assets.

(3) Whenever the regular reserve falls below the stated per cent of the total of outstanding loans and risk assets, it shall be replenished by regular contributions in any amounts as may be needed to maintain the stated reserve.

b. The Commissioner of Banking may decrease the reserve requirement set forth in subsection a. of this section when in his opinion a decrease is necessary or desirable. The Commissioner of Banking may also require special reserves to protect the interests of members, either by regulation or for an individual credit union in any special case.

C. 17:13-110 Mergers.

32. (New section) a. Any credit union may, with the approval of the commissioner, merge with another credit union under the existing charter of the continuing credit union, pursuant to any plan agreed upon by the majority of the board of each credit union joining in the merger, approved by the affirmative vote of a majority of the members of the merging credit union present at a meeting of its members duly called for that purpose, and consented to by any government agency or other organization insuring the accounts of the credit union.

b. The commissioner may approve a merger according to the plan agreed upon by the majority of the board of each credit union even if approved by less than a majority of the entire membership, if he finds upon the written and verified application filed by the board that:

(1) Notice of the meeting called to consider the merger was mailed to each member entitled to vote upon the question;

(2) The notice disclosed the purpose of the meeting and properly informed the membership that approval of the merger might be sought pursuant to this section; and

(3) A majority of the votes cast upon the question were in favor of the merger.

c. After agreement by the board and approval by the members of the merging credit union, the chairman and secretary of the credit union shall execute a Certificate of Merger, which shall set forth all of the following:

(1) The time and place of the meeting of the board at which the plan was agreed upon;

(2) The vote in favor of the adoption of the plan;

(3) A copy of the resolution or other action by which the plan was agreed upon;

(4) The time and place of the meeting of the members at which the plan agreed upon was approved; and

(5) The vote by which the plan was approved by the members.

d. The certificate and a copy of the plan of merger agreed upon shall not become effective until approved by the commissioner. If the commissioner has not notified the credit union of his action within 60 days of receipt, the merger shall be deemed to be approved. Upon the commissioner's approval, the Certificate of Merger shall be filed with the department.

e. Upon filing of the Certificate of Merger with the department, all property, property rights, and members' interest of the merged credit union shall vest in the surviving credit union, without deed, endorsement, or other instrument of transfer, and all debts, obligations and liabilities of the merged credit union shall remain in effect.

f. This section shall be construed, whenever possible, to permit a credit union organized under any other act to merge with one incorporated under this act, or to permit one incorporated under this act to merge with one organized under any other act.

C. 17:13-111 Annual report.

33. (New section) Every credit union shall submit a report in writing to the commissioner, on a form prescribed by the commissioner, of its condition at the close of business on the 31st day of December. The report shall be submitted to the commissioner on or before January 31 of each year. The report shall be verified by the oath of the president and the treasurer of the credit union, and the statement of assets and liabilities shall be verified by the oath of the examining committee that the statement is a true and correct statement of the condition of the credit union based on the audit or examination made by the examining committee as of the December 31 preceding the report. The credit union shall furnish the commissioner with any other reports as he may deem advisable. Any false statement or oath shall be deemed to be perjury.

C. 17:13-112 Supervision, examination.

34. (New section) a. Every credit union shall be subject to the supervision and examination of the commissioner. In lieu of making an examination of a credit union, the commissioner may accept the examination of a certified public accountant who has exam-

ined the records of the credit union and who files an opinion of his examination with the commissioner. If an examiner deems it advisable, he may verify the liabilities of the credit union to its members by an inspection and verification of their accounts. The commissioner shall promptly communicate the results of each examination to the president of the credit union examined, who shall present the report to the board at the next regular meeting or a special meeting if the commissioner so directs. The action taken by the board shall be communicated by the president to the commissioner within five days.

b. The officers, directors and employees of the credit union under examination shall exhibit its books, papers, records, documents, and securities to the commissioner or his representative and shall act to facilitate the examination. The commissioner or his representative may administer an oath to any person whose testimony is required on any examination and may compel by subpena the appearance of any person for the purpose of examination or for the production of books, papers, records, documents and securities. The subpena may be served by any police officer or constable of the municipality in which the person resides. If any person fails to obey the subpena, give testimony, answer questions or produce any books, papers, records, documents, securities or other things which may be required by the commissioner, the Superior Court may compel the person to do so.

c. A person who shall willfully testify falsely to a material matter upon an oath administered by the commissioner or his representative upon an investigation or inquiry, or in regard to a report made by the commissioner, shall be guilty of perjury.

C. 17:13-113 Fees; expenses.

35. (New section) Every credit union examined by the commissioner shall pay the actual expenses of the examination, and the commissioner may maintain an action against any credit union to recover the fees and expenses herein provided for.

C. 17:13-114 Orders to discontinue violations.

36. (New section) If it appears to the commissioner that any credit union has violated its certificate of incorporation, bylaws, or any law of this State, or if he determines that the credit union is conducting its business in an illegal, unsafe, or unauthorized manner, he shall direct the credit union to discontinue the illegal, unsafe, or unauthorized conduct of business. The order shall be sent to the president of the credit union. The president shall

present the order to the board at its next regular meeting or at a special meeting if a special meeting is ordered by the commissioner. The action taken by the board with respect to the commissioner's order shall be communicated by the president to the commissioner within five days.

C. 17:13-115 Grounds for court action.

37. (New section) Whenever it appears to the commissioner:

a. That a credit union has violated its charter or any law of this State; or

b. That a credit union is conducting its business in an unsafe or unauthorized manner; or

c. That a credit union has refused to submit its books, papers, records, documents, securities, or anything else to the inspection of the commissioner or his representative; or

d. That any officer or director of a credit union has refused to be examined under oath with respect to the affairs of the credit union or has refused to answer questions under oath or to produce any books, papers, records, documents, securities, or any other thing in his possession, custody or control, requested by the commissioner; or

e. That a credit union has suspended payment of its obligations; or

f. That an examination or report provided for by this act discloses facts from which the commissioner shall have reason to conclude that a credit union is in an unsound or unsafe condition to transact business or is insolvent or that it is unsafe or that it is inexpedient for it to continue business; or

g. That a credit union has neglected or refused to observe an order of the commissioner issued pursuant to this act,

he shall have the authority to institute an action in the Superior Court or to take possession of the property and business of the credit union.

C. 17:13-116 Injunctions.

38. (New section) In any action instituted in the Superior Court pursuant to section 37 of this act, the court may enjoin the credit union from the transaction of any further business or the transfer or disposal of its property in any manner whatsoever, and the court may appoint a receiver with the power to sue for, collect, receive and take into his possession all of the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to the credit union and to sell, convey and assign

the same and hold and dispose of the proceeds thereof under the direction of the court, or the court may enjoin excessive expenses of management, remove one or more of the officers, directors, employees or agents of the credit union and grant other relief or correction as the facts demand. The court may proceed in a summary manner or otherwise.

C. 17:13-117 Possession by commissioner.

39. (New section) Whenever the commissioner shall take possession of the property and business of a credit union pursuant to section 37 of this act, he shall retain possession until the property and business of the credit union may be returned by him to the management of its board on terms satisfactory to him, except the commissioner shall have the authority to institute an action in the Superior Court as provided by this act while in possession of the property and business of the credit union, in which case he shall retain the possession of the property and business of the credit union until otherwise ordered by the court. The commissioner may, if he deems it advisable and in the best interest of the members, permit the voluntary dissolution of the credit union and surrender to its officers and directors any powers which may be necessary to effect a dissolution as provided in this act, but in this case the trustees in dissolution to be appointed by the members shall be persons satisfactory to the commissioner and the bonds to be given by them shall be approved as to form, sufficiency and amount by the commissioner.

C. 17:13-118 Continued operation during possession.

40. (New section) Upon taking possession of the property and business of a credit union, the commissioner may, pending the return of its property and business to the management of its board, or the order or judgment of the Superior Court in an action instituted under sections 37 and 38 of this act, or its dissolution as herein provided, continue the operation of the business of the credit union. For that purpose, the commissioner shall have and may exercise every authority and power theretofore conferred by law, by the provisions of its certificate of incorporation and by its bylaws upon its board and committees and upon all and any of its officers, directors and committee members. However, this section shall not be construed to deprive any credit union at any time of title to its property, and all transfers and conveyances of property to the credit union during the commissioner's possession thereof shall be made in its name, and all transfers and conveyances of

property from the credit union shall be made in the name of the credit union, under its seal or otherwise as the circumstances may require, by the commissioner. Any act or thing done by the credit union, during the commissioner's possession as aforesaid, over the signature of or by order of the commissioner shall be construed to be the act of the credit union and shall be valid and effectual in law if the statutes of this State, the certificate of incorporation of the credit union or its bylaws shall have authorized its board, committees, any director thereof, any committee member thereof or any officer thereof to do or perform any act. The commissioner shall not be obligated to carry on the business of the credit union in possession unless he deems it proper and expedient so to do, but may, during his possession thereof, conserve its assets until a time as he shall determine it expedient and proper to continue the business, or until otherwise directed by the Superior Court in an action instituted pursuant to sections 39 and 40 of this act, or until its dissolution.

C. 17:13-119 Special assistant deputy commissioners.

41. (New section) The commissioner may, under his hand and official seal, appoint one or more special assistant deputy commissioners as agent or agents to assist him in the operation of the business or conservation of the assets of any credit union in his possession; and the commissioner may, from time to time, delegate to any special assistant deputy commissioner the powers conferred on him by this act with respect to the operation of the business or conservation of the assets of the credit union in his possession as he may deem necessary. The commissioner may employ counsel, other expert assistance, or any other persons as shall in his opinion be needed for the continuation of the business or conservation of the assets of any credit union, and the compensations and salaries of all special assistant deputy commissioners, attorneys, expert assistants and other persons together with all other costs and expenses of a continuation of the business or conservation of the assets of the credit union shall be fixed by the commissioner and paid by the credit union and shall, until paid, constitute a prior claim against its assets. The commissioner shall require from special assistant deputy commissioners and other employees any security for the faithful performance of their respective duties as he may deem proper. Upon taking possession of any credit union the commissioner shall have power to terminate the employment of any employee of a credit union, and no officer or director shall

thereafter and until notified by the commissioner resume the exercise of any power in the management of the business or conduct of the affairs of the credit union. The commissioner shall have authority to call meetings of members for any purpose. The members present at any meeting may, by majority vote, and notwithstanding the provisions of the bylaws or certificate of incorporation of the credit union, and without showing cause, declare vacant the office of any director or committee member of the credit union and appoint a successor to fill the vacancy thus arising.

C. 17:13-120 Notice of possession.

42. (New section) Upon taking possession of the property and business of any credit union, the commission shall give notice of this fact to all banks, trust companies, corporations, associations and individuals holding any assets of the credit union. No bank, trust company, corporation, association or individual who knows of the commissioner's taking possession or who has been notified pursuant to this section shall have a lien or charge for any payment, advance or clearance made thereafter or liability incurred thereafter against any of the assets of the credit union in his possession unless the payment, advance, clearance or liability has been authorized by the commissioner. Upon the commissioner's taking possession of the property and business of the credit union all judgments, decrees, levies and executions against the property of the credit union shall be thereafter stayed until otherwise directed by the Superior Court or until the property and business of the credit union has been returned to the management of its board.

C. 17:13-121 Action by aggrieved party.

43. (New section) Whenever any credit union or a member thereof deems itself or himself aggrieved by the commissioner's taking possession of that credit union, that credit union or member may, at any time after the commissioner's taking possession, institute an action in the Superior Court to enjoin further proceedings. The court may proceed in a summary manner or otherwise.

C. 17:13-122 Dissolution; liquidation.

44. (New section) a. A credit union may elect to dissolve voluntarily and liquidate its affairs in the manner prescribed in this section.

b. The board shall adopt a resolution recommending the credit union be dissolved voluntarily, and directing that the question of liquidation be submitted to the members.

c. Within 10 days after the board decides to submit the question of liquidation to the members, the chairman shall notify the commissioner and any government agency or other organization insuring member accounts thereof, in writing, setting forth the reasons for the proposed liquidation. Within 10 days after the members act on the question of liquidation, the chairman shall notify the commissioner and any government agency or other organization insuring member accounts, in writing, as to the action of the members on the proposal.

d. As soon as the board decides to submit the question of liquidation to the members, payments on shares, share certificates, deposits, deposit certificates, withdrawal of shares, making any transfer of shares to loans and interest, making investments of any kind, and granting loans shall be suspended pending action by members on the proposal to liquidate. On approval by the members of the proposal, all business transactions shall be permanently discontinued. Necessary expenses of operation shall, however, continue to be paid on authorization of the board or liquidating agent during the period of liquidation.

e. For a credit union to enter voluntary liquidation, approval by a majority of the members in writing or by a two-thirds majority of the members present at a regular or special meeting of the members is required. Where authorization for liquidation is to be obtained at a meeting of the members, notice in writing shall be given to each member, by first class mail at least 10 days prior to the meeting.

f. A liquidating credit union shall continue in existence for the purpose of discharging its debts, collecting on loans and distributing its assets, and doing all acts required in order to wind up its business and may sue and be sued for the purpose of enforcing the debts and obligations until its affairs are fully concluded.

g. The board or the liquidating agent shall use the assets of the credit union to pay: (1) expenses incidental to liquidation, including any surety bond that may be required; (2) any liability due nonmembers; and (3) deposits and deposit certificates as provided in this act. Assets then remaining shall be distributed to the members proportionately to the shares held by each member as of the date dissolution was voted.

h. As soon as the board or the liquidating agent determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, they shall execute a Certificate of Dissolution, on a form prescribed

by the commissioner, and file the same, together with all pertinent books and records of the liquidating credit union, with the commissioner, whereupon the credit union shall be dissolved.

C. 17:13-123 Conversion.

45. (New section) A credit union organized under the provisions of this act may convert to operation as a federal Credit Union, or a federal Credit Union may convert to a credit union operating under the provisions of this act, without undergoing dissolution or liquidation.

C. 17:13-124 Credit Union Advisory Council.

46. (New section) a. A Credit Union Advisory Council is created, which shall consult with, advise, and make recommendations to the commissioner on matters pertaining to the chartering, operation and supervision of credit unions.

b. The council shall consist of five persons to be appointed by the Governor, with the advice and consent of the Senate, who are members of State chartered credit unions within the State. Three members of the council shall have had a minimum of three years' experience as a credit union officer or director or a similar management position. Appointments to the council shall be for terms of five years, except that four of the initial appointments shall be for terms of four, three, two, and one years, respectively, so that in each subsequent year one member shall be appointed to a full term.

c. All members shall serve until their successors have been appointed and qualified. In the event a vacancy occurs, the appointment to fill the vacancy for the unexpired term shall be in the manner of the original appointment.

d. The chairman of the council shall be elected annually and from the members thereof.

e. The initial meeting of the council shall be called by the commissioner. Thereafter, regular meetings shall be held at times and places as shall be determined by the chairman, the commissioner, or a majority of the council members. The council may establish its own procedures and practices.

f. Expenses of the council shall be borne by the credit unions.

47. N. J. S. 12A:9–203 is amended to read as follows:

Attachment and enforceability of security interest; proceeds; formal requisites.

12A:9–203. Attachment and Enforceability of Security Interest; Proceeds; Formal Requisites.

(1) Subject to the provisions of 12A:4–208 on the security interest of a collecting bank and 12A:9–113 on a security interest arising under the Chapter on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) The collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) Value has been given; and

(c) The debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by 12A:9–306.

(4) A transaction, although subject to this chapter, is also subject to the provisions of those statutes set forth as saved from repeal by this subtitle in section 12A:10–104, and in case of conflict between the provisions of this chapter and any such statute so saved from repeal, the provisions of such statute control. Failure to comply with any such applicable statute has only the effect which is specified therein.

(5) In case of conflict between this chapter and the provisions of "The Credit Union Act of 1984," P. L. 1984, c. 171 (C. 17:13–79 et seq.), concerning a transaction subject to this chapter and also subject to the provisions of "The Credit Union Act of 1984," the provisions of "The Credit Union Act of 1984" shall control.

48. N. J. S. 12A:10–104 is amended to read as follows:

Statutes saved from repeal.

12A:10–104. Statutes saved from repeal.

The following statutes and parts of statutes and all amendments thereof are hereby specifically saved from repeal and shall remain effective as provided in section 12A:9–203:

Uniform Act for Simplification of Fiduciary Security Transfers 1959 laws, chapter 200 (C. 14:18–1 through 14:18–12),

The Banking Act of 1948
1948 laws, chapter 67, § 54 (C. 17:9A–54), § 55 (C. 17:9A–55), § 59 (C. 17:9A–59),

Small Loan Law
R. S. 17:10–1 through R. S. 17:10–26, 1958 laws, chapter 107 supplementing the same,

Provident Loan Associations
R. S. 17:11–1 through R. S. 17:11–12, 1953 laws, chapter 353 (C. 17:11–13 through 17:11–18),

Savings and Loan Act
1946 laws, chapter 56, § 78 (C. 17:12A–78), § 79 (C. 17:12A–79),

Safe Deposit Companies Law
R. S. 17:14–1 through R. S. 17:14–8,

Investment Companies Law
1938 laws, chapter 322, §§ 1 through 20 (C. 17:16A–1 through 17:16A–20),

Retail Installment Sales Act of 1960
1960 laws, chapter 40 (C. 17:16C–1 through 17:16C–61),

Home Repair Financing Act
1960 laws, chapter 41 (C. 17:16C–62 through 17:16C–94),

Usury Law
R. S. 31:1–1 through R. S. 31:1–6,

Assignment or Purchase of Wages Law
R. S. 34:11–25, R. S. 34:11–26,

Motor Vehicle Certificate of Ownership Law
R. S. 39:10–1 through R. S. 39:10–25,

Pawnbrokers and Dealers in Secondhand Goods Law
R. S. 45:22–1 through R. S. 45:22–34, 1939 laws, chapter 55, §§ 1 through 7 (C. 45:22–35 through 45:22–41),

Chattel Mortgages Included in Realty Mortgages
R. S. 46:28–10, R. S. 46:28–14,

Bridge Companies Law
R. S. 48:5–18,

Railroads Law
R. S. 48:12–18,

Street Railways Law
R. S. 48:15–15.

49. Section 10 of P. L. 1968, c. 196 (C. 17:13–73) is amended to read as follows:

C. 17:13-73 Corporate central credit union.

10. a. One hundred or more credit unions operating under provisions of this act, or operating in this State under the provisions of the federal Credit Union Act, may organize a nonprofit, single corporate central credit union whose membership shall be limited to:

(1) Credit unions operating under the provisions of this act or operating in this State under the provisions of the federal Credit Union Act, and organizations composed of such credit unions;

(2) Employees of the corporate central credit union;

(3) Employees of the New Jersey Credit Union League;

(4) Persons who are members of credit unions in this State which have entered or are about to enter into voluntary or involuntary dissolution or liquidation;

(5) Children of members of any New Jersey credit union which does not provide educational loan services may, with the approval of such credit union, become members of the corporate central credit union for the sole purpose of securing educational loans which are guaranteed by a State or federal agency, and such membership shall terminate when the educational loan is repaid;

(6) Employees of small business groups, defined as having less than 100 people, which groups are located in the State of New Jersey;

(7) Any agency or association organized as a stock company, mutual association or membership corporation, or trade association which is organized to service or assist credit unions;

(8) Central credit unions operating under the provisions of the federal Credit Union Act or under the laws of any state of the United States and credit unions operating in any other state of the United States.

b. Each credit union, credit union organization, or association becoming a member of the corporate central credit union shall designate one member authorized by the board of directors as the voting representative of the credit union. Such voting representative is eligible for office in the corporate central credit union in the same manner as if he were a member thereof.

c. (Deleted by amendment, P. L. 1984, c. 171.)

d. (Deleted by amendment, P. L. 1984, c. 171.)

e. (Deleted by amendment, P. L. 1984, c. 171.)

f. (Deleted by amendment, P. L. 1984, c. 171.)

C. 17:13-73.1 Purpose.

50. (New section) The corporate central credit union shall be subject to all parts of "The Credit Union Act of 1984," P. L. 1984, c. 171, sections 2 to 46 (C. 17:13–79 through 17:13–124), not inconsistent with these amendatory and supplementary sections.

A corporate central credit union shall be a nonprofit association, the purpose of which is:

a. To assist in the management of the liquidity of its member credit unions through interlending and investment and related services;

b. To act as an intermediary for the movement of credit union funds between member credit unions and other corporate credit unions;

c. To obtain funds from other credit union organizations, financial intermediaries, and other sources;

d. To foster and promote, in cooperation with other state, regional, and national central credit unions and credit union organizations or associations, the economic security, growth and development of member credit unions; and

e. To perform any other financial services of benefit to its members which are authorized by the commissioner.

C. 17:13-73.2 Powers.

51. (New section) The corporate central credit union shall have the power to:

a. Accept shares or deposits from its members, other state, regional or national corporate credit unions, and credit union organizations or associations;

b. Make loans to credit unions, to other state, regional or national corporate credit unions, organizations or associations of credit unions, and to other members;

c. Establish lines of credit for members and participate with other credit unions in making loans to its members under the terms and conditions determined by the board of directors of the corporate central credit union;

d. Invest in the shares of, or make deposits in, credit unions;

e. Buy and sell any form of marketable debt obligations of domestic or foreign corporations or of federal, state or local governments or other instrumentalities;

f. Borrow from any source, without limitation, accept demand deposits from any source, and issue notes or debentures;

g. Acquire or sell the assets and assume the liabilities of a member;

h. Enter into agreements with credit unions to discount or purchase loans made pursuant to government guaranteed loan programs, real estate loans made by members, or any obligations of the United States or any agency thereof held by members; and

i. Exercise any powers or privileges conferred upon a federal corporate credit union, subject to the approval of the commissioner.

C. 17:13-73.3 Agreements authorized.

52. (New section) The corporate central union may enter into agreements for the purpose of:

a. Participating in any state or federal central liquidity facility or central financial system for credit unions;

b. Aiding credit unions in establishing concentrated lines of credit with other financial institutions; and

c. Acting as a depositor and transmitter of funds to carry out these agreements.

C. 17:13-73.4 Liens of central union.

53. (New section) The corporate central union shall have a right of immediate setoff against the balances of the share and deposit accounts of each member for any amounts due from the member to the corporate central credit union. The corporate central credit union shall have a lien on all share and deposit accounts of each member in the amount of the total indebtedness of the member to the corporate central credit union. The lien created herein shall attach to those accounts and be effective whenever the member is indebted to the corporate central credit union. The lien shall have priority over any interests of all members and unsecured creditors of the member credit unions of the corporate central credit union. The board of directors of the corporate central credit union may require and accept additional security for loans to a member in the form of a pledge, assignment, hypothecation or mortgage of any assets of the member or a guarantor.

C. 17:13-73.5 Meetings of board, members.

54. (New section) a. The board of the corporate central credit union shall meet at least every 30 days as provided in the bylaws.

b. The annual meeting of the members of the corporate central credit union shall be held at such time as prescribed in the bylaws. Each corporate member shall be entitled to one vote irrespective of the number of shares held by the member.

C. 17:13-73.6 Reserve.

55. (New section) The corporate central credit union shall be exempt from the regular reserve requirements of this act, but shall

be required to establish and maintain a reserve to meet losses, in accordance with regulations prescribed by the commissioner.

C. 17:13-73.7 Insurance exemption.

56. (New section) The corporate credit union shall be exempt from the share and deposit insurance requirements of "The Credit Union Act of 1984," P. L. 1984, c. 171, sections 2 to 46 (C. 17:13–79 through 17:13–124).

C. 17:13-125 Rules, regulations.

57. The commissioner shall promulgate any rules and regulations which he deems necessary to effectuate the purposes of this act.

Repealer; saved from repeal.

58. P. L. 1938, c. 293 (C. 17:13–26 to 17:13–71) is repealed. P. L. 1982, c. 86 (C. 17:13–75 to 17:13–78) is saved from repeal.

59. This act shall take effect 90 days following enactment.

Approved October 31, 1984.

CHAPTER 172

AN ACT permitting tax increment financing in certain municipalities

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

C. 52:27D-250 Short title.

1. This act shall be known and may be cited as the "Tax Increment Financing Act."

C. 52:27D-251 Findings, declarations.

2. The Legislature finds and declares that:

a. There are areas within certain municipalities in this State that deter private capital investment because of the deteriorating condition of the land, structures, and buildings within those areas.

b. These deteriorating areas also create an economic burden for the municipality due to the limited tax base and underutilization of resources.

c. The reduction of federal assistance, previously provided to municipalities for redevelopment, has severely hampered these municipalities' ability to rehabilitate deteriorating areas.

d. In order to redevelop these areas in a beneficial manner, municipalities should be provided the means to finance certain costs of redevelopment so as to open new avenues for private investment, stimulate commercial and industrial enterprise, and create favorable conditions for increases in economic activity, property values and employment opportunities.

e. It is, therefore, in the public interest to authorize the use of tax increment financing by certain municipalities in order to redevelop areas that would otherwise remain unused.

C. 52:27D-252 Definitions.

3. As used in this act:

a. "Bonds" means the bonds issued to finance projects pursuant to this act;

b. "Commissioners" means the Commissioner of the Department of Community Affairs or his designee, and the State Treasurer or his designee;

c. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land;

d. "Development" means the acquisition, construction, improvement, expansion, repair or rehabilitation of all or part of a structure, building or property within a district by a developer upon the completion of a project;

e. "District" means the area, or any portion thereof, within a qualifying municipality, designated as a tax increment district pursuant to the provisions of this act;

f. "Permitted investment obligations" means any securities permitted for purchase by local units of government, pursuant to section 8 of P. L. 1977, c. 396 (C. 40A:5–15.1);

g. "Plan" means the tax increment financing plan developed by the district agent and containing, among other elements, the proposed projects, estimated costs of the projects, sources of revenue, and the designated districts;

h. "Project" means the purchasing, leasing, condemning, or otherwise acquiring of land or other property, or an interest therein, in the tax increment district or as necessary for a right-of-way or other easement to or from the tax increment district; the relocating and moving of persons displaced by the acquisition of land or property; the rehabilitation and redevelopment of land or property, including demolition, clearance, removal, relocation, ren-

ovation, alteration, construction, reconstruction, installation or repair of a land or a building, street, highway, alley, utility, service or other structure or improvement; the acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements except buildings and facilities for the general conduct of government and schools; and the costs associated therewith, including the costs of an administrative appraisal, economic and environmental analyses or engineering, planning, design, architectural, surveying or other professional services necessary to effectuate the purposes of this act;

i. "Project costs" means the cost of any plan or project in all or any part of the district, and of all or any property, rights, easements, privileges, agreements and franchises deemed by the district agent to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the district agent prior to and during implementation of a development, plan or project and the planning of same in operation, and also such provision or reserves for working capital or for payment or security of principal of or interest on bonds during or after the implementation of any development, plan or project, as the district agent may determine;

j. "Qualifying municipality" means a municipality which in any year subsequent to the enactment of P. L. 1978, c. 14 (C. 52:27D–178 et seq.) was eligible to receive State urban aid pursuant to that act or any municipality which has (1) a population of 15,000 or less, according to the most recent federal decennial census, (2) a population density of 5,000 or more per square mile, (3) 100 or more children enrolled in the Aid to Families with Dependent Children program, according to the data available to and utilized by the Director of the Division of Local Government Services in the Department of Community Affairs to determine eligibility for State aid under the provisions of P. L. 1978, c. 14 (C. 52:27D–178 et seq.), (4) an equalized tax rate which exceeds the State equalized tax rate, and (5) an equalized valuation per capita which is less than the State equalized valuation per capita;

k. "Tax increment base" means the aggregate assessed value of all taxable property located within a district as of October 1 of the year preceding the year the district is authorized by the commissioners;

l. "Tax increment" means the amount obtained by multiplying the general tax rate levied each year by the assessed value of all taxable property within a district in that year, and multiplying that product by a fraction having a numerator equal to the assessed value of all the taxable property within the district, minus the tax increment base, and having a denominator equal to the assessed value of all taxable property within the district; plus the amount of any payments in lieu of taxes with respect to any development undertaken within a district pursuant to the provisions of this act;

m. "Taxing entity" means the county, the school district or districts, and the municipality that are authorized to levy a tax on the taxable property within a qualifying municipality; and

n. "Written agreement" means the contract or formal written commitment made by a developer with the district agent for the development or use of the land improved by a project upon completion of a project.

C. 52:27D-253 Powers, responsibilities of commissioners.

4. In addition to the powers and responsibilities provided under any other law, the commissioners shall have the following powers and responsibilities:

a. To provide technical assistance to municipalities in the development of their district plans;

b. To evaluate and approve the preliminary plans submitted by the district agents; and

c. To promulgate rules and regulations necessary and related to the submission and approval of the plans.

C. 52:27D-254 Designation of districts, agent.

5. a. The governing body of a qualifying municipality may, by ordinance, designate an area or areas within the municipality as a district or districts. A district may consist of contiguous lots. The total property value in all districts designated shall not exceed 5% of the total property value within the municipality, as determined by the municipal assessor, except that the governing body may, in the ordinance designating the districts, determine that up to 10% of the total property value of a municipality shall be included in districts. After designating a district and receiving approval from the commissioners, the district boundaries shall not be altered without cause and without the approval of the commissioners. Cause shall be judged to be those reasons pertaining to maintaining a tax increment base sufficient to secure all outstanding and anticipated indebtedness of the district agent. Whenever

any district is enlarged as permitted herein, the tax increment base for any area added to a district shall be the aggregate assessed value of all property located within the area as of October 1 of the year preceding the year the area is incorporated into the district.

b. The governing body shall in the ordinance establishing the district or districts designate the bond-issuing authority within the district for those developments and projects undertaken within the district or districts. The entity granted the power to authorize and issue bonds shall be hereinafter referred to as the district agent. A district agent may be a municipal redevelopment agency or a local housing authority with redevelopment powers, or the municipal governing body may designate itself as the district agent. The responsibilities established in section 6 of this act shall be responsibilities of the district agent. Except where the municipal governing body has designated itself as the district agent, any action taken by the district agent shall be subject to the veto of the mayor of the qualifying municipality. The veto shall be exercised by the veto of the minutes of the district agent by the mayor. The mayor shall have 10 days, Saturdays, Sundays and holidays excepted, after the receipt of the minutes to exercise the veto power. If a mayoral veto is exercised during the specified time period, the action of the district agent shall be considered null and void. If no veto is exercised during the specified time period, the action of the district agent shall be considered valid. The mayor, upon receipt of the minutes, may in writing notify the district agent of the approval of the minutes before the expiration of the 10-day period. Where the municipal governing body has designated itself as the district agent, the mayor shall have only those veto powers as are granted to him by law.

C. 52:27D-255 Powers, responsibilities of district agent.

6. The district agent shall have the following powers and responsibilities:

a. To make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this act, and consent to the modification, amendment or revision of the contracts, leases or agreements to which the district agent is a party;

b. To enter into agreements or other transactions with and accept grants, appropriations and the cooperation of the United States or any agency thereof or the State or any State agency in furtherance of the purposes of this act;

c. To acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property in a district or any interest therein, in the exercise of its powers and the performance of its duties under this act;

d. To prepare and administer a plan according to the provisions of this act;

e. To hire or consult with private consultants when preparing the plan;

f. To issue bonds for any corporate purpose of the district, or to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it, and to issue notes in anticipation of the issuance of bonds;

g. To seek and receive funds from local, State, federal and private sources for the purpose of implementing any authorized development or project cost.

C. 52:27D-256 Preliminary plan.

7. a. The district agent shall develop a preliminary tax increment financing plan to be submitted to the commissioners. The plan shall include:

(1) A list of the areas designated as districts by the governing body;

(2) A statement of the assessed value of the taxable property in each district;

(3) A description of the proposed projects in each district and, if more than one district is designated, a statement of the public planning principles under which projects and future development are to be allocated among all districts;

(4) A statement that the proposed projects would not be accomplished by private enterprise without public planning and assistance in land acquisition, clearance, rehabilitation, construction, and improvement;

(5) A preliminary statement of the revenue sources to finance the project costs and an estimate of total project costs;

(6) An estimate of the assessed value of the taxable property within a district upon completion of the projects;

(7) A statement of the time necessary to complete each project;

(8) A list of developers who seem willing to enter into written agreements required by this act, and the developments they propose to sponsor. The list shall include the estimated value of the prop-

erty upon completion of the development, and the estimated cost of the related project that shall be completed prior to development;

(9) A statement of the distribution of the tax increments. The governing body may decide to distribute a portion of the tax increment revenue collected, that is not necessary to repay the bonds issued or to contribute to a sinking fund established, to the taxing entities that shall forego property tax revenues pursuant to the provisions of this act. The tax increment revenue shall be distributed in proportion to the taxing effort of each taxing entity in the year of distribution; and

(10) A fiscal impact statement for the taxing entities involved.

b. The municipal planning board shall be given notice of the public meetings during which the plan will be developed. The planning board may make recommendations to the district agent regarding any element of the plan. If the planning board shall disagree with an element of the preliminary plan, the disagreement shall be included as an addendum to the plan.

c. The governing body of the county in which the municipality is located and the board of education of a school district which may be located, in whole or in part, in a proposed district shall be given notice of the planning meetings.

C. 52:27D-257 Approval by commissioners.

8. Upon submission of a preliminary plan by a district agent, the commissioners shall approve the plan if they determine the plan submitted by the district agent demonstrates that:

a. The proposed projects would not be accomplished by private enterprise without public assistance;

b. The credit of the municipality or its ability to pay punctually the principal of and interest on its debts and to supply other essential public improvements and services shall not be severely impaired;

c. The proposed projects will contribute to the tax revenues and the economic development of the municipality;

d. The proposed projects relate to developments that developers seem willing to sponsor upon completion of the projects; and

e. The commissioners may disapprove of a plan if they shall determine that the disagreements, if any, expressed by the planning board of the municipality, raise substantial questions concerning the effects or the likely success of the plan. The commissioners may require the applying municipality to demonstrate the insurability of the bonds proposed to be issued for the financing of the

projects; and in so doing they shall take into account such surety bonds or other like commitments to be required of prospective developers. Also, the commissioners may make recommendations as to the method of striking property tax rates in the municipality subsequent to the designation of a district; and they are explicitly authorized to condition their approval of the designation of a district or the issuance of bonds upon municipal acceptance of such recommendations.

The commissioners shall review, and approve or disapprove, a plan within 30 days of receipt. If the commissioners shall disapprove the plan, they shall set forth their reasons in writing to the district agent within 30 days of that determination. The district agent may amend the plan and resubmit the amended plan to the commissioners, subject to the review and approval provisions of this section.

Upon approval of a plan, the commissioners may submit comments and suggestions regarding the plan to the district agent and may arrange a meeting between the commissioners and the district agent to discuss those recommendations.

C. 52:27D-258 Governing body approval.

9. a. Upon receipt of the approved plan from the commissioners, the district agent may amend the plan, based on the recommendations of the commissioners. The plan, when approved by the commissioners, and after any amendments by the district agent, shall be submitted to the governing body of the qualifying municipality for approval by ordinance.

b. No amendment, change, modification, or supplement to a plan shall be made after approval of the plan by the governing body, except by ordinance of the governing body of the qualifying municipality, approved by the commissioners.

C. 52:27D-259 Issuance of bonds.

10. a. The municipal governing body may issue general obligation bonds to finance all or a portion of any project costs. The governing body shall authorize the issuance of the bonds pursuant to the provisions of the "Local Bond Law," N. J. S. 40A:2–1 et seq., except that the bonds shall not mature at a time or times exceeding 20 years from the date of issuance. The bonds may be qualified in the manner provided by law.

b. The municipal governing body may issue bonds secured by an irrevocable pledge of tax increments, and further secured by the full faith and credit of the municipality, to finance all or a portion

of any project costs. The procedures to be followed by the governing body authorizing the issuance of the bonds shall be identical to the procedures set forth in sections 40A:2–17, 40A:2–18, 40A:2–19, 40A:2–24, 40A:2–25, and 40A:2–27 to 40A:2–32 inclusive of the New Jersey Statutes.

c. The municipal governing body or the district agent, as the case may be, may issue bonds secured by an irrevocable pledge of tax increments to finance all or a portion of any project costs. A municipal governing body shall issue the bonds in the manner prescribed in subsection b. of this section. The district agent shall authorize the bonds by resolution.

d. All bonds authorized pursuant to this section shall be issued in one or more series and shall bear the date or dates, mature at a time or times not exceeding 20 years from the date thereof, bear interest at a rate or rates, be in the denomination or denominations, be in the form, either coupon or registered, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable for the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption, with or without premium, all as the governing body may provide in the ordinance, or as the district agent may provide in the resolution. The bonds may be sold at public or private sale at the price or prices as shall be determined by the municipality or the district agent, as the case may be.

e. All bonds when issued pursuant to this section shall contain a recital to the effect that they are issued pursuant to this act and are entitled to the provisions of this act. All such bonds shall mature without regard to any limitations as to maturities or amounts of annual installments for bonds provided in Title 40 of the Revised Statutes or Title 40A of the New Jersey Statutes.

The proceedings of the municipality or the district agent authorizing the issuance of bonds under this act may contain covenants and provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants restricting the issuance of additional bonds.

f. The total amount of bonds to be issued pursuant to this act shall not exceed the estimated total of all the projects' costs.

g. The provisions of any other law to the contrary notwithstanding, only those bonds issued pursuant to subsection a. of this section shall be subject to the limitations of N. J. S. 40A:2–6.

C. 52:27D-260 Mandatory provisions.

11. a. No bonds shall be issued pursuant to subsection b. of section 10 of this act unless the municipal governing body has made provision in the ordinance authorizing the issuance of such bonds (i) that an appropriation sufficient to pay interest and principal on the bonds as these become due will be included in each annual budget for the municipality either at the time the budget is adopted or by emergency appropriation after adoption of the budget, in the manner generally provided by law; or (ii) that there will be established and maintained a tax increment finance fund pursuant to section 14 of this act.

b. No bonds shall be issued by a municipal governing body pursuant to section 10c. of this act unless the ordinance authorizing the issuance of such bonds includes provisions for (i) the insurance of such bonds; or (ii) the establishment and maintenance of a tax increment finance fund pursuant to section 14 of this act.

c. No bonds shall be issued by a district agent pursuant to subsection c. of section 10 of this act unless the resolution authorizing the issuance of such bonds includes provisions for (i) insurance of the bonds; (ii) provisions making issuance of the bonds contingent upon the unconditional guarantee of the payment of principal and interest due on the bonds by the municipality, where authorized by law; or (iii) provisions making issuance of the bonds contingent upon the establishment and maintenance by the municipality of a tax increment finance fund pursuant to section 14 of this act.

C. 52:27D-261 Not subject to limitation.

12. The provisions of this act or any other law to the contrary notwithstanding, no municipality or district agent shall issue bonds pursuant to this act which will reduce or be counted against the annual volume limitation on issuance of tax-exempt industrial development bonds established by the "Deficit Reduction Act of 1984" (Public Law 98-369).

C. 52:27D-262 Tax increments.

13. a. Upon the striking of the tax rate in each year following the issuance of bonds secured by tax increments pursuant to this act, the municipal chief financial officer, together with the assessor and collector, shall calculate the amount of tax increment, if any, for each tax increment district, and shall certify to the municipal governing body or the district agent, as the case may be, a copy of that calculation. The chief financial officer shall thereafter cause to be deposited in the tax increment bond fund the amount of tax

increments so certified, within 10 days after each date fixed by statute for the payment of property taxes. Each amount so deposited shall equal the portion of the tax increment to be collected at the quarterly payment date, regardless of whether the increment is actually collected in cash from the taxpayers within the district; provided, however, that that portion of the tax increment comprising payments in lieu of taxes shall be deposited in four equal installments, regardless of the date or dates fixed for such payments by statute, agreement or otherwise.

b. Whenever an added assessment shall occur within a district, the chief financial officer of the municipality shall notify the municipal governing body or the district agent, as the case may be, and thereafter shall cause to be paid to the tax increment bond fund the amount of property taxes billed thereon within 10 days of the date fixed by law for payment thereof, regardless of whether the amount is actually collected in cash; provided, however, that this subsection shall not apply to added assessments which are the result of a property exempt from taxation prior to the creation of a district becoming taxable after the creation of that district.

c. Whenever an omitted assessment shall occur within a district, which should have been included in the computation of the tax increment had not the assessment been omitted, the chief financial officer of the municipality shall notify the municipal governing body or the district agent, as the case may be, and thereafter shall cause to be paid to the tax increment bond fund the amount of property taxes billed thereon, within 10 days of the date fixed by law for payment thereof, regardless of whether the amount is actually collected in cash.

d. In no event shall any changes in assessed valuation within a district due to appeals or correction of errors with respect to a tax year subsequent to the creation of the district alter the amount of tax increment certified pursuant to this section for that tax year.

e. In no event shall any changes in assessed valuation within a district due to appeals or correction of errors alter the tax increment base of the district.

f. Whenever a revaluation or reassessment occurs in a municipality which has designated one or more tax increment districts, the tax increment base for each district shall be recomputed (i) by multiplying the original tax increment base by the percentage increase in the assessed valuation of the district resulting from implementation of the revaluation or reassessment, or (ii) as having the same proportion of total assessed valuation of the dis-

trict as existed in the year next preceding the implementation of the revaluation or reassessment.

C. 52:27D-263 Tax increment finance funds.

14. a. The municipality may create and establish one or more special funds to be known as tax increment finance funds and shall pay into such tax increment finance funds any moneys appropriated and made available by the municipality for the purposes of such funds, any proceeds of the sale of the bonds to the extent provided in the ordinance of the governing body authorizing the issuance thereof, the moneys directed to be transferred from the Tax Increment Bond Fund to such funds, and any other moneys which may be made available to the municipality for the purposes of such funds from any other source or sources. The moneys held in or credited to any tax increment finance fund established under this act, except as hereinafter provided, shall be used solely for the payment of the principal of and interest on bonds secured by such tax increment finance fund, as the same mature, required payments to any sinking fund established for the amortization of such bonds (hereinafter referred to as "sinking fund payments"), the purchase or redemption of such bonds or the payment of any redemption premium to be paid when such bonds are redeemed prior to maturity; but moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the amount of principal (including sinking fund payments) and interest maturing and becoming due in the succeeding calendar year on the bonds then outstanding and secured by such tax increment finance fund (such amount being hereinafter referred to as the "required minimum capital reserve"), except for the purpose of paying principal and interest on the bonds secured by such tax increment finance fund maturing and becoming due and sinking funds payments for the payment of which other moneys are not available. Any income or interest earned by, or increment to, any such tax increment finance fund due to the investment thereof may be transferred to the Tax Increment Bond Fund to the extent it does not reduce the amount of such tax increment finance fund below the required minimum capital reserve. In computing the amount of any tax increment finance fund for the purposes of this section, securities in which all or a portion of such tax increment finance fund are invested shall be valued at par if purchased at par or, if purchased at other than par, at amortized cost.

b. Bonds secured by a tax increment finance fund shall not be issued at any time if the maximum amount of principal (including sinking fund payments) and interest maturing and becoming due in the succeeding calendar year on the bonds outstanding then to be issued and secured by a tax increment finance fund will exceed the amount of such tax increment finance fund at the time of issuance, unless at the time of issuance of such bonds there shall be deposited in such tax increment finance fund from the proceeds of the bonds or other obligations so to be issued, or otherwise, an amount which, together with the amount then in such tax increment finance fund, will be not less than the required minimum capital reserve.

c. To assure the maintenance of the required minimum capital reserve in the tax increment finance funds, there shall be appropriated and paid for deposit in each of such funds, such sum, if any, as shall be certified by the municipal chief financial officer to the governing body as necessary to restore each of such funds to an amount equal to the required minimum capital reserve. The municipal chief financial officer shall continuously monitor transactions regarding each fund, and shall certify to the governing body whenever necessary the sum required to restore each fund to the amount aforesaid. In addition, the municipal chief financial officer shall annually certify to the governing body, not later than December 1, the amount, if any, necessary to maintain or restore each fund as required herein for the following fiscal year. The sum or sums so certified shall thereupon be appropriated by the governing body and paid to the fund or funds in question.

C. 52:27D-264 Bonds fully negotiable.

15. Any provisions of law to the contrary notwithstanding, a bond issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of Title 12A of the New Jersey Statutes, and each holder of the bond, or a coupon appurtenant thereto, by accepting the bond or coupon shall be conclusively deemed to have agreed that the bond or coupon is and shall be fully negotiable within the meaning and for the purposes of that title.

C. 52:27D-265 Tax increment bond funds.

16. a. The governing body of a qualifying municipality or district agent, which has authorized the issuance of bonds pursuant to the provisions of this act, shall establish and maintain a special fund called the "(Name of municipality or district agent) Tax Increment Bond Fund."

b. The fund shall be used by the municipality or district agent, as the case may be, for purposes of this act, including but not limited to:

(1) Paying the project costs;

(2) Paying the principal of and interest on bonds issued pursuant to this act;

(3) Paying moneys to any tax increment finance fund to maintain its required minimum capital reserve;

(4) Prepaying the principal of and interest on the bonds; and

(5) Paying additional tax increment revenue, if any, to taxing entities, as provided for in the tax increment financing plan.

c. Moneys in the fund may be invested in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 281 (C. 52:18A–90.4) or in any permitted investment obligations.

C. 52:27D-266 Termination of district.

17. Subject to the limitations contained in this act, each district shall remain in existence until bonded obligations for a project in that district cease to be outstanding; provided, however, the district may be terminated if sufficient moneys have been deposited in the tax increment bond fund for the full payment of the principal of and interest on the bonds at maturity.

C. 52:27D-267 Limitation on expenses.

18. The administrative expenses for a district to be paid from tax increment revenue shall not exceed 5% of the total project costs for that district.

C. 52:27D-268 20-year period for designations.

19. Subject to the tax increment financing plan and the bond developing and approval procedures contained in this act, a governing body of a qualifying municipality may designate districts during the 20 years following the effective date of this act as long as the property value restrictions in subsection a. of section 5 of this act are met. No designations shall be made more than 20 years after the effective date of this act.

C. 52:27D-269 Dissolution of district.

20. When the bonded obligations of the district have been paid in full, or money sufficient to pay all of the outstanding principal and interest on the bonds at maturity has been deposited in the tax increment bond fund, the district shall be dissolved. By a

new ordinance a municipality may establish a new district that includes any or all previously dissolved districts.

C. 52:27D-270 Bonds tax-exempt.

21. Bonds issued by a municipality pursuant to this act are for an essential public and governmental purpose, and the bonds, their transfer and the interest and premium, if any, thereon and the income therefrom, including any profit made on the sale thereof, and all assessments, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payments of the bonds, or interest thereon, shall be exempt from taxation of every kind by the State and the municipality, except transfer inheritance and estate taxes.

C. 52:27D-271 Deduction from assessed value.

22. In calculating the general tax rate levied each year, the aggregate amount of the ratable increments of the tax increment districts shall be deducted from the assessed value of all taxable property within the municipality.

For purposes of this section, "ratable increment" means the assessed value of all taxable property within a district each year minus the tax increment base.

C. 52:27D-272 Rules, regulations.

23. The State Treasurer is authorized to promulgate such rules and regulations as he shall deem necessary to facilitate the purposes and provisions of this act.

C. 52:27D-273 Reports.

24. The Commissioner and the State Treasurer shall 36 months from the effective date of this act, and annually thereafter, report to the Legislature on the effectiveness of the act in achieving the purposes set out in section 2.

25. This act shall take effect immediately but shall remain inoperative for 30 days following enactment, except that the commissioners are authorized, immediately upon enactment, to promulgate such rules and regulations, and to provide such assistance to municipalities, pursuant to section 4, as they may deem necessary to facilitate the purposes and provisions of this act. Qualifying municipalities may designate districts at any time between the effective date of this act and the first day of the 36th calendar month next following the month in which this act takes effect. Districts approved by the commissioners before the first day of the 36th calendar month next following the month in which

this act takes effect shall continue to retain the right, consistent with the provisions of this act, to continue any developments, projects or plans, including the issuance of additional financial obligations. A development, project or plan need not have begun before the first day of the 36th calendar month next following the month in which this act takes effect in order to be eligible for financing under the provisions of this act.

Approved October 31, 1984.

CHAPTER 173

AN ACT concerning the application, removal, and encapsulation of asbestos, and making an appropriation.

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

C. 34:5A-32 Findings.

1. The Legislature finds that the application, enclosure, removal and encapsulation of asbestos when improperly performed creates unnecessary health and safety hazards which are detrimental to the State's interest, and that of its citizens, in terms of wage loss, insurance, medical expenses, disability compensation payments, family life, preservation of human resources and unfair competition to craftspersons, their unions and their employers.

C. 34:5A-33 Policy declaration.

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

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

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

c. Encouraging competence, knowledge and reduced exposure to asbestos through the licensing of contractors and workers;

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

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

C. 34:5A-34 Definitions.

3. As used in this act:

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

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

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

d. "Employer" means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity employing, permitting or suffering another to work. This term shall apply to private employers and to the State, its political subdivisions and any boards, commissions, schools, institutions or authorities created or recognized thereby.

C. 34:5A-35 Specifications required.

4. Any private or public agency letting contracts for application, enclosure, removal or encapsulation of asbestos shall include in these contracts specifications that these contracts are to be performed by contractors and subcontractors licensed by the Commissioner of Labor.

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

5. No employer shall either directly or indirectly perform any of the functions of application, enclosure, removal, or encapsulation of asbestos without first obtaining a license from the Commissioner of Labor. This license shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner. It shall give the name and address of the employer to whom it is issued. Licensed employers shall post a sign indicating, in letters more than four inches in height, "LICENSED BY THE STATE OF NEW JERSEY FOR ASBESTOS WORK," readily visible outdoors at the work site. The actual license shall be readily available at the work site for inspection by representatives of the Commissioners of Labor and Health and the contracting agency.

C. 34:5A-37 Performance permit.

6. Every employee performing functions of application, enclosure, removal, or encapsulation of asbestos shall first procure from the Commissioner of Labor a performance permit. No permit shall be issued unless the employee has taken a course of training in asbestos control and removal, passed an examination thereon, and demonstrated the ability to perform asbestos control and removal safely, in accordance with the current state-of-the-art technology. The Commissioner of Health shall certify the course of training necessary. This permit shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the Commissioner of Labor. It shall give the name and address of the employee to whom it is issued. The permit shall be carried upon the worker's person and be readily available for inspection by representatives of the Commissioners of Labor and Health and the contracting agency.

C. 34:5A-38 Issuance; fees.

7. Beginning not later than one year following the effective date of this act, licenses and permits shall be issued by the Commissioner of Labor, or his designee, and shall be valid for at least 12 months, in accordance with regulations promulgated under the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.). Fees for these licenses shall not exceed, for a 12-month period, $100.00 for a license and $25.00 for a permit, in accordance with a fee schedule contained in the regulations.

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

8. Not later than six months after the effective date of this act, the Commissioners of Labor and Health jointly shall, in consultation with the Commissioner of Environmental Protection, adopt all standards and regulations which they deem necessary for the proper administration and enforcement of this act. These standards and regulations shall include, but shall not be limited to, protective equipment specifications; application, enclosure, removal, and encapsulation procedures; administrative penalties; waste disposal; self-monitoring; cleanup; health checkup; license and permit issuance and revocation; fee charges; experience necessary for license or permit qualification; general subject matter of qualifying examinations; and continuing education. License and permit qualification standards shall include provision for experienced asbestos workers to apply for and receive a permit without examination for a period not in excess of one year from the effective date of this act.

C. 34:5A-40 Enforcement.

9. This act, and its standards and regulations, shall be enforced by the Commissioners of Labor and Health, who have the right of entry to all pertinent premises and records for purposes of inspection and information. In the event that either commissioner believes that an imminent hazard exists, he is empowered to apply to a court of competent jurisdiction to restrain and cause to cease the activity which is the cause of the hazard.

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

10. Any person who hinders or delays the Commissioner of Labor or Health, or the authorized representative thereof, in the performance of the duty to enforce this act, or fails to obtain licenses or permits required by the provisions of this act, or refuses to make these licenses or permits accessible to either commissioner, or the authorized representative thereof, or otherwise violates any provision of this act or any regulation adopted under this act, is guilty of a disorderly persons offense and liable to a fine of $1,000.00 or imprisonment not in excess of six months, or both. As an alternative, or in addition to, the fines and imprisonment specified by this section, either commissioner, or the designee thereof, may impose, after granting an opportunity to be heard, an administrative penalty, not to exceed $1,000.00 for each offense, in accordance with a schedule promulgated by regulation.

C. 34:5A-42 Retaliation prohibited.

11. Any employer who discriminates against or otherwise sanctions an employee who complains or cooperates with the Commissioner of Labor or Health, or the designee thereof, in administering this act is a disorderly person and upon conviction is subject to the penalties specified in section 10 of this act.

12. There is appropriated from the General Fund $75,000.00 to the Department of Labor and $75,000.00 to the Department of Health for the first year administration of this act.

13. This act shall take effect immediately.

Approved October 31, 1984.

CHAPTER 174

AN ACT concerning bidding procedures for certain county park lands and concessions and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

C. 40:37-146.3 Bidding procedures.

1. a. Notwithstanding the provisions of any law to the contrary, a county park commission established pursuant to R. S. 40:37–96 et seq. may lease park lands or concessions therein to the highest responsible bidder for the purposes of providing services and facilities required for or incidental to the operation of public parks, playgrounds or recreation places; provided that:

(1) The governing body of the county shall approve the lease, by resolution or ordinance, as appropriate;

(2) Advertisement of the acceptance of bids for the lease is published in a newspaper of general circulation in the county not less than 10 days prior to the award of the lease; and

(3) The period of the lease shall not exceed five years.

In awarding the lease, the county park commission may receive a lease price in excess of the amount of any necessarily related administrative expenses.

b. Notwithstanding the provisions of any law to the contrary, if the responsibilities of, and ownership and occupation of lands by, a county park commission established pursuant to R. S. 40:37–96 et seq. have been transferred to a division, department, agency or instrumentality of a county, the governing body of the county may, by ordinance or resolution, as appropriate, lease park lands or concessions therein to the highest responsible bidder for the purpose of providing services and facilities required for or incidental to the operation of public parks, playgrounds or recreation places; provided that:

(1) Advertisement of the acceptance of bids for the lease is published in a newspaper of general circulation in the county not less than 10 days prior to the award of the lease; and

(2) The period of the lease shall not exceed five years.

In awarding the lease, the governing body of a county may receive

a lease price in excess of the amount of any necessarily related administrative expenses.

c. Any such lease or concession, which shall be conditioned upon the construction or provision of any building, structure or improvement by the lessee or concessionaire, may, notwithstanding the provisions of subsections a. and b. above, be for such period of years as shall be agreed upon.

2. This act shall take effect immediately.

Approved October 31, 1984.

CHAPTER 175

AN ACT to validate certain proceedings for the authorization, sale and issuance of bonds of fire 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 board of fire commissioners or at any fire district meeting or election for the authorization or issuance of bonds or other obligations of the fire district, and any bonds or other obligations of the district issued or to be issued pursuant to a resolution of the board of commissioners of such fire district and approved by the legal voters thereof, are hereby ratified, validated and confirmed, notwithstanding that a resolution authorizing or issuing bonds was not adopted in the manner provided by N. J. S. 40A:14–85; provided, however, that such a resolution subsequently has been adopted in the manner prescribed by N. J. S. 40A:14–85; 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 where 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 October 31, 1984.

CHAPTER 176

AN ACT concerning the taxation of exempt real estate in certain cases and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-1.10 Activity conducted for profit.

1. When real property which is exempt from taxation is used by a private party in connection with an activity conducted for profit, and the use does not render the real property taxable pursuant to section 1 of P. L. 1949, c. 177 (C. 54:4–2.3) or otherwise, the real property shall be assessed and taxed as real property of the private party. The private party is subject to liability for taxation to the same extent as though he owned the property or any portion thereof, unless the owner consents to the taxation thereof. For purposes of this act, "use" means the right or license, express or implied, to possess and enjoy the benefits from any real property, whether or not that right or license is actually exercised.

C. 54:4-1.11 Procedures for taxation.

2. The assessment, collection, apportionment, and payment of the real property tax imposed by section 1, the attachment of the lien for such taxes, the right of appeal, the entitlement to a proportionate cancellation of the assessment, and the authority granted to municipalities to anticipate taxes to be collected shall be governed by the procedures provided for the administration of leasehold estates owned by tax-exempt entities under sections 2 through 8 of P. L. 1949, c. 177 (C. 54:4–2.4 through C. 54:4–2.10).

3. This act shall take effect immediately and shall be applicable with regard to assessments and taxes for the tax year 1984 and thereafter.

Approved November 2, 1984.

CHAPTER 177

AN ACT to amend "An act concerning grounds for evicting tenants and lessees of certain residential property in certain municipalities," approved November 3, 1978 (P. L. 1978, c. 139; C. 2A:18–61.13 et seq.).

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

1. Section 10 of P. L. 1978, c. 139 is amended to read as follows:

10. This act shall take effect immediately, be retroactive to September 1, 1978 and shall expire on the earlier of the following dates: (a) 12 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 one year notice of permanent retirement was served prior to the expiration date of this act.

2. This act shall take effect immediately.

Approved November 2, 1984.

CHAPTER 178

AN ACT to amend the "municipal and county utilities authorities law," approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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

1. Section 3 of P. L. 1957, c. 183 (C. 40:14B–3) is amended to read as follows:

C. 40:14B-3 Definitions.

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

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in section 4, 5, 6, 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;

(2) "County" shall mean any county of any class;

(3) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A–1 et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(4) "Person" shall mean any person, association, corporation, nation, state or any agency or subdivision thereof, other than a county or municipality of the State or a municipal authority;

(5) "Municipal authority" shall mean a public body created or organized pursuant to section 4, 5 or 6 of this act and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county;

(6) Subject to the exceptions provided in section 10, 11 or 12 of this act, "district" shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in or caused the creation or organization of a municipal authority;

(7) "Local unit" shall mean the county, or any municipality, which created or joined in or caused the creation or organization of a municipal authority;

(8) "Water system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connections, rights of flowage or division, and other plants,

structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply or distribution of water;

(9) "Sewerage system" shall mean the plants, structures, on-site wastewater systems and other real and personal property acquired, constructed or operated or to be acquired, constructed, maintained or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(10) "Utility system" shall mean a water system, solid waste system, sewerage system, or a hydroelectric system or any combination of such systems, acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose;

(11) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a utility system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the municipal authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the municipal authority 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 said utility system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the municipal authority may determine, and also reimbursements to the municipal authority or any

county, municipality or other person of any moneys theretofore expended for the purposes of the municipal authority or to any county or municipality of any moneys theretofore expended for or in connection with water supply, solid waste, water distribution, sanitation or hydroelectric facilities;

(12) "Real property" shall mean lands both within or without the State, and improvements thereof or thereon, or any rights or interests therein;

(13) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a utility system;

(14) "Industrial wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource, and shall include any chemical wastes or hazardous wastes;

(15) "Sewage" shall mean the water-carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or groundwater and industrial wastes and leachate as may be present;

(16) "On-site wastewater system" means any of several facilities, septic tanks or other devices, used to collect, treat, reclaim, or dispose of wastewater or sewage on or adjacent to the property on which the wastewater or sewage is produced, or to convey such wastewater or sewage from said property to such facilities as the authority may establish for its disposal;

(17) "Pollution" means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;

(18) "Bonds" shall mean bonds or other obligations issued pursuant to this act;

(19) "Service charges" shall mean water service charges, solid waste service charges, sewer service charges, hydroelectric service charges or any combination of such charges, as said terms are defined in section 21 or 22 of this act or in section 7 of this amendatory and supplementary act;

(20) "Compensating reservoir" shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water, for the replenishment in periods of drought or at

other necessary times of all or a part of waters in or bordering the State, diverted into a utility system operated by a municipal authority;

(21) "Sewage authority" shall mean a public body created pursuant to the "Sewerage Authorities Law" (P. L. 1946, c. 138; C. 40:14A–1 et seq.) or the acts amendatory thereof or supplemental thereto;

(22) "County sewer authority" shall mean a sanitary sewer district authority created pursuant to the act entitled "An act relating to the establishment of sewerage districts in first- and second-class counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof," approved April 23, 1946 (P. L. 1946, c. 123), or the acts amendatory thereof or supplemental thereto;

(23) "Chemical waste" shall mean a material normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes or petroleum refining processes, which has been selected for waste disposal and which is known to hydrolyze, ionize or decompose, which is soluble, burns or oxidizes, or which may react with any of the waste materials which are introduced into the landfill, or which is buoyant on water, or which has a viscosity less than that of water or which produces a foul odor. Chemical waste may be either hazardous or nonhazardous;

(24) "Effluent" shall mean liquids which are treated in and discharged by sewage treatment plants;

(25) "Hazardous wastes" shall mean any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable;

(26) "Leachate" shall mean a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste;

(27) "Recycling" shall mean the separation, collection, processing or recovery of metals, glass, paper, solid waste and other materials

for reuse or for energy production and shall include resource recovery;

(28) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects; "sludge" shall not include effluent;

(29) "Solid waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials, including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;

(30) "Solid waste system" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority or by any person to whom a municipal authority has extended credit for this purpose pursuant to the provisions of this act, including transfer stations, incinerators, recycling facilities, including facilities for the generation, transmission and distribution of energy derived from the processing of solid waste, sanitary landfill facilities or other property or plants for the collection, recycling or disposal of solid waste and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection, recycling, or disposal of solid waste in a sanitary manner;

(31) "Hydroelectric system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including all that which is necessary or useful and convenient for the generation, transmission and sale of hydroelectric power at wholesale;

(32) "Hydroelectric power" shall mean the production of electric current by the energy of moving water;

(33) "Sale of hydroelectric power at wholesale" shall mean any sale of hydroelectric power to any person for purposes of resale of such power.

2. Section 20 of P. L. 1957, c. 183 (C. 40:14B–20) is amended to read as follows:

C. 40:14B-20 Powers.

20. Every municipal authority shall be a public body politic and corporate, constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and be sued;

(3) In the name of the municipal authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the municipal authority but for the local unit or units, to acquire, rent, hold, lease as lessor, use and dispose of other personal property for the purposes of the municipal authority;

(5) In the name of the municipal authority but for the local unit or units and subject to the limitations of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold, lease as lessor, and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority;

(6) To produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district, provided that no water shall be sold at retail in any municipality without the district unless the governing body of such municipality shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality, and the Board of Public Utilities shall have approved such resolution as necessary and proper for the public convenience;

(7) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(8) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the municipal au-

thority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(9) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the municipal authority, and whenever the operation of a septic tank or other component of an on-site wastewater system shall result in the creation of pollution or contamination source on private property such that, under the provisions of R. S. 26:3–49, a local board of health would have the authority to notify the owner and require said owner to abate the same, representatives of an authority shall have the power to enter, at all reasonable times, any premises on which such pollution or contamination source shall exist, for the purpose of inspecting, rehabilitating, securing samples of any discharges, improving, repairing, replacing, or upgrading such septic tank or other component of an on-site wastewater system;

(10) To establish an inspection program to be performed at least once every three years on all on-site wastewater systems installed within the district, which inspection program shall contain the following minimum notice provisions: (i) not less than 30 days prior to the date of the inspection of any on-site wastewater system as described herein, the authority shall notify the owner and resident of the property that the inspection will occur; and (ii) not less than 60 days prior to the date of the performance of any work other than an inspection, the municipal authority shall provide notice to the owner and resident of the property on which the work will be performed. The notice to be provided to such owner and resident under this subsection shall include a description of the deficiency which necessitates the work and the proposed remedial action, and the proposed date for beginning and duration of the contemplated remedial action;

(11) To prepare and file in the office of the municipal authority records of all inspections, rehabilitation, maintenance, and work, performed with respect to on-site wastewater disposal systems;

(12) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the utility system and any other of its properties, and to amend the same;

(13) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any person;

(14) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the municipal authority or to carry out any power expressly given in this act, subject to "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11–1 et seq.); and

(15) To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, and operating by that person of any part of a solid waste system, sewage treatment system, wastewater treatment or collection system for the provision of services and facilities within or without the district, which in the case of a solid waste system shall be in a manner consistent with the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E–1 et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein. The credits or loans may be secured by loan and security agreements, mortgages, leases and any other instruments, upon such terms as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any mortgage, lease, contract, loan and security agreement or other instrument, provisions for the construction, use, operation and maintenance, and financing of that part of the aforementioned systems as the authority may deem necessary or desirable.

3. This act shall take effect immediately.

Approved November 5, 1984.

CHAPTER 179

AN ACT concerning the use of safety seat belt systems in passenger automobiles when so equipped, supplementing Title 39 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. 39:3-76.2e Short title.

1. This act shall be known and may be cited as the "Passenger Automobile Seat Belt Usage Act."

C. 39:3-76.2f Seat belt wearing required.

2. a. Except as provided in P. L. 1983, c. 128 (C. 39:3–76.2a et al.) for children under five years of age and except as provided in subsection b. of this section for passengers who are at least five years of age but less than 18 years of age, each driver and front seat passenger of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

b. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system, as defined by Federal Motor Vehicle Safety Standard Number 209, any passenger in the front seat who is at least five years of age but less than 18 years of age.

C. 39:3-76.2g Exemptions.

3. This act shall not apply to a driver or front seat passenger of:

a. A passenger automobile manufactured before July 1, 1966;

b. A passenger automobile in which the driver or passenger possesses a written verification from a licensed physician that the driver or passenger is unable to wear a safety seat belt system for physical or medical reasons;

c. A passenger automobile which is not required to be equipped with safety seat belt system under federal law; or

d. A passenger automobile operated by a rural letter carrier of the United States Postal Service, while performing the duties of a rural letter carrier.

C. 39:3-76.2h Civil actions unaffected.

4. This act shall not be deemed to change existing laws, rules, or procedures pertaining to a trial of a civil action for damages for personal injuries or death sustained in a motor vehicle accident.

C. 39:3-76.2i Secondary action.

5. Enforcement of this act by State or local law enforcement agents shall be accomplished only as a secondary action when a driver of a passenger automobile has been detained for suspected violation of Title 39 of the Revised Statutes or some other offense.

C. 39:3-76.2j $20 fine.

6. A person who violates section 2 of this act shall be fined $20.00. In no case shall motor vehicle points be assessed against any person for a violation of this act.

C. 39:3-76.2k Informational booklet.

7. The Director of the Division of Motor Vehicles shall develop a booklet containing information on the benefits of wearing safety seat belt systems. The booklet shall be made available upon request to the general public.

8. The Director of the Division of Motor Vehicles shall study the effectiveness of this act and shall submit to the Legislature a report containing his findings on the first day of the 36th month following the effective date of this act.

9. There is appropriated to the Division of Motor Vehicles the sum of $25,000.00 from the General Fund for the purpose of implementing the provisions of this act. The Office of Highway Safety in the Division of Motor Vehicles shall seek out any funds available for implementation of an effective educational program on passenger automobile safety seat belt systems.

10. This act shall take effect on the first day of the fourth month following enactment, except that section 9 shall take effect immediately.

Approved November 8, 1984.

CHAPTER 180

AN ACT concerning rental and other housing assistance, amending and supplementing P. L. 1944, c. 85, amending P. L. 1974, c. 47 and supplementing 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:*

C. 52:27D-280 Short title.

1. This act shall be known and may be cited as the "Prevention of Homelessness Act (1984)".

C. 52:27D-281 Findings, declarations.

2. a. It is the long-standing policy of this State that no person should suffer unnecessarily from cold or hunger, or be deprived of shelter.

b. At the present time, many persons have been rendered homeless as a result of economic adversity, a severe shortage of afford-

able housing, and increased stress due to the complexity of daily living.

c. It is both more economical and more socially desirable to place homeless people in suitable apartments, or to enable people to retain possession of their houses or apartments and thereby avoid homelessness, than to house them in hotel rooms or in other facilities intended for short-term occupancy.

d. The Department of Community Affairs has had extensive experience in the administration of the federal section 8 existing housing and moderate rehabilitation rental assistance programs and is therefore the most appropriate agency to administer a program providing temporary rental or other housing assistance to persons who are homeless or in imminent danger of homelessness by reason of inability to pay rent or other housing costs.

3. Section 24 of P. L. 1944, c. 85 (C. 52:27C–24) is amended to read as follows:

C. 52:27C-24 Additional powers.

24. In addition to the powers hereinabove specifically granted, the authority shall have the following powers:

a. To acquire property, real, personal or mixed, or any interest therein by purchase, lease, gift, bequest, devise, exchange or eminent domain; to hold and improve property; to operate, lease, sell or exchange property; to construct or contract for the construction of projects and community facilities other than any project or facility which would be competitive with any existing public utility as the same is defined in R. S. 48:2–13; to borrow money and secure the same by bonds or mortgages upon property held or to be held by it; but nothing herein contained shall be deemed to authorize the authority to pledge the credit of this State or to constitute any bonds or mortgages so issued by it obligations of this State.

b. To receive any grant or grants to be made by the federal, State, county, municipal or other governments, or from any other sources.

c. If, for any of the purposes hereunder, the authority shall find it necessary or convenient for it to acquire title to, or any lesser interest in, real property in this State, then the authority may acquire title to such property by purchase, lease or condemnation, and shall have the right to acquire realty by eminent domain in accordance with the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 36 (C. 20:3–1 et seq.).

d. To make and enforce reasonable rules and regulations for the effectuation of its powers and purposes.

e. To provide rental assistance grants to persons of low or moderate income to enable them to pay the fair market value for housing units.

f. To provide loans and grants of temporary rental or other temporary housing assistance to persons without housing or in imminent danger of losing housing as a result of having insufficient income from other sources to allow payment of the rental or other housing costs.

g. In order to encourage increased availability of affordable housing for persons of low and moderate income, to provide subsidies or other reductions of interest rates on loans made to public or private nonprofit agencies or limited dividend corporations for the purpose of acquiring, constructing, repairing or rehabilitating residential structures to be used for such housing.

C. 52:27D-282 Priorities of eligibility.

4. (New section) The Department of Community Affairs may establish priorities of eligibility for temporary rental or other housing assistance among the various categories of persons needing assistance in obtaining or retaining housing, including, without limitation, persons subject to immediate eviction for nonpayment of rent, or foreclosure for nonpayment of mortgage installments or property taxes, when nonpayment is attributable to illness, unemployment, underemployment or any other failure of resources beyond the person's control.

C. 52:27D-283 Priority to temporary assistance recipients.

5. (New section) No person shall continue to receive temporary rental assistance if alternative sources of rental subsidy, including, without limitation, rental assistance under the federal section 8 programs and public housing, become available. Every local housing authority, and every limited dividend or nonprofit housing corporation or association which owns or controls a subsidized housing project, or subsidized units within a housing project and which receives local property tax abatement pursuant to any law of this State, shall give priority to applications by persons receiving temporary rental assistance, subject to the requirements of other applicable federal and State statutes and regulations.

C. 52:27D-284 Not considered income.

6. (New section) Benefits under this program shall not be treated as income in determining eligibility requirements for other State programs or for New Jersey gross income tax purposes.

C. 52:27D-285 Standards of habitability.

7. (New section) The Department of Community Affairs shall establish standards of habitability applicable to any housing unit the rental for which is paid, in whole or in part, by temporary rental assistance payments from the authority.

C. 52:27D-286 Loans, grants.

8. There is appropriated to the Department of Community Affairs $1,650,000.00 to establish a fund for the purpose of providing temporary rental and other housing assistance to persons who are homeless or in imminent danger of losing housing, providing interest subsidies to encourage increased availability of affordable housing pursuant to subsection g. of section 24 of P. L. 1944, c. 85 (C. 52:27C–24), and paying the administrative cost of the temporary rental and other housing assistance and interest subsidy programs. Loans made from this fund shall be repaid to the Department of Community Affairs for redeposit in the fund. In addition, the Department of Community Affairs is authorized to apply up to $500,000.00 of Housing Demonstration Fund moneys for the purpose of providing loans and grants for the acquisition, construction, repair or rehabilitation of structures which are to be operated as shelters for homeless persons by one or more agencies designated for that purpose pursuant to P. L. 1983, c. 343, when it appears to the Commissioner of the Department of Community Affairs that assistance is necessary in order to permit an agency to provide sufficient accommodations for persons likely to be in need of shelter.

C. 52:27D-287 Maximum terms.

9. (New section) The Department of Community Affairs shall establish maximum lengths of terms of eligibility for temporary rental assistance and other temporary housing assistance, and varying levels of assistance, and shall be empowered to convert loans into grants when necessary to carry out the purposes of this act.

C. 40A:4-45.23 "Cap" exemption.

10. (New section) All grants made to counties and municipalities under the "Prevention of Homelessness Act (1984)," P. L. 1984, c. 180 (C. 52:27D–280 et seq.), shall be State aid and exempt from the limitations put on increases in municipal budgets and county tax levies pursuant to P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.).

11. Section 2 of P. L. 1974, c. 47 (C. 2A:42–10.16) is amended to read as follows:

C. 2A:42-10.16 Warrant for possession.

2. In any proceeding for the summary dispossession of a tenant, warrant for possession issued by a court of appropriate jurisdiction:

a. Shall include a notice to the tenant of any right to apply to the court for a stay of execution of the warrant, together with a notice advising that the tenant may be eligible for temporary housing assistance or other social services and that the tenant should contact the appropriate county welfare agency, at the address and telephone number given in the notice, to determine eligibility; and

b. Shall be executed not earlier than the third day following the day of personal service upon the tenant by the appropriate court officer. In calculating the number of days hereby required, Saturday, Sunday and court holidays shall be excluded; and

c. Shall be executed during the hours of 8 a.m. to 6 p.m., unless the court, for good cause shown, otherwise provides in its judgment for possession.

Whenever a written notice, in accordance with the provisions of subsection 2a., is given to the tenant by the court, this shall constitute personal service in accordance with the provisions of subsection 2b.

The county district court shall retain jurisdiction for a period of 10 days subsequent to the actual execution of the warrant for possession for the purpose of hearing applications by the tenant for lawful relief.

12. There is appropriated to the Department of Health the sum of $75,000.00 to provide medical support services for homeless persons under the provisions of this act.

13. This act shall take effect immediately.

Approved November 9, 1984.

CHAPTER 181

AN ACT concerning the Department of Defense and revising parts of the statutory law.

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

1. N. J. S. 18A:35–10 is amended to read as follows:

Military training course required.

18A:35–10. If the State board shall determine that the courses in health, safety and physical education, as prescribed for male pupils in the high school, shall include a course in military training, such course in military training shall be prepared by the commissioner and the Adjutant General of the Department of Defense and be a part of the courses in health, safety and physical education for male pupils, and all male pupils in the high school shall be required to take the same, except those who are physically unfit, as determined by the medical inspector, or whose parents have conscientious scruples against military training.

2. N. J. S. 18A:35–14 is amended to read as follows:

Instructors.

18A:35–14. Every instructor of such course in military training shall hold at all times a certificate as to his qualifications as an instructor in military training, from the Adjutant General of the Department of Defense, and the salary of each such instructor shall be paid by the district obtaining his services.

3. N. J. S. 38A:2–2 is amended to read as follows:

Governor's staff.

38A:2–2. The staff of the Governor shall consist of:

(a) Executive: The Adjutant General of the State Department of Defense.

(b) Personnel: Such aides as may be appointed or detailed by the Governor from among the officers of the organized militia, in a grade not higher than the one held in the organized militia or in federal service, whose terms of office, unless sooner terminated, shall expire with that of the Governor who shall have appointed or detailed them.

4. N. J. S. 38A:3–2 is amended to read as follows:

Personnel of Department of Defense.

38A:3–2. The Department of Defense shall consist of:

(a) The Adjutant General;

(b) The deputy adjutant general;

(c) The assistant adjutant general, New Jersey Army National Guard;

(d) The assistant adjutant general, New Jersey Air National Guard;

(e) Such officers of the organized militia, active or inactive, authorized by the Governor for duty therein;

(f) Such clerks and employees as may be required, who may be detailed from the organized militia;

(g) State headquarters for selective service; and

(h) The organized militia.

5. Section 2 of P. L. 1973, c. 284 (C. 38A:3-2.2) is amended to read as follows:

C. 38A:3-2.2 Regulations.

2. The Adjutant General, Department of Defense, shall have the power to promulgate regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to carry out the purposes of this act which may be required by federal law.

6. N. J. S. 38A:3-3 is amended to read as follows:

Adjutant General.

38A:3-3. The head of the Department of Defense shall be the Adjutant General, who shall be appointed with the grade of major general of the line, New Jersey Army National Guard, or major general, New Jersey Air National Guard, by the Governor, with the advice and consent of the Senate, from:

(a) Federally recognized general officers in the national guard, who have served therein for the preceding 10 years; or

(b) Federally recognized commissioned officers in the national guard, who have served therein for the preceding 10 years and are now serving in a military grade not below that of a colonel, such officers having the qualifications to become federally recognized as brigadier general of the line, New Jersey Army National Guard, or brigadier general, New Jersey Air National Guard.

7. N. J. S. 38A:3-5 is amended to read as follows:

Deputy adjutant general.

38A:3-5. The deputy adjutant general shall be appointed by the Governor upon the nomination of the Adjutant General. The deputy adjutant general shall be a person who has served as a commissioned officer in the armed forces of the State and who is a federally recognized commissioned officer in a military rank not below that of colonel. He may be appointed with the grade of brigadier general. The duties of the deputy adjutant general shall be prescribed by the Adjutant General.

The deputy adjutant general shall have the authority to act for and in place of the Adjutant General during the absence or disability of the Adjutant General. If the office of the Adjutant General

shall become vacant, the deputy adjutant general shall exercise the powers and perform the duties of the Adjutant General until a successor shall have been appointed and shall have qualified.

Any vacancy occurring in the office of the deputy adjutant general shall be filled in the same manner as the original appointment.

C. 38A:3-5.1 Assistant adjutant general.

8. (New section) The Governor may appoint, with the advice and consent of the Senate, an assistant adjutant general for the New Jersey Army National Guard, and an assistant adjutant general for the New Jersey Air National Guard, respectively, who shall serve at the pleasure of the Governor. The assistant adjutants general may have the rank of brigadier general during the terms of office and each shall serve on the staff of the Adjutant General.

9. N. J. S. 38A:3-6 is amended to read as follows:

Duties of Adjutant General.

38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Defense, and in connection therewith make and issue such regulations governing the work of the Department of Defense and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Defense within the meaning of such term as defined in section 1 of P. L. 1944, c. 112 (C. 52:27B-1).

(c) Supervise, administer, coordinate and command State civil defense and disaster control activities.

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Defense.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

10. Section 1 of P. L 1979, c. 240 (C. 38A:3-6.1) is amended to read as follows:

C. 38A:3-6.1 Order to active duty.

1. In addition to any other powers, the Adjutant General under the direction of the Governor shall have the authority to order to active duty, with or without pay, in State service, such members of the New Jersey National Guard that in his judgment are necessary to provide aid to localities in circumstances which threaten or are a danger to the public health, safety or welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered. No member shall be ordered to active duty without pay unless the member has consented to such service. Members serving without pay shall have all of the obligations, rights, benefits, privileges, protections and immunities as if ordered to active duty with pay.

11. N. J. S. 38A:3-7 is amended to read as follows:

Highest ranking officer.

38A:3-7. The Adjutant General shall take rank and precedence above all other officers of the militia.

12. N. J. S. 38A:3-8 is amended to read as follows:

Classes in department.

38A:3-8. The personnel of the Department of Defense shall consist of the following classes of persons:

(a) Officers and enlisted members who are ordered to active duty on a permanent duty status, with the pay and allowances of their grade and length of service in accordance with section 38A:4-3 of this title.

(b) Classified civil service employees.

(c) Unclassified civil service employees, who may be relieved, suspended or discharged for good cause. Such personnel shall be administered as far as practicable under similar regulations as those applicable to classified civil service, but shall be subject to military discipline and control, and shall include all personnel employed for the maintenance of armories.

(d) Technicians paid from federal funds. Such personnel shall be appointed by the Adjutant General, who shall determine their salaries and who may relieve, suspend or discharge such persons at any time for good cause, and shall be subject to military discipline and control.

13. N. J. S. 38A:3-10 is amended to read as follows:

Fees for services.

38A:3-10. The Adjutant General may demand and receive, for the services herein enumerated, except for those in proof of pension, establishment of veteran status, exemption from jury duty, or in lieu of lost discharges, the following fees:

(a) For every search made in his office for the military record of any member or former member of the armed forces, the sum of $1.00.

(b) For the furnishing of every certified copy of such record, the sum of $2.00.

The Adjutant General shall keep a true record and account of fees received under the provisions of this section and shall pay the same into the State Treasury in the manner prescribed by law.

14. N. J. S. 38A:3-11 is amended to read as follows:

Appropriate seal.

38A:3-11. The Adjutant General shall have an appropriate seal and have affixed an impression of the same to all certificates of record issued from the Department of Defense. Copies of any books, records, papers and documents in the Department of Defense, certified by the Adjutant General or other designated officer of the department, under the seal of the Department of Defense, shall be admitted as evidence in any court of the State, either civil or military, with the same force and effect as if the original had been produced.

15. N. J. S. 38A:5-1 is amended to read as follows:

Appointment of officers.

38A:5-1. (a) The Governor shall nominate and appoint all general and flag officers of the militia, with the advice and consent of the Senate.

(b) All other officers of the militia shall be appointed and commissioned by the Governor upon recommendation of the Adjutant General, after due consideration to nominations of the commanders in the normal chain of command.

(c) No person shall assume the status or perform the duties of an officer until he shall have been duly appointed and announced in orders issued by the Adjutant General.

(d) Officers shall be citizens of the United States and, unless otherwise prescribed by federal law and regulation, shall be at least 21 years of age.

16. N. J. S. 38A:6–1 is amended to read as follows:

Periods of enlistment.

38A:6–1. Enlistments, reenlistments and extensions of enlistments shall be for such periods as are prescribed by the Adjutant General by regulation, except as otherwise provided by applicable federal laws or regulations for enlisted members required to have a federal reserve status.

17. N. J. S. 38A:10–3 is amended to read as follows:

Military courts.

38A:10–3. The military courts for the militia of this State shall be constituted like similar courts of the armed forces of the United States. They shall have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts. The convening authority for such military courts and maximum punishments authorized shall be as prescribed by federal and State laws and regulations applicable to the national guard; provided, however, that special courts-martial may be convened only with the approval of the Adjutant General, Department of Defense.

18. N. J. S. 38A:11–1 is amended to read as follows:

Funds of disbanded organizations.

38A:11–1. The Adjutant General shall secure and hold in custody the funds of disbanded organizations after settling such necessary obligations as may be presented for payment within six months after such disbandment. Whenever any disbanded organization shall be replaced within a year, the moneys shall be transferred by the Adjutant General to the new organization. If no new organization be organized within such year, the funds may be expended in such manner as he deems best.

19. N. J. S. 38A:11–2 is amended to read as follows:

Bond required.

38A:11–2. Any officer to whom military property of the United States or of this State is issued, or to whom public money is paid, or who holds and disburses any military funds shall be required to give bond with surety conditioned faithfully to perform the duties of his office and to account properly for all property, moneys or funds received and disbursed by him. Such bonds shall be in amount, form and with surety satisfactory to the Adjutant General and filed in his office. The premiums thereon shall be paid by the State.

20. N. J. S. 38A:11–12 is amended to read as follows:

Loan of stores.

38A:11–12. When any lawfully organized association of veterans of any war from this State shall apply to the Adjutant General for the temporary loan of camp and garrison equipage, ordinance or other military stores, for any purpose not in conflict with or in violation of the laws of this State or the United States, the Adjutant General shall examine into such application, and upon finding it a just and proper request may order and authorize the issuance of such stores.

The applicants shall be required to furnish good and sufficient bonds for the value of the stores issued. Such bonds shall first be approved by the Adjutant General and remain on file in the office of the Adjutant General.

21. N. J. S. 38A:11–14 is amended to read as follows:

Sale of property.

38A:11–14. Unserviceable, unsuitable or surplus military property may, after a proper survey, be sold under such terms and regulations as may be prescribed by the Adjutant General. Moneys derived from such sales shall be deposited as received with the State Treasurer and maintained by him in a separate account. Moneys credited to such an account shall be appropriated and used for the repair, replacement, improvement and maintenance of military property.

22. N. J. S. 38A:12–1 is amended to read as follows:

Armories.

38A:12–1. The Adjutant General is authorized to lease or acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the

State of New Jersey, such real property as shall be necessary for the purpose of armories or other military facilities.

No real property leased by this State or the United States for armories or other military facilities shall be subject to condemnation proceedings without first obtaining the approval of the Governor.

23. N. J. S. 38A:12–3 is amended to read as follows:

Supervision of construction.

38A:12–3. The Adjutant General shall, in compliance with the provisions of P. L. 1954, c. 48 (C. 52:34–6 et seq.), supervise the construction, repair and alteration of armories and other military facilities.

24. N. J. S. 38A:12–4 is amended to read as follows:

Construction costs.

38A:12–4. The Adjutant General, on behalf of the State, is authorized to make application for, and accept from, the federal government, or any agency thereof, a grant of money to pay part or all of the cost of constructing armories or other military facilities.

There shall be appropriated to the State Department of Defense, from time to time, such sums as may be necessary to meet the State's share or the entire cost of such construction, when included in any annual or supplemental appropriation act.

25. N. J. S. 38A:12–5 is amended to read as follows:

Use for nonmilitary purposes.

38A:12–5. The Adjutant General may lease, rent or permit the use of any armory or other military facility, or any part thereof, for nonmilitary purposes, under such restrictions and for such compensation, if any, as he may by regulation prescribe.

26. N. J. S. 38A:12–6 is amended to read as follows:

Sale of surplus property.

38A:12–6. When any buildings and real property have been declared by the Adjutant General to be surplus or unsuitable for military purposes and their sale has been authorized by the Governor, the Adjutant General, on behalf of the State, is authorized to convey such buildings and real property to the county or municipality in which the same are situate, or to other purchasers, at such price and upon such terms and conditions as shall be approved by the State House Commission.

Furthermore, if it will not interfere with or impair military activities, the Adjutant General, on behalf of the State, may convey an easement to the county or municipality in which the land is situated, or to a public utility company organized under Title 48 of the Revised Statutes, at such price and upon such terms and conditions as shall be approved by the State House Commission.

27. N. J. S. 38A:13–1 is amended to read as follows:

Disability, death benefits.

38A:13–1. A member of the organized militia who incurs an injury, disease or disability in the performance of duty ordered by competent authority, and such injury, disease or disability is determined to be in line of duty, and the claim is approved by the Adjutant General, shall be entitled to medical care and to receive the same compensation for temporary or permanent disabilities as is provided in article 2 of chapter 15 of Title 34. In the event such member incurs death under the same conditions, the dependent members of the family of the deceased, if any, shall be entitled to compensation as provided in article 2 of chapter 15 of Title 34.

As used in this chapter "in line of duty" means that the injury, disease, disability or death has been sustained in the discharge of duty and is not due to any voluntary act or traceable to willful neglect, fault or his own vicious habits.

28. N. J. S. 38A:13–3 is amended to read as follows:

Examination of claimant.

38A:13–3. The Adjutant General may order an examination of a claimant to be made from time to time by a medical officer or officers or physician designated for that purpose. The Adjutant General may direct the removal of the claimant to a hospital for treatment on recommendation of the medical officer or physician. If the claimant refuses to permit such examination, or to go to such hospital, or to follow the advice given or treatment prescribed for him therein, he shall be barred from all rights to any claim or allowance under this chapter.

29. N. J. S. 38A:13–4 is amended to read as follows:

Inquiry into merits.

38A:13–4. The Adjutant General may appoint a board of officers to inquire into the merits of any claim under this chapter. Such board shall have the same power as is possessed by presi-

dents of courts-martial to take evidence, administer oaths, issue subpenas, compel witnesses to attend and testify, and produce books and papers, and to punish their failure to do so. The reports and findings of the board are subject to approval or disapproval of the Adjutant General.

30. N. J. S. 38A:13–5 is amended to read as follows:

Payment by State.

38A:13–5. The amount found by the Adjutant General to be due a member or his dependent family shall be paid by the State in the same manner as other State payments are made.

31. N. J. S. 38A:13–6 is amended to read as follows:

2-year statute of limitation.

38A:13–6. A claim shall not be allowed unless it is presented to the Adjutant General within two years from the date of the injury, disease, disability or death. A claim which has been adjudicated or modified may be reopened at any time by the Adjutant General on the ground that the incapacitation has subsequently increased or decreased.

32. N. J. S. 38A:13–7 is amended to read as follows:

Reopening a claim.

38A:13–7. Upon application of any claimant made within six months of the notification to such claimant or his attorney of the determination, the Adjutant General may reopen a claim and may appoint another board, as provided in 38A:13–4, to consider said claim. Such board shall make its report to the Adjutant General in the same manner as the original board and may use the testimony taken before the original board or take additional testimony.

33. N. J. S. 38A:15–3 is amended to read as follows:

Awards.

38A:15–3. The Adjutant General may procure and issue such service medals, ribbons, clasps, or similar devices as are authorized by the Legislature to be awarded to residents of the State of New Jersey who served on active duty in time of war or emergency.

34. Section 2 of P. L. 1979, c. 456 (C. 39:3–27.14) is amended to read as follows:

C. 39:3-27.14 Registration plates.

2. The Director of the Division of Motor Vehicles and the Adjutant General of the State Department of Defense shall promul-

gate and adopt interdepartmental rules and regulations governing the issuance and use of such registration plates and providing for their surrender by persons who cease to be members of the New Jersey National Guard for reasons other than honorable separation.

35. Section 1 of P. L. 1974, c. 55 (C. 52:14–15.107) is amended to read as follows:

C. 52:14-15.107 State officers' salaries.

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P. L. 1974, c. 55 (C. 52:14–15.110), the Governor shall fix and establish the annual salaries for the following officers within the limits as follows:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture	$70,000
Banking Department	
Commissioner, Department of Banking	70,000
Civil Service Department	
President, Civil Service Commission	70,000
Commerce and Economic Development Department	
Commissioner, Commerce and Economic Development	70,000
Community Affairs Department	
Commissioner of Community Affairs	70,000
Corrections Department	
Commissioner, Department of Corrections	70,000
Defense Department	
Adjutant General	67,500
Education Department	
Commissioner, Department of Education	70,000
Energy Department	
Commissioner, Department of Energy	70,000
President of the Board of Public Utilities	70,000
Member, Board of Public Utilities	70,000

Title	Salary Not to Exceed
Environmental Protection Department	
Commissioner, Environmental Protection	$70,000
Health Department	
Commissioner, Department of Health	70,000
Higher Education Department	
Chancellor	70,000
Human Services Department	
Commissioner, Human Services	70,000
Insurance Department	
Commissioner of Insurance	70,000
Labor Department	
Commissioner of Labor	70,000
Law and Public Safety Department	
Attorney General	70,000
Public Advocate Department	
Public Advocate	70,000
State Department	
Secretary of State	70,000
Transportation Department	
Commissioner of Transportation	70,000
Treasury Department	
State Treasurer	70,000

36. Section 4 of P. L. 1972, c. 133 (C. 52:14E–4) is amended to read as follows:

C. 52:14E-4 Advisory Council for Emergency Services.

4. There is hereby created a Governor's Advisory Council for Emergency Services, which shall consist of the Attorney General, who shall be the presiding officer; the Adjutant General of the Department of Defense, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the President of the Board of Public Utilities, or their designees. The members of the council shall serve without pay in connection with all such duties as are prescribed in this act.

37. Section 6 of P. L. 1953, c. 438 (C. App. A:9–37.1) is amended to read as follows:

C. App. A:9-37.1 Disaster control duties.

6. Under the supervision of the Adjutant General, Department of Defense, the civilian defense director is hereby concurrently assigned the duties of State Disaster Control Director.

Repealer.

38. N. J. S. 38A:3-4 is repealed.

39. This act shall take effect immediately.

Approved November 14, 1984.

CHAPTER 182

AN ACT concerning civil liability for computer-related offenses and supplementing subtitle 6 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:38A-1 Definitions.

1. As used in this act:

a. "Access" means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

b. "Computer" means an electronic device or another similar device capable of executing a computer program, including arithmetic, logic, memory or input-output operations, by the manipulation of electronic or magnetic impulses and includes all computer equipment connected to such a device in a computer system or network.

c. "Computer equipment" means any equipment or devices, including all input, output, processing, storage, software, or communications facilities, intended to interface with the computer.

d. "Computer network" means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

e. "Computer program" means a series of instructions or statements executable on a computer, which directs the computer system in a manner to produce a desired result.

f. "Computer software" means a set of computer programs, data, procedures, and associated documentation concerned with the operation of a computer system.

g. "Computer system" means a set of interconnected computer equipment intended to operate as a cohesive system.

h. "Data" means information, facts, concepts, or instructions prepared for use in a computer, computer system, or computer network.

i. "Data base" means a collection of data.

j. "Financial instrument" includes but is not limited to a check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security and any computer representation of these items.

k. "Property" includes but is not limited to financial instruments, information, data, and computer software, in either human readable or computer readable form, copies or originals, and any other tangible or intangible item of value.

l. "Services" includes but is not limited to the use of a computer system, computer network, computer programs, data prepared for computer use and data contained within a computer system or computer network.

C. 2A:38A-2 Determination of value.

2. For the purposes of this act, the value of any property or services, including the use of computer time, shall be their fair market value, if it is determined that a willing buyer and willing seller exist. Alternatively, value shall include but not be limited to the cost of generating or obtaining data and storing it within a computer or computer system.

C. 2A:38A-3 Grounds for suit.

3. A person or enterprise damaged in business or property as a result of any of the following actions may sue the actor therefor in the Superior Court and may recover compensatory and punitive damages and the cost of the suit, including a reasonable attorney's fee, costs of investigation and litigation:

a. The purposeful or knowing, and unauthorized altering, damaging, taking or destruction of any data, data base, computer program, computer software or computer equipment existing internally or externally to a computer, computer system or computer network;

b. The purposeful or knowing, and unauthorized altering, damaging, taking or destroying of a computer, computer system or computer network;

c. The purposeful or knowing, and unauthorized accessing or attempt to access any computer, computer system or computer network;

d. The purposeful or knowing, and unauthorized altering, accessing, tampering with, obtaining, intercepting, damaging or destroying of a financial instrument; or

e. The purposeful or knowing accessing and reckless altering, damaging, destroying or obtaining of any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network.

C. 2A:38A-4 Fact question.

4. The value of damage, loss, property or income involved in any lawsuit shall be determined by the trier of fact.

C. 2A:38A-5 Injunctive relief.

5. In addition to any other action or proceeding authorized by law, the Attorney General, or a person or enterprise alleging injury or loss may bring an action in Superior Court to enjoin actions causing damage as described in this act or to enjoin any acts in furtherance thereof.

C. 2A:38A-6 Venue.

6. Actions brought under this act may be filed in the Superior Court of the county in which the computer which is accessed is located, or where the terminal used in the accessing is situated, or where the actual damage occurs.

7. This act shall take effect on the 120th day after enactment, but shall remain inoperative until the enactment into law of the Assembly Committee Substitute for Assembly Bill No. 1301 of 1984.

Approved November 14, 1984.

CHAPTER 183

AN ACT concerning an educational program concerning rights of grandparents in certain actions.

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

C. 52:27D-9.1 Program for grandparents.

1. The Department of Community Affairs shall develop a program which: a. makes grandparents aware of their rights under

P. L. 1971, c. 420 (C. 9:2–7.1), which establishes visitation rights for grandparents in cases involving the custody and visitation of the child, such as divorce cases; and b. informs divorcing parents as to the utility, to the child, of regular and frequent visitation with grandparents.

C. 52:27D-9.2 Consultation; media.

2. The Department of Community Affairs shall develop this outreach and educational program in consultation with the Administrative Office of the Courts and the New Jersey State Bar Association. The program shall utilize such items as handbooks, pamphlets, public forums and other appropriate outlets to advise grandparents of their rights under the law.

C. 52:27D-9.3 Regulations.

3. Subject to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), the Commissioner of the Department of Community Affairs shall adopt all regulations necessary to effectuate the purposes of this act.

4. This act shall take effect on the 90th day after enactment.

Approved November 14, 1984.

CHAPTER 184

AN ACT concerning computer-related crimes, amending N. J. S. 2C:20–1 and supplementing chapter 20 of Title 2C of the New Jersey Statutes.

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

1. N. J. S. 2C:20–1 is amended to read as follows:

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, express, 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, financial instruments, information, data, and computer software, in either human readable or computer readable form, copies or originals.

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.

j. "Dealer in property" means a person who buys and sells property as a business.

k. "Traffic" means:

(1) To sell, transfer, distribute, dispense or otherwise dispose of property to another person; or

(2) To buy, receive, possess, or obtain control of or use property, with intent to sell, transfer, distribute, dispense or otherwise dispose of such property to another person.

l. "Broken succession of title" means lack of regular documents of purchase and transfer by any seller except the manufacturer of the subject property, or possession of documents of purchase and transfer by any buyer without corresponding documents of sale and transfer in possession of seller, or possession of documents of sale and transfer by seller without corresponding documents of purchase and transfer in possession of any buyer.

m. "Person" includes any individual or entity or enterprise, as defined herein, holding or capable of holding a legal or beneficial interest in property.

n. "Anything of value" means any direct or indirect gain or advantage to any person.

o. "Interest in property which has been stolen" means title or right of possession to such property.

p. "Stolen property" means property that has been the subject of any unlawful taking.

q. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact, although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

r. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor, if a county prosecutor is expressly authorized in writing by the Attorney Gen-

eral to carry out the powers conferred on the Attorney General by this chapter.

C. 2C:20-23 Computer-related definitions.

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

a. "Access" means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

b. "Computer" means an electronic device or another similar device capable of executing a computer program, including arithmetic, logic, memory or input-output operations, by the manipulation of electronic or magnetic impulses and includes all computer equipment connected to such a device in a computer system or network.

c. "Computer equipment" means any equipment or devices, including all input, output, processing, storage, software, or communications facilities, intended to interface with the computer.

d. "Computer network" means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

e. "Computer program" means a series of instructions or statements executable on a computer, which directs the computer system in a manner to produce a desired result.

f. "Computer software" means a set of computer programs, data, procedures, and associated documentation concerned with the operation of a computer system.

g. "Computer system" means a set of interconnected computer equipment intended to operate as a cohesive system.

h. "Data" means information, facts, concepts, or instructions prepared for use in a computer, computer system, or computer network.

i. "Data base" means a collection of data.

j. "Financial instrument" includes but is not limited to a check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security and any computer representation of these items.

k. "Services" includes but is not limited to the use of a computer system, computer network, computer programs, data prepared for computer use and data contained within a computer system or computer network.

C. 2C:20-24 Determination of value.

3. (New section) For the purposes of this act, the value of any property or services, including the use of computer time, shall be their fair market value, if it is determined that a willing buyer and willing seller exist. Alternatively, value shall include but not be limited to the cost of generating or obtaining data and storing it within a computer or computer system.

C. 2C:20-25 Theft.

4. (New section) A person is guilty of theft if he purposely or knowingly and without authorization:

a. Alters, damages, takes or destroys any data, data base, computer program, computer software or computer equipment existing internally or externally to a computer, computer system or computer network;

b. Alters, damages, takes or destroys a computer, computer system or computer network;

c. Accesses or attempts to access any computer, computer system or computer network for the purpose of executing a scheme to defraud, or to obtain services, property, or money, from the owner of a computer or any third party; or

d. Alters, tampers with, obtains, intercepts, damages or destroys a financial instrument.

C. 2C:20-26 2nd, 3rd degree crimes.

5. (New section) a. Theft under section 4 of this act constitutes a crime of the second degree if the offense results in the altering, damaging, destruction or obtaining of property or services with a value of $75,000.00 or more. It shall also be a crime of the second degree if the offense results in a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.

b. A person is guilty of a crime of the third degree if he purposely or knowingly accesses and recklessly alters, damages, destroys or obtains any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network with a value of $75,000.00 or more.

C. 2C:20-27 3rd, 4th degree crimes.

6. (New section) a. Theft under section 4 of this act constitutes a crime of the third degree if the offense results in the altering, damaging, destruction, or obtaining of property or services with a value of at least $500.00 but less than $75,000.00.

b. A person is guilty of a crime of the fourth degree if he purposely or knowingly accesses and recklessly alters, damages, destroys or obtains any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network with a value of at least $500.00 but less than $75,000.00.

C. 2C:20-28 4th degree crime; disorderly persons offense.

7. (New section) a. Theft under section 4 of this act constitutes a crime of the fourth degree if the offense results in the altering, damaging, destruction or obtaining of property or services with a value of more than $200.00 but less than $500.00.

b. A person is guilty of a disorderly persons offense if he purposely or knowingly accesses and recklessly alters, damages, destroys or obtains any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network with a value of more than $200.00 but less than $500.00.

C. 2C:20-29 Disorderly, petty disorderly persons offenses.

8. (New section) a. Theft under section 4 of this act constitutes a disorderly persons offense when the offense results in the altering, damaging, destruction or obtaining of property or services with a value of $200.00 or less.

b. A person is guilty of a petty disorderly persons offense if he purposely or knowingly accesses and recklessly alters, damages, destroys or obtains any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network with a value of $200.00 or less.

C. 2C:20-30 Alteration of data.

9. (New section) A person is guilty of a crime of the third degree if he purposely and without authorization accesses, alters, damages or destroys a computer system or any of its parts, where the accessing and altering cannot be assessed a monetary value or loss.

C. 2C:20-31 Disclosure of data.

10. (New section) A person is guilty of a crime of the third degree if he purposely and without authorization accesses a computer system or any of its parts and directly or indirectly discloses or causes to be disclosed data, data base, computer software or computer programs, where the accessing and disclosing cannot be assessed a monetary value or loss.

C. 2C:20-32 Access alone.

11. (New section) A person is guilty of a disorderly persons offense if he purposely and without authorization accesses a computer or any of its parts and this action does not result in the altering, damaging or destruction of any property or services.

C. 2C:20-33 Copying, altering software.

12. (New section) The copying or altering of a computer program or computer software shall not constitute theft for the purposes of chapters 20 and 21 of Title 2C of the New Jersey Statutes or any offense under this act, if the computer program or computer software is of a retail value of $1,000.00 or less and is not copied for resale.

C. 2C:20-34 Situs of offense.

13. (New section) For the purpose of prosecution under this act, the situs of an offense of theft shall be the location of the computer which is accessed, or where the terminal used in the offense is situated, or where the actual damage occurs.

14. This act shall take effect on the 120th day after enactment, but shall remain inoperative until the enactment into law of Assembly Committee Substitute for Assembly Bill No. 245 of 1984.

Approved November 14, 1984.

CHAPTER 185

AN ACT concerning informed consent for certain medical procedures and supplementing chapter 9 of Title 45 of the Revised Statutes.

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

C. 45:9-22.2 Patient consent.

1. Before a physician operates on a patient for a tumor of the breast, the physician shall obtain written consent from the patient or the patient's authorized representative on a form which allows the patient: a. to give consent only for a biopsy; b. to give consent to perform any necessary operation or procedure, including breast removal, if it is determined that the patient has a malignant tumor in his or her breast or other breast abnormality; or c. to give

consent for both a biopsy and an additional operation or procedure, if necessary.

C. 45:9-22.3 Noncompliance.

2. A physician who fails to comply with this act is liable for action by the State Board of Medical Examiners pursuant to R. S. 45:9–1 et seq.

3. This act shall take effect immediately.

Approved November 14, 1984.

CHAPTER 186

AN ACT concerning civil service and amending R. S. 11:22–2.

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:

Unclassified service.

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 six months or less in any one 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 created 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 commissions in counties of the second class, appointed under the provisions of R. S. 40:37–96 to R. S. 40:37–174;

j. The superintendent of a county hospital for persons suffering from communicable diseases, appointed under the provisions of R. S. 30:9–61 and R. S. 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 departments 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 300,000 inhabitants;

t. The following positions in school districts which have been reorganized pursuant to P. L. 1975, c. 169 (C. 18A:17–1 et seq.):

Executive director of board affairs;
Executive director of personnel;
Executive director of the budget;
Executive director of purchasing;
Executive director of physical facilities;
Executive director of data processing;
Executive director of financial affairs;
Executive controller;
Executive director of internal audit; and
Public information officer;

u. One confidential secretary for each member of the board of freeholders of any county which has not adopted the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40A:41A–1 et seq.); provided, however, that this subsection shall not be construed so as to authorize a board of chosen freeholders to increase the number of secretaries attached to such board of chosen freeholders upon the effective date of this amendatory act;

v. The following positions in local housing authorities:

Executive director;
Assistant executive director;
Personnel officer;
Director of staff operations;
Director of administration;
Director of redevelopment; and
Urban initiatives coordinator;

w. Those management and executive positions in county hospitals in counties of the first class having less than 850,000 but more than 800,000 inhabitants, which have been designated pursuant to a management plan which has met the approval of the hospital board of managers, the governing body of the county, and the Commissioner of Health; and

x. 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.

2. This act shall take effect immediately.

Approved November 15, 1984.

CHAPTER 187

AN ACT concerning arbitration proceedings and amending N. J. S. 2A:24–6.

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

1. N. J. S. 2A:24–6 is amended to read as follows:

Subpena power of arbitrators.

2A:24–6. When more than one arbitrator is agreed upon, all the arbitrators shall sit at the hearing of the case, unless by written consent, all parties agree to a lesser number.

The arbitrator so sitting or an attorney of record in the arbitration proceeding may require the attendance of any person as a witness and, in a proper case, to bring with him any book or written instrument. The fees for the attendance shall be those allowed witnesses in a civil action in the Superior Court.

An arbitrator, or where more than one arbitrator is sitting, a majority of them, or an attorney of record in the arbitration proceeding, may issue a subpena. The subpena shall issue in the name of the arbitrator. The subpena shall be signed by an arbitrator, or a majority of them, or an attorney of record, as the case may be. The subpena shall be directed to the person therein named and served in the same manner as a subpena to testify before the Superior Court. If any person so subpenaed to testify shall refuse or neglect to obey such subpena, the court, upon motion, may compel his attendance before the arbitrator or punish him for contempt in the manner provided for the attendance of witnesses or their punishment in the Superior Court.

2. This act shall take effect immediately.

Approved November 15, 1984.

CHAPTER 188

AN ACT concerning county boards of taxation and amending R. S. 54:3-2.

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

1. R. S. 54:3-2 is amended to read as follows:

Taxation board members.

54:3-2. Each board shall, as heretofore, be known as the ..... county board of taxation, and be composed of three members, except as hereinafter provided, to be appointed by the Governor, by and with the advice and consent of the Senate. Each member shall be a resident and citizen of the county in and for which he is appointed. Members shall be chosen because of their special qualifications, knowledge and experience in matters concerning the valuation and taxation of property, particularly of real property. At no time shall more than two of the members belong to the same political party. In counties of the first class there shall be five members of whom no more than three shall belong to the same political party. Each member shall, within 24 months of appointment, unless the member shall have served as a member of the county board of taxation continuously for at least 10 years prior to the effective date of P. L. 1981, c. 516, was reappointed to a five-year term prior to that date, and is currently serving that term, furnish proof that he has received certificates indicating satisfactory completion of training courses designated in section 4 of P. L. 1967, c. 44 (C. 54:1-35.28) or that he possesses an assessor's certificate issued pursuant to P. L. 1967, c. 44, as supplemented. Each member serving on the effective date of P. L. 1979, c. 499, unless the member shall have served as a member continuously for at least 10 years prior to the effective date of P. L. 1981, c. 516, was reappointed to a five-year term prior to that date, and is currently serving that term, shall furnish such proof within 30 months of such effective date, if 30 months or more of his term are remaining thereafter.

If any member so required does not furnish such proof within said 24-month period, or 30-month period for any member serving on the effective date of P. L. 1979, c. 499, the county tax administrator shall immediately notify the president of the county

board of taxation and the Director of the Division of Taxation. The director shall upon the receipt of such notification declare the position to be vacant, and shall notify the Governor of the existence of such vacancy. The Governor shall thereupon appoint, with the advice and consent of the Senate, a different citizen and resident of the relevant county to fill such position for the unexpired term.

2. This act shall take effect immediately.

Approved November 15, 1984.

CHAPTER 189

AN ACT establishing the Minority Faculty Advancement Loan and Loan Redemption Program and supplementing chapter 72 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:72F-1 Short title.

1. This act shall be known and may be cited as the "Minority Faculty Advancement Loan and Loan Redemption Program Act."

C. 18A:72F-2 Findings, declarations.

2. The Legislature finds and declares that:

a. Within the State colleges minority faculty members with doctoral degrees in certain academic disciplines, notably the physical and life sciences, engineering, mathematics, management, computer science, environmental sciences, and statistics, are underrepresented in comparison to nonminority faculty members with doctorates.

b. There is in the United States a serious shortage of minority doctoral degree graduates in the academic disciplines cited above, from which the State colleges can recruit faculty members.

c. The State colleges in New Jersey currently face difficult problems in recruiting and retaining minority faculty members with doctoral degrees in the academic disciplines cited above.

d. With the support of the Department of Higher Education, Rutgers, The State University, and the State colleges have cooperated in implementing a pilot program, the Minority Advancement Program in Teaching and Research, whereby eligible State

college minority faculty members or other minorities admitted to the State university in a doctoral degree program in certain academic disciplines are provided grant, loan and other support opportunities to assist them in completing the academic degree requirements and to increase the pool of potential minority faculty members holding doctoral degrees.

C. 18A:72F-3 Definitions.

3. As used in this act:

a. "Eligible discipline" means an academic discipline in which minority individuals are underrepresented, as determined by the State Board of Higher Education.

b. "Faculty member" means any person employed full-time by a New Jersey State college, to perform primarily teaching, research, or administrative duties for 10 or more months per academic year.

c. "Minority" means any person who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities.

d. "Program" means the Minority Faculty Advancement Loan and Loan Redemption Program created pursuant to this act.

e. "State college" means any institution created pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

C. 18A:72F-4 Loan program.

4. There is established within the Department of Higher Education a Minority Faculty Advancement Loan and Loan Redemption Program for students at Rutgers, The State University, or the New Jersey Institute of Technology, or at a private college or university which agrees to participate in the program, who are enrolled in an eligible discipline in the Minority Advancement Program in Teaching and Research.

Eligible participants shall include:

a. State college faculty members who have been nominated by their institutions and granted up to a four year leave of absence in order to participate in the program. A nomination by a State college shall include a commitment to reemploy the nominee in the same or in an equivalent position at the college upon completion of the program; and

b. Individuals who otherwise qualify pursuant to procedures set forth by the Chancellor of Higher Education, but who are not State college faculty members, or who have not been nominated by a college.

C. 18A:72F-5 Application procedure.

5. Eligible program participants seeking loans to finance their education shall first apply for loans under the Guaranteed Student Loan Program. In the event that participants have borrowed the maximum permitted under the terms of this program or are otherwise ineligible, they may apply for direct loans in amounts not exceeding $10,000.00 per student annually, which loans may be renewed for up to a maximum of four academic years for a total loan indebtedness not exceeding $40,000.00 per student. Direct loans will be evidenced by promissory notes and may be secured pursuant to regulations and forms established by the Chancellor of Higher Education.

Direct loans shall not bear interest or finance charges during the time a student is enrolled as a full-time student in the program or is engaged in approved redemption service pursuant to this act. Direct loans shall become due and payable pursuant to section 8 of this act six months after graduation if no redemption contract is in effect, or six months after change to part-time student status, withdrawal from the program, or termination from full-time employment, either as a faculty member at a State college or other qualified employment.

C. 18A:72F-6 Loan redemption.

6. Direct loans obtained pursuant to section 5 of this act and federally guaranteed student loans, together with interest thereon, secured after admission to the Minority Advancement Program may be redeemed by program participants upon execution of a contract between the participant and the Department of Higher Education. The maximum loan redemption for program participants shall amount to cancellation of repayment for one-quarter of the eligible loan indebtedness in return for each full academic year of service as a faculty member in a State college, for total cancellation of loan indebtedness for up to, but not to exceed, a maximum of $40,000.00 per student. In no event shall faculty service for less than the full academic year of each period of service entitle the participant to any benefits under the loan redemption conditions of the program. Prior to the annual redemption of loan indebtedness, participants in the program shall submit proof of faculty service to the Department of Higher Education.

C. 18A:72F-7 Faculty service requirements.

7. Faculty service requirements for loan redemption purposes shall be satisfied at the State college which nominated the faculty

member to participate in the program, unless otherwise agreed by the State college president. Program participants not nominated by a State college may satisfy their faculty service requirements at any New Jersey State college; except that any faculty member participating in the program upon nomination by an institution of higher education within New Jersey other than a State college shall satisfy his faculty service requirements for loan redemption purposes at his nominating institution, unless otherwise agreed by the nominating institution's president. However, if the chancellor determines that no appropriate faculty positions are available in the State colleges, faculty service requirements may be satisfied at other public or private colleges or universities in New Jersey which are licensed by the Board of Higher Education, or at any other agency of State government.

C. 18A:72F-8 Nullification of contracts.

8. Program participants who have entered into redemption contracts with the Department of Higher Education may nullify their contracts by submitting written notification to the department and assuming full responsibility for repayment of principal and interest on the full amount of their direct loans or that portion of the loans which has not been redeemed by the State, in return for partial fulfillment of the contracts. The interest on the loans shall be at the prevailing rate established for the federal Guaranteed Student Loan Program at the time the loans were made. The participant seeking to nullify the contract shall be required to repay the loan or the unredeemed portion thereof in not more than 10 years following the termination of the contract minus the years of service already performed under the contract. Repayments of direct loans by participants who do not perform faculty service for redemption purposes may be used to provide future loans under the program, as determined by the chancellor.

C. 18A:72F-9 Nullification of service obligation.

9. In case of a program participant's death or total or permanent disability, the chancellor shall nullify the service obligation of the student, thereby terminating the student's obligation to repay the unpaid balance of the redeemable portion of the loan and the accrued interest thereon, or where continued enforcement of the contract may result in extreme hardship, the chancellor may nullify or suspend the service obligation of the student.

C. 18A:72F-10 Periodic evaluation.

10. The impact of the program on the representation of State college minority faculty members with doctoral degrees in the designated disciplines shall be evaluated periodically by the chancellor.

C. 18A:72F-11 Rules, regulations.

11. The chancellor shall promulgate such rules and regulations, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), as are necessary to carry out the purposes of this act.

C. 18A:72F-12 Funding.

12. Interest and investment income received by the Higher Education Assistance Authority on the loan reserve fund established pursuant to N. J. S. 18A:72–17, up to a maximum of $400,000.00 annually, shall be transferred to the Department of Higher Education for the program established by this act.

If the income of the authority is insufficient to fund the program in any fiscal year, the department shall include the balance of funds needed in its proposed budget for that year. In no event shall the total appropriation for the program exceed $400,000.00 in any one fiscal year.

13. This act shall take effect immediately.

Approved November 15, 1984.

CHAPTER 190

AN ACT concerning the rates of compensation of members of the North Jersey district water supply commission, and amending R. S. 58:5–4.

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

1. R. S. 58:5–4 is amended to read as follows:

Salaries of commissioners.

58:5–4. Each commissioner shall receive a salary at the rate of $1,500.00 per annum from the time of appointment until the execution of a contract for a water supply with any municipality, which

salary shall be accumulative and payable upon the execution of any such contract, and thereafter each commissioner shall receive a salary at the rate of $7,500.00 per annum, payable monthly, except the chairman of the commission, chosen as hereinafter provided, who shall receive a salary at the rate of $8,500.00 per annum. Such salaries shall be charged as an expense of the development and operation of any water supply contracted for hereunder.

2. This act shall take effect immediately.

Approved November 19, 1984.

CHAPTER 191

AN ACT concerning amended certificates of birth and supplementing chapter 8 of Title 26 of the Revised Statutes.

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

C. 26:8-40.12 Amended birth certificate.

1. The State registrar shall issue an amended certificate of birth to a person born in this State who undergoes sex reassignment surgery and requests an amended certificate of birth which shows the sex and name of the person as it has been changed.

a. The State registrar shall issue the amended certificate of birth upon receipt of (1) a certified copy of an order from a court of competent jurisdiction which indicates the name of the person has been changed and (2) a medical certificate from the person's licensed physician which indicates the sex of the person has been changed by surgical procedure.

b. The amended certificate of birth shall be of the same general type as the original certificate of birth.

c. When an amended certificate of birth is issued, the State registrar shall notify the appropriate local registrar of vital statistics, who shall enter the amended certificate in his local record and place his copy of the original certificate under seal.

d. The State registrar shall place the original certificate of birth and all papers pertaining to the amended certificate of birth under seal. The seal shall not be broken except by order of a court of competent jurisdiction.

Thereafter, whenever a certified copy of the certificate of birth is prepared, it shall be made from the amended certificate of birth, except when an order of a court of competent jurisdiction requires that a certified copy be made of the original certificate of birth.

e. The fee for issuing the amended certificate of birth is $6.00.

2. This act shall take effect immediately and shall apply to any person who has undergone sex reassignment surgery prior to or after the effective date of this act.

Approved November 19, 1984.

CHAPTER 192

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated by P. L. 1984, c. 58, the following sum is appropriated out of the General Fund for the following purposes:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

43 Environmental Quality—State Aid

07-4850 Water Monitoring and Planning $163,800

State Aid:
Lake Restoration Project,
Lake Etra ..... ($163,800)

2. This act shall take effect immediately.

Approved November 21, 1984.

CHAPTER 193

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-4050	Public Broadcasting Services	$875,000
	Total Appropriation, Cultural and Intellectual Development Services	$875,000
	Services Other Than Personal	($117,000)
	Maintenance and Fixed Charges	(110,000)
	Special Purpose:	
	Programming	(548,000)
	Additions, Improvements and Equipment	(100,000)

2. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved November 21, 1984.

CHAPTER 194

AN ACT concerning the hawking, peddling and vending of goods, wares and merchandise and the soliciting of trade, and amending sections 45:24–9, 45:24–10 and 45:24–13 of the Revised Statutes.

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

1. R. S. 45:24–9 is amended to read as follows:

Authorized peddlers.

45:24–9. The following persons shall have the right to hawk, peddle and vend any goods, wares or merchandise or solicit trade within this State, by procuring a license for that purpose to be issued in the manner and under the conditions hereinafter in this article prescribed, except, however, the aforesaid right to hawk, peddle and vend any goods, wares or merchandise or solicit trade shall not extend to or include any public beach or public boardwalk:

a. Every person who has been honorably discharged from the active military service of the United States, who is a resident of this State.

b. Every exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district in this State, who holds an exemption certificate issued to him as an exempt member of any such department, company or corps, and who is a resident of this State.

Hawking, peddling and vending hereafter may be regulated by municipal ordinance on public streets and highways.

2. R. S. 45:24–10 is amended to read as follows:

Licensure.

45:24–10. In the case of an exempt fireman, on the presentation to the clerk of the county in which such person may be or resides of such certificate of exemption, the clerk shall issue without cost to such exempt fireman a license certifying him to be entitled to the benefits of this article.

In the case of a person who has been honorably discharged from the active military service of the United States, on the presentation to the clerk of the county in which such person resides of an application sworn to by said applicant together with a certificate of honorable discharge from the active military service of the United States, which application shall also set forth that the applicant has resided within the State for at least six months and in the county at least three months immediately preceding his application for license, the county clerk shall forward a copy of such application to the adjutant general of the State for permanent record. The adjutant general, upon receipt of such copy, shall notify the county clerk whether or not such applicant has theretofore been a licensee and whether or not such license has been canceled. If the applicant has not previously held a license, or if it has been more than one year since the cancellation of the license previously held by the applicant, the county clerk shall issue to the applicant a license entitling him to the benefits of this article; except that the clerk may deny the application where the provisions of P. L. 1968, c. 282 (C. 2A:168A–1 et seq.) or P. L. 1974, c. 161 (C. 2A:168A–4 et seq.) are applicable.

3. R. S. 45:24–13 is amended to read as follows:

Order of cancellation.

45:24–13. Any judge of the municipal court, after due notice and a hearing, shall have power to order the cancellation of any license issued under the authority of subsection a. of R. S. 45:24–9 if: a. the license has been sold or transferred by the original licensee; b. during the term of the license, the licensee has been convicted of a crime and this conviction relates adversely to the activity for which the license was granted; or c. during the term of the license, the licensee has been found guilty of violating a municipal ordinance and this violation relates adversely to the activity for which the license was granted. The judge of the municipal court shall mail the order of cancellation to the county clerk in whose county the license was granted and thereupon the county clerk shall cancel the same of record and file the order of cancellation in his office and send notice of such cancellation to the office of the adjutant general. Application for a new license may be made at any time after the expiration of one year from the date of the cancellation. Any licensee holding a license issued under the authority of subsection a. of R. S. 45:24–9 who shall sell or transfer such license shall be guilty of a crime of the fourth degree and punished accordingly. A "transfer" has oc-

curred under this section if the original licensee knowingly permits someone other than himself to use the license to engage in the activity for which the license was granted.

4. This act shall take effect immediately.

Approved November 27, 1984.

CHAPTER 195

AN ACT concerning the discontinuance of county roads, and amending R. S. 27:16–28.

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

1. R. S. 27:16–28 is amended to read as follows:

Discontinuance of county roads.

27:16–28. Any road or portion thereof owned by any county or under the control of any county governing body may be (a) discontinued as a county road and returned to the jurisdiction and control of the municipality wherein the same is situated; or (b) vacated and abandoned as a public highway, in manner following:

a. Any road or portion thereof owned by any county or under the control of any county governing body may be discontinued as a county road by an ordinance or resolution, as appropriate, passed by the affirmative vote of a majority of all of the members of the governing body, which ordinance or resolution shall describe the road or portion thereof so sought to be discontinued as a county road sufficiently to clearly identify the same, and shall declare that the road or portion of road therein described shall be discontinued as a county road, and that the county shall and does relinquish all jurisdiction over and responsibility for the construction, reconstruction, repair and maintenance thereof. The clerk of the board of chosen freeholders, upon the passage of such an ordinance or resolution, shall prepare a certified copy thereof, and shall cause such certified copy to be served upon the municipal clerk of each municipality in which the road or portion thereof sought to be discontinued as a county road shall lie. Such certified copy shall be served within 10 days from the date of passage. The municipality may adopt an ordinance

New Jersey State Library

stating its acceptance of jurisdiction for the road or portion of the road. At the expiration of the period of 10 days from the final adoption of the municipal ordinance, the road or portion of road therein described shall cease to be a county road, and from thenceforward jurisdiction over the road or portion of road shall vest in and the responsibility for the construction, reconstruction, repair and maintenance of the road or portion of road shall devolve upon the governing body, as the case may be, of the municipality wherein the road or portion of road shall lie. The clerk of the board shall forthwith file a certified copy of the county ordinance or resolution in the office of the county clerk and the latter shall record and index the same in the road records of his office.

b. Any road or portion thereof owned by any county or under the control of any county governing body may be vacated and abandoned as a public highway by any county governing body, in the manner following: The governing body of any county, by the affirmative vote of the majority of all the members thereof, may pass an ordinance or resolution, as appropriate, describing the road or portion thereof intended to be vacated and abandoned, sufficiently to clearly identify and locate the same, and declaring it to be the intention of the county to vacate and abandon the road or portion thereof as a public highway, and fixing the time and place not less than three weeks nor more than six weeks thereafter, when and where the board shall meet for final consideration and action upon the ordinance or resolution, and when and where all persons interested therein may appear and be given an opportunity to be heard. Within three days of passage, the clerk of the board of freeholders shall cause said ordinance or resolution to be advertised verbatim in a newspaper published and circulating within the limits of the county, which publication shall be inserted once in each week for three weeks consecutively before the day of the meeting. And if, after the public hearing held at the time and place specified in the ordinance or resolution, the county governing body, by a vote of the majority of all of the members thereof, shall again adopt such ordinance or resolution, the road or portion thereof shall from thenceforth be deemed to be vacated and abandoned, and shall cease to be a public road or highway, and title to the land which theretofore was lying within the area of the side lines or legal right of way of the road, shall revert to and vest in the respective owners of the legal title thereto, free and clear of any easement or right of way thereover

or thereupon in favor of the public. The clerk of the board shall forthwith file a certified copy of the ordinance or resolution in the office of the county clerk and the latter shall record and index the same in the road records of his office.

2. This act shall take effect immediately.

Approved November 27, 1984.

CHAPTER 196

AN ACT concerning municipal industrial commissions, amending R. S. 40:55B–5, R. S. 40:55B–6 and R. S. 40:55B–10 and supplementing chapter 55B of Title 40 of the Revised Statutes.

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

1. R. S. 40:55B–5 is amended to read as follows:

Municipal industrial commissions.

40:55B–5. The members of each commission shall be appointed by the governing body of the municipality of its creation. Each member shall be, for the last five years preceding his appointment, a citizen of the United States and a qualified voter of the State of New Jersey. One member shall be appointed for one year, one member for two years, one member for three years, two members for four years and two members for five years. At the expiration of each of the above terms, the new member or members shall be appointed for a term of five years. Vacancies in the membership of any commission, occurring for whatever cause, shall be promptly filled by appointment by the governing body for the unexpired term thereof. Members shall serve for their respective terms and until their successors are appointed and qualify. No more than four members shall be from the same political party.

Each member shall be chosen with a special view to his qualifications and fitness for service on the commission. He shall have had experience in industry or commerce and shall be conversant with the industrial needs and facilities of his commission's municipality, and shall be of known devotion to public service.

A member of the governing body of the municipality shall not be appointed as a member of the commission.

There shall be appointed upon said commission, unless local conditions shall otherwise require, one representative of industry or commerce; a representative of labor; a representative of the clearinghouse of banks of said municipality; a representative of the chamber of commerce; a representative of the service clubs of such municipality; a representative of the legal profession; and a representative of a recognized real estate dealers' association.

No member, officer or employee of any commission shall be interested directly or indirectly in any contracts for work or materials used by the commission, or in any sales, leases or agreements in connection with lands, buildings or other property owned or controlled by it, or in any fees or compensation of any kind paid to any broker, architect, engineer, merchant or other person doing business with the commission or in any other transaction of or with the commission, or the benefits or profits thereof.

Each member and officer of the commission shall, before assuming office, take and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

The members and officers of the commission shall serve without compensation, but each shall receive his actual disbursements for his expenses in performing his duties.

The members of the commission shall choose annually from among its members a chairman or president, and such other officers as it may deem necessary. The mayor of the municipality served by the commission shall be ex officio a member thereof, but he shall not have voting privileges.

A majority of the members shall constitute a quorum of the board.

The members and officers may be required to furnish bonds to the commission, to secure the faithful discharge of their duties, in form, amount and with such surety as may from time to time be required by resolution of the governing body of the municipality served by the commission.

2. R. S. 40:55B–6 is amended to read as follows:

Employees.

40:55B–6. Insofar as may be practicable, the employees and assistants required by the commission shall be recruited from the public officers and employees of the municipality served by the commission. The municipal counsel shall be the counsel to the

commission; the municipal engineer shall be the engineer of the commission; and the several departments of the municipal government shall be available to the commission for the purposes of the commission's business. Municipal employees serving the commission shall do so without compensation other than their regular compensation as employees of the municipality. The commission shall, from time to time, make known to the mayor of the municipality served by it, its wants in the nature of services by employees of the municipality, and the mayor shall designate which of the municipality's employees, if any, shall render such services.

To the extent that the commission shall deem it necessary to carry on its functions, and to the extent that it shall consider the services of existing employees of the municipality insufficient for its purposes, it may employ such additional employees or services and at such compensation as may be approved by resolution of the governing body of the municipality. Its requirements in this direction shall be submitted from time to time in writing to such governing body.

The civil service laws, rules and regulations of the State, applicable to the municipality served by the commission, shall govern the appointment of employees of the commission. Such laws, rules and regulations shall not be deemed to prevent the use of services of existing employees, without extra compensation therefor, nor shall the use of such services operate to enlarge the civil service rights or the status of the municipal employee rendering the same.

The commission shall have and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection during reasonable business hours of the commission. If practicable, existing office facilities of the municipality served by the commission shall be used without charge by the municipality, and the office and similar equipment of the municipality shall, wherever possible, be used by and be made available for the use of the commission, without charge.

3. R. S. 40:55B–10 is amended to read as follows:

Powers; limitations.

40:55B–10. No commission created under the authority of this chapter shall have any power of condemnation or eminent domain.

No commission created under the authority of this chapter shall have power to pledge the credit of the municipality by which it is created, or of any other municipality, or of the State of New Jersey,

or to create any debt against or in any manner act as the agent of such municipality, or of the State of New Jersey.

Such commission shall have power and authority to make an economic survey, analyzing the present and potential possibilities of the municipality, with a view to ascertaining its industrial needs, determining its resources for efficient manufacture and exploring its probable sphere in the future development of the State and nation. In carrying out such a survey, the commission shall study the needs of existing local industries so that means may be evolved to enable them to compete more successfully with competitors in other states; and more particularly how they might successfully round out and enlarge the products manufactured within the municipality with a view to diversifying local industry and stabilizing employment conditions. The commission may make any investigation deemed necessary to enable it effectually to carry out the provisions of this chapter and for that purpose the commission may take and hear proofs and testimony and compel the attendance of witnesses and the production of books, papers, records and documents, including public records, and its authorized agents may enter upon any lands as in its judgment may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by this chapter.

Each commission shall make an annual report to the governing body of the municipality by which it has been created, setting forth in detail its operations and transactions for the preceding 12 months, and shall include therein its receipts and disbursements during that period. A copy of the report shall be filed in the office of the municipal clerk and be open to public inspection during the regular business hours of the clerk's office.

Nothing in this chapter provided and no authority given to or exercised by any commission created under this chapter shall impair or invalidate in any way any funded indebtedness of the municipality by which it has been created, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

The creation of a commission by a municipality shall not be deemed to limit in any manner the municipality's right to deal with its vacant lands, or to sell or lease the same, independently of such commission, as heretofore, but the powers conferred upon such

municipality and commission by this chapter shall be in addition to any rights or powers now possessed by such municipality with reference to its vacant lands or other properties.

The governing body of such municipality creating a commission under this chapter may appropriate annually, during the life of its commission, such sums as may be reasonably necessary to conduct the normal operations of the commission, but no moneys so appropriated shall be used by a commission for the construction of any building or to finance such construction. The commission shall annually present to the chief financial officer of the municipality its budget for operations for the ensuing year, reflecting therein all unexpended balances on hand from previous appropriations received from the municipality, at the same time and in the same manner and form as is required by several departments of the municipality's government, and the budget so submitted shall be acted upon as in the case of the budgets of such several municipal departments, and, being so acted upon, shall be made a part of the municipality's budget. A copy of the proposed budget shall be filed in the commission's office and be open to public inspection during the regular business hours of the commission's office. Each commission shall keep and maintain at its office complete and accurate records of its accounts, and separate accounts shall be kept for its normal functions, which shall be open to public inspection during the regular business hours of the commission's office. No commission shall exceed its budget, and moneys received from the municipality by which it has been created shall be expended only for the purposes for which they have been appropriated.

C. 40:55B-8.1 Mayoral veto.

4. (New section) Notice of any contract for the sale, lease, option to purchase or lease, or other transfer of real property or any interest therein proposed by the commission shall be submitted to the mayor of the municipality, whereupon such proposed commission action shall be subject to the mayor's veto. The mayor shall exercise the veto power over this proposed action by a written veto to the commission. The mayor shall have 10 days, Saturdays, Sundays and holidays excepted, after receiving notice of the action to exercise the veto power. The mayor's veto power shall be exercised in accordance with the following guidelines: a. the action conforms to the master plan of the community; b. the action is environmentally compatible with the community; c. the action complies with the zoning of the industrial area; and d. the project

complies with the policies and procedures established by the governing body in cooperation with the commisson. If a mayoral veto is exercised during the specified time period, the action of the commission shall be considered null and void. If no veto is exercised during the specified time period, the action of the commission shall be considered valid. The mayor, upon receiving notice of the action, may in writing notify the commission of the approval of the action before the expiration of the 10-day period.

C. 40:55B-8.2 Restrictions, conditions.

5. (New section) The commission may, as to any real property sold or leased by it, impose restrictions or conditions as to the use of the real property or the construction, demolition, repair, alteration or reconstruction of buildings or structures and the time of their commencement and completion. All restrictions and conditions shall be related to a lawful purpose and shall not be inconsistent with or impose a special or higher standard than any zoning or planning ordinance then in effect in the municipality or under the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.).

6. This act shall take effect immediately, and appoinments made after the effective date of this act shall be made as vacancies occur so as to restructure the membership of each municipal industrial commission in compliance with the provisions of this amendatory act.

Approved November 27, 1984.

CHAPTER 197

AN ACT concerning retirement benefits under the Public Employee's Retirement System of New Jersey, and supplementing P. L. 1954, c. 84 (C. 43:15A–1 et seq.).

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

C. 43:15A-50.1 Death prior to retirement approval.

1. Notwithstanding the provisions of section 50 of P. L. 1954, c. 84 (C. 43:15A–50) or any other law, rule or regulation to the contrary, a member with at least 50 years of service, who is over

70 years of age and who dies subsequent to filing and receipt by the retirement system of his application for retirement, but prior to approval by the board and prior to the 30 days required to establish eligibility for a retirement allowance pursuant to section 50 of P. L. 1954, c. 84 (C. 43:15A–50), shall be deemed to be retired, and the retirement allowance shall be effective as of the date of death. The retirement allowance shall be payable in accordance with the option elected by the member in the retirement application or, if no election has been made, the board shall make the election.

2. This act shall take effect immediately and shall be retroactive to filings for retirement received by the retirement system on or after August 24, 1984.

Approved November 27, 1984.

CHAPTER 198

AN ACT to authorize the establishment of the New Jersey Youth Corps in the Department of Community Affairs and prescribing the purposes and organization thereof.

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

C. 9:25-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Youth Corps Act."

C. 9:25-2 Findings, declarations.

2. a. The Legislature finds and declares:

(1) There persist in the State and especially in the urban communities of New Jersey, areas of economic decay and declining housing stock and human deprivation, marked by the progressive deterioration of housing and community facilities and installations of the economic infrastructure.

(2) The dearth of employment opportunities for young persons in these areas has chronically exceeded any life problems experienced in other areas and under current economic conditions, has reached catastrophic proportions, particularly with respect to minority youth.

(3) The persistence of these problems despite the fact that the very youth thus affected present a vast and largely untapped resource of talent, energy and zeal sufficient to make a significant contribution to the revitalization of our urban and urbanized areas, suggests the need and desirability of establishing some mechanism to recruit, organize and direct the boundless energy and vigorous idealism of youth, so as to match their hitherto neglected potential against the currently intractable problems of urban reconstruction.

b. Accordingly, it is the purpose of the Legislature in enacting this act to establish a New Jersey Youth Corps to recruit, train and employ young persons to supplement and assist in preserving, conserving and enhancing those assets that are necessary to a sound and flourishing community life and are currently threatened by ongoing forces of urban decay.

c. Specifically, but without limiting the generality of the foregoing, it is the intent of the Legislature that the New Jersey Youth Corps would be employed in such projects as the rehabilitation of substandard housing; the repair, restoration and maintenance of public facilities and amenities; assisting in the organization and delivery of educational and health services and other social services required by various segments of urban populations.

d. It is the further intent of the Legislature that the New Jersey Youth Corps, in recruiting young persons for service therein, should aim primarily at providing socially worthwhile and reasonably remunerative employment to urban youth to whom these opportunities might not otherwise be available.

e. It is further intended by the Legislature that the proposed New Jersey Youth Corps be operated in a businesslike manner, with due regard to the true cost-effectiveness of such projects as it may engage in; that its activities be coordinated with apprenticeship or other youth-oriented programs as may be concurrently conducted by State government, and that adequate departmental cooperation and liaison be established to secure that coordination; and that its resources not be in any way employed in unfair price or wage competition with business or individuals. Nothing in this act shall be construed as giving the administrator any authority by virtue of which the Youth Corps or any member or subdivision thereof may compete for any project on which an incorporated business or recognized labor union has expressed intention to bid.

C. 9:25-3 Definitions.

3. For the purposes of this act:

a. "Corps" means the New Jersey Youth Corps created by section 4 of this act.

b. "Administrator" means the Commissioner of the Department of Community Affairs or any community service project sponsor under an agreement pursuant to section 5 of this act.

c. " Community service project" means any undertaking designed to provide, or assist in providing, services to promote public health, education and welfare among the general population or segments thereof having identifiable needs or deficiencies in those areas. The term includes, without limiting the generality of the foregoing, projects for the rehabilitation of substandard housing; the repair, restoration and maintenance of public facilities and amenities; assisting in the organization and delivery of educational and health services and other social services required by various segments of urban populations.

d. "Eligible youth" means any person who (1) is between such ages as may be specified by rule or regulation adopted pursuant to section 9 of this act, but in any event is not less than 16 nor more than 25 years of age, (2) is in compliance with section 6 of this act, and who (3) is unable, through lack of employable skills or unavailability of job opportunities appropriate to the nature or level of his skills, to obtain socially worthwhile and reasonably remunerative employment in or near the municipality of his residence, or (4) possesses skills and interests peculiarly appropriate to a particular community service project or projects in which he is recruited to serve.

e. "Community service project sponsor" means any county, municipality or school district, or public or private non-profit corporation.

C. 9:25-4 Youth Corps created.

4. a. The Commissioner of the Department of Community Affairs is hereby authorized to create the New Jersey Youth Corps within the Department of Community Affairs. The function of the corps shall be to recruit, train and employ eligible youth in community service projects designated by the administrator, so as to accomplish the purposes set forth in section 2 of this act.

b. The commissioner or person administering the office of commissioner of that department shall be the administrator of the corps, and all personnel, budgetary and other administrative ser-

vices necessary or incidental to its proper functioning shall be provided by and through that department.

c. The administrator may enter into agreements with the Department of Education or the Department of Labor, or with any public or private educational institution approved for the purpose and for the design, provision or supervision of educational, vocational training or apprenticeship programs necessary or expedient to the implementation of this act. Approval of any public or private educational institution for purposes of this subsection shall be, in all cases, by the Commissioner of Education and, in regard to programs involving job training, by the Commissioner of Labor.

d. The administrator may enter into agreements with recognized labor unions, or any member or representative thereof, for provision of supervisory services on any project, or of vocational training or apprenticeship programs, or, where appropriate, a combination of supervisory and training services in connection with any project, and may provide for just compensation for such services. The agreements shall be subject to approval by the Commissioner of Labor.

C. 9:25-5 Agreements with sponsors.

5. a. The Commissioner of Community Affairs is authorized to enter into agreements with sponsors of community service projects for the employment of the corps in these projects. The agreement may delegate to the sponsor the recruitment of eligible youth into the corps for employment in the project or provision for recruitment or their training or both. The sponsor may be required to contribute a portion of the cost. Any eligible youth employed or assigned pursuant to the provisions of this act shall be so employed or assigned without regard to the provisions of Title 11 of the Revised Statutes where otherwise applicable.

b. An agreement under subsection a. of this section shall set forth:

(1) A general description of each community service project designated.

(2) The number of corps members to be assigned to each project; a description of the nature and duration of their employment.

(3) The amount of funds required to sustain each project, distinguishing between the amounts required for corps members' stipends and the amounts required for other purposes.

(4) A statement of the amount and purpose of State funds to be contributed toward the expenses set forth in paragraph (3) above, and the manner and timing of their disbursement.

(5) A further description of projects or budgetary detail as the Commissioner of Community Affairs may require.

c. No disadvantaged youth shall be employed or assigned pursuant to the provisions of this act for a period in excess of 52 weeks unless the commissioner shall find, in the exercise of his discretion, that a longer period is required, if appropriate.

d. Each community service project sponsor shall submit to the commissioner, within 60 days of the termination of each community service project for which a grant has been received, a report on the accomplishments of the goals and objectives of the project and may be required to submit an audit of the project conducted by an independent certified public accountant, according to regulations specified by the commissioner.

e. It is lawful for the governing body of a municipality to appropriate funds of the municipality, or to receive and expend money or anything of value made available to it for the purpose from any public or private source, for the support of any activities or projects of the corps within the municipality, pursuant to delegation of administrative authority under this section.

C. 9:25-6 Eligibility.

6. In order to be eligible for enrollment in the corps, and for continued membership therein:

a. A person who has not satisfactorily completed the course of instruction prescribed for graduation from a public high school of this State, or the equivalent, shall agree to enroll in, and shall pursue, such further educational program as the administrator shall approve;

b. A person whom the administrator shall determine to be deficient in job skills, or to have aptitude for those skills requiring special training for its development, shall agree to enroll in, and shall pursue, a course of training approved by the administrator, whether that course of training be provided by or through the corps, or by any other public or private agency or institution approved by the administrator for the purpose.

c. Persons shall be deemed by the administrator or his designee to have such skills, character and initiative, or the potential to develop same, as will benefit the corps.

C. 9:25-7 Stipends.

7. a. Members of the corps while engaged in community service projects shall receive reasonably remunerative stipends, to be determined in accordance with guidelines promulgated by the Commissioner of Community Affairs.

b. Guidelines established for this purpose shall take into account:

(1) The necessity of offering sufficient inducement for participation in the corps by those persons whose enrollment will conduce to a realization of the aims and purposes set forth in section 2 of this act;

(2) The requirements, expressed in subsection e. of section 2 of this act, as to efficient operation and avoidance of unfair price and wage competition.

C. 9:25-8 Advisory board.

8. The Commissioner of Community Affairs shall establish an advisory board to assist him in the formulation of policy and regulations incident to carrying out the terms and purposes of this act. The board shall consist of the Commissioners of Community Affairs, Education, and Labor, ex officio, and of at least five additional members, including at least one from each of the following categories: (1) mayors of urban municipalities, (2) persons of recognized leadership in volunteer civic service and community organizations, (3) representatives of organized labor, (4) educators and specialists in vocational training and counseling, and (5) business leaders in the State of New Jersey.

C. 9:25-9 Rules, regulations.

9. The Commissioner of Community Affairs is authorized to adopt, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), the rules and regulations necessary to carry this act into effect, and to enter into any agreements authorized under this act for that purpose.

C. 9:25-10 Expenditures authorized.

10. The Commissioner of Community Affairs is authorized to expend such sums from the existing administrative and discretionary grant or aid accounts of the department and related agencies as he may deem required to establish and maintain the Volunteer Youth Corps.

C. 9:25-11 $1,500,000 appropriated.

11. The Commissioner of Community Affairs is authorized to receive and expend for the purpose of stipends or other expenses of the corps those sums as may from time to time be appropriated for those purposes by the Legislature or otherwise made available out of State funds, grants from the federal government or any of its agencies, or from any private or public source; but an amount not to exceed 10% of the aggregate of these sums may be utilized for administration of the program, subject to such constraints as

may be imposed on particular funds by their source. For fiscal year 1985, there is appropriated $1,500,000.00 to enable the planning and initiation of the New Jersey Youth Corps Program. Unexpended funds may be carried over from one fiscal year to the next fiscal year.

12. This act shall take effect immediately.

Approved November 27, 1984.

CHAPTER 199

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, the following sum is appropriated out of the General Fund for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030	Local Government Services	$30,000
State Aid:		
	Special Assistance to Fair Lawn (	$30,000)

2. The monies made available by this appropriation shall be used by Fair Lawn solely for the purpose of relocating historic Cadmus House, an early 18th century stone house included in the New Jersey Register of Historic Places, for the purpose of historic preservation.

3. This act shall take effect immediately.

Approved November 28, 1984.

CHAPTER 200

AN ACT concerning the alternate benefit program and amending and supplementing P. L. 1969, c. 242.

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

1. Section 4 of P. L. 1969, c. 242 (C. 18A:66–170) is amended to read as follows:

C. 18A:66-170 Alternate benefit program.

4. All full-time officers and all full-time members of the faculty of the University of Medicine and Dentistry of New Jersey, Rutgers, The State University, the Newark College of Engineering, the State and county colleges and all regularly appointed teaching and administrative staff members in applicable positions, as determined by the Board of Higher Education, shall be eligible and shall participate in the alternate benefit program, except those persons appointed in a part-time or temporary capacity, physicians and dentists holding employment in positions titled intern, resident or fellow on or after the effective date of this amendatory act, persons compensated on a fee basis, persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan, who did not elect to transfer to the alternate benefit program in accordance with the provisions of chapter 64C or 65 of Title 18A of the New Jersey Statutes, P. L. 1967, c. 278 (C. 18A:66–130 et seq.), or c. 281 (C. 18A:66–142 et seq.), or P. L. 1968, c. 181 (C. 18A:66–154 et seq.). An eligible person who has been enrolled in the alternate benefit program for at least one year pursuant to this section may continue to be enrolled in the program, notwithstanding promotion or transfer to a position within the institution not otherwise eligible for the program.

Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund, the Public Employees' Retirement

System, the Police and Firemen's Retirement System or the Group Annuity Plan as a member of said fund, system or plan, except as herein and otherwise provided by law or under terms of the Group Annuity Plan.

Any person required to participate in the alternate benefit program by reason of employment, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Division of Pensions within 30 days of the beginning date of employment.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

No person eligible for participation in the alternate benefit program shall be eligible for, or receive, benefits under chapters 4 and 8B of Title 43 of the Revised Statutes.

The alternate benefit programs established pursuant to this act are deemed to be pension funds or retirement systems for purposes of P. L. 1968, c. 23 (C. 43:3C–1 et seq.).

2. Section 8 of P. L. 1969, c. 242 (C. 18A:66–174) is amended to read as follows:

C. 18A:66-174 Employee, employer contributions.

8. (a) The University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the Newark College of Engineering shall deduct from or, with the consent of the participant, reduce the compensation of each participant in the alternate benefit program and pay over to the insurer or insurers for the benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's base salary. The intervals for deductions or reductions and payments shall be determined by the respective school governing bodies.

The Division of Pensions shall deduct from or, with the consent of the participant, provide for reductions from the compensation of each participant in the alternate benefit program employed by the Department of Higher Education, the State and county colleges of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions or reductions and payments shall be determined by the Division of Pensions.

(b) Based on a certification to the Division of Pensions by the University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the Newark College of Engineering of the number and base salary of participants, the division shall authorize the State to make payment of the employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

Based on a certification by the Division of Pensions of the number and base salary of participants employed by the Department of Higher Education, the State and county colleges, the State shall make payment of the employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

(c) For the member of the Public Employees' Retirement System employed by the county colleges, who is defined in the regulations of the Board of Higher Education as a full-time faculty member and who is permitted to transfer his membership or continue membership in that State program, as the case may be, the State shall pay the employer contribution to the retirement system on his behalf and such employer contribution shall be at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System.

(d) For any nonacademic employee of a county college, as defined in section 4 of P. L. 1969, c. 242 (C. 18A:66–170), who is eligible for the program according to the regulations of the Board of Higher Education, the county college shall pay the employer contribution to the retirement system on the employee's behalf in the same manner as the State, pursuant to this section.

C. 18A:66-170.2 Original enrollment date.

3. (New section) Any employee enrolled in the alternate benefit program who is subsequently deemed to be eligible for enrollment by the Board of Higher Education pursuant to this act is permitted to continue his participation in the program from the date of his original enrollment.

4. This act shall take effect immediately.

Approved November 28, 1984.

CHAPTER 201

AN ACT to amend the title of "An act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, and flower seeds and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing the "New Jersey State Seed Law," approved June 30, 1948 (P. L. 1948, c. 189)," so that the same shall read "An act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing the 'New Jersey State Seed Law,' " 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. 1963, c. 29 is amended to read as follows:

An act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing the "New Jersey State Seed Law."

C. 4:8-17.17a Registration of wholesalers.

2. (New section) a. No person shall engage in the business of a wholesale seedsman or seed conditioner unless the person is registered with the State Board of Agriculture in accordance with this section.

b. A person engaged in the business of a wholesale seedsman or seed conditioner shall register with the State board on January 1 of each year or prior to commencing operation in the business. Registration as a wholesale seedsman or seed conditioner shall expire on December 31. An application for registration shall be filed in a form and according to procedures determined by the Secretary of Agriculture. The application shall be accompanied by a nonrefundable application fee of $125.00. The State board shall approve or disapprove the application, in writing, no later than the 10th day after its receipt.

c. The State board may disapprove an application for registration filed under subsection b. of this section and revoke at any time a registration issued previously, if it determines that the applicant or registrant violated a provision of the New Jersey State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.). If the State board disapproves an application or revokes a registration, it shall provide the applicant or registrant, as the case may be, with a concise written statement of reasons therefor. The statement of reasons shall be transmitted to the applicant or registrant simultaneously with the notice of disapproval or revocation.

d. An applicant or registrant may file a notice of appeal of a disapproval or revocation with the Secretary of Agriculture no later than the 10th day after receipt of the notification of the disapproval or revocation. The secretary shall afford the applicant or registrant a hearing not later than the 10th day after receipt of the notice of appeal. The secretary shall recommend to the State board that it reverse or affirm the disapproval or revocation no later than the fifth day after the hearing, accompanying the recommendation with a concise written statement of the reasons therefor. A copy of the secretary's recommendation and reasons therefor, in writing, shall be transmitted simultaneously to the applicant or registrant. The State board shall notify the applicant or registrant of its decision to reject or uphold the appeal no later than the fifth day after its receipt of the secretary's recommendation.

C. 4:8-17.19a Farmers' exemption.

3. (New section) No provision of the New Jersey State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.) shall apply to seeds produced by a farmer on his own premises and sold by him directly to the consumer, provided the farmer is not engaged in the business of selling seeds not produced by him.

4. Section 1 of P. L. 1963, c. 29 (C. 4:8–17.13) is amended to read as follows:

C. 4:8-17.13 Definitions.

1. As used in this act:

(a) "State board" means the State Board of Agriculture.

(b) The term "State Seed Analyst" means the seed analyst of the New Jersey Department of Agriculture.

(c) The term "certifying agency" means:

(1) An agency authorized under the laws of a state, territory or possession to officially certify seed and which has procedures and standards approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or

(2) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies included under paragraph (1) of this subsection.

(d) The term "agricultural seeds" means and includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this State as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious weed seed when the State Seed Analyst determines that such seed is being used as agricultural seed.

(e) The term "vegetable seeds" means and includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetables or herbs in this State.

(f) The term "flower seeds" means and includes the seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this State.

(g) The term "kind" means one or more related species or subspecies which singly or collectively are known by one common name; for example, corn, oats, red clover and cabbage.

(h) The term "variety" means a subdivision of a kind, characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

(i) The term "mixture" means seeds consisting of more than one kind or variety present to the extent of 5% or more of the total weight of the mixture.

(j) The term "weed seeds" includes the seeds or bulblets of all plants generally recognized as weeds within this State and shall include noxious weed seeds.

(k) (1) "Prohibited noxious weed seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems and other reproductive parts, and which when well-established, are highly destructive and difficult to control in this State by ordinary good cultural practices.

(2) "Restricted noxious weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns or gardens of this State, but can be controlled by good cultural practices.

(l) The term "pure seed" means agricultural, vegetable or flower seeds exclusive of inert matter, weed seeds, and all other seeds distinguishable from the kinds or kinds and varieties being considered.

(m) The term "percentage of germination" means the percentage of seeds other than hard seeds capable of producing normal seedlings under favorable conditions (not including seeds which produce weak, malformed or abnormal seedlings).

(n) The term "percentage of hard seeds" means the percentage of seeds which are incapable of sprouting during the prescribed test period because their outer structures are impermeable to water.

(o) The term "labeling" includes all labels, and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed, whether in bulk or in containers and includes representations on invoices.

(p) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this act.

(q) The term "hybrid" means the first generation of a cross produced by controlling the pollination and by combining:

(1) Two or more inbred lines;

(2) One inbred or a single cross with an open-pollinated variety; or

(3) Two varieties or species, except open-pollinated varieties of corn (Zea mays). The second generation or subsequent generations from crosses shall not be regarded as hybrids.

Hybrid designations shall be treated as variety names.

(r) The term "origin" means the foreign country; state of the United States; possession of the United States, or designated portion thereof, where the seed is grown.

(s) The term "lot" means a definite quantity of seed which is identified by a lot number or other mark, and which has been so handled that each portion or container is representative of the whole quantity.

(t) The term "record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

(u) The term "treated" means that the seed has received an application of a substance or process designed to control or repel certain insects or disease organisms or other pests attacking such seed or seedlings grown therefrom, or has received some other treatment to improve its planting value.

(v) "Retail seedsman" means a person who is engaged in the sale in the ordinary course of business of agricultural, vegetable, flower, tree or shrub seed which is used for planting purposes and is not intended for resale.

(w) "Seed conditioner" means a person who conditions agricultural, vegetable, flower, tree or shrub seed for packaging in a container for sale in this State or whose name appears on a label on the seed container, which container is sold in this State by a wholesale or retail seedsman.

(x) "Shrub seed" means seed of woody plants commonly known and sold as shrub seed in this State.

(y) "Tree seed" means seed of woody plants commonly known and sold as tree seed in this State.

(z) "Tree collector's declaration" means a statement concerning tree and shrub seed, which sets forth the place of collection and giving, for a lot of seed, the lot number, the common or scientific name of the species, the origin, elevation, and quantity of the seed and, if appropriate, the subspecies and which contains the signature of a person who attests to that information.

(aa) "Wholesale seedsman" means a person who sells, offers for sale, exposes for sale or transports for sale to a retail seedsman, agriculture, vegetable, flower, tree or shrub seed used for planting purposes.

5. Section 2 of P. L. 1963, c. 29 (C. 4:8–17.14) is amended to read as follows:

C. 4:8-17.14 Cautionary labeling.

2. Each container of seed treated with a substance harmful to man or other animals shall bear thereon in a conspicuous place, a plainly written or printed label or tag in the English language, giving the information prescribed in (a), (b), (c) and (d) of

this section, which statement shall not be modified or denied in the labeling or on another label attached to the container (for which a separate label may be used). For bulk shipments such information shall be set forth in a conspicuous place on the bill of lading and invoice:

(a) A word or statement indicating that the seed has been treated;

(b) The commonly accepted, coined, chemical, or abbreviated chemical (generic) name of the applied substance;

(c) If the substance in the amount present with the seed is harmful to man or other animals, a cautionary statement such as "Do not use for food or feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement, and symbol classification of substances shall conform as nearly as practicable to the rules and regulations of the federal Seed Act; and

(d) If the seed is treated with an inoculant, the date the inoculant becomes ineffective.

6. Section 3 of P. L. 1963, c. 29 (C. 4:8–17.15) is amended to read as follows:

C. 4:8-17.15 Seed container labels.

3. Each container of agricultural, vegetable, flower, tree and shrub seeds which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached thereto or in a conspicuous place on the exterior of the container a plainly written or printed label or tag in the English language, in legible type or in script specifying:

(a) For all seeds:

(1) The name and address of the person who labeled said seed, or who sells, offers for sale, exposes for sale within this State.

(b) For agricultural seeds (except for lawn and turf seed as provided in (c)):

(1) Commonly accepted name, in the order of its predominance, of the kind or kind and variety, of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of each, provided that, if the variety of those kinds labeled as to variety in rules and regulations of this State or the federal government is not stated on the label, the label shall show the name of the kind and the words, "Variety Not Stated." Hybrids shall be labeled as hybrids. Where more than one component is required to be

named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Origin (state or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

(4) Percentage by weight of all weed seeds.

(5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seeds, if present.

(C) The calendar month and year the test was completed to determine such percentage.

Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

(9) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing it from the medium, mat, tape or device, the minimum number of seeds per square foot shall be indicated.

(c) For lawn and turf seed and mixtures of that seed:

(1) The commonly accepted name of the kind or kind and variety, or both, of each agricultural seed component in excess of 5% of the whole and the percentage by weight of pure seed of each.

(A) For mixtures, the word "mixed" or "mixture" shall be stated with the name of the mixture on the principal display panels; and

(B) For mixtures, all components shall be listed in the order of their predominance and in columnar form. Percentages shall be listed under headings "Pure Seed" and "Germination or Germ."

(2) Percentage by weight of all agricultural seed except those required to be named on the label and which shall be designated "crop seed." If the mixture contains no other crop seed, the following statement may be used on the label: "Contains No Other Crop Seeds."

(3) Percentage by weight of all weed seeds. Maximum weed seed content shall not exceed 1% by weight.

(4) Percentage by weight of inert matter shall not exceed 15% by weight. Foreign material not common to grass seed shall not be added.

(5) Lot number or other lot identification.

(6) Name and rate of occurrence per pound of each kind of restricted noxious weed seed present, listed under the heading "Noxious Weed Seeds."

(7) The percentage of germination, exclusive of hard seed; hard seed, if present, and the calendar month and year that the germination test was completed. If a single test date is used, it shall be that of the oldest tested component.

(8) Net weight.

(d) For vegetable seeds in containers of one pound or less:

(1) Name of kind and variety of seed.

(2) For seeds which germinate more than the standard last established by the rules and regulations under this act:

(A) The year for which packaged or put up, provided that the words "packed for" shall precede the year, or the percentage of germination and the month and year the test was completed to determine such percentage.

(3) For seeds which germinate less than the standard last established by the rules and regulations under this act:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "below standard" in not less than 8-point type.

(4) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing it, the label must bear a statement to indicate the minimum number of seeds in the container.

(5) Lot identification, such as by lot number or other means.

(6) For seeds without an established germination standard in the rules and regulations promulgated under the New Jersey State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.):

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present; and

(C) The calendar month and year the test was completed to determine the percentages.

(e) For vegetable seeds in containers of more than one pound:

(1) The name of each kind and variety present in excess of 5% and the percentage by weight of each.

(2) Lot number or other lot identification.

(3) For each named vegetable seed:

(A) The percentage of germination, exclusive of hard seed;

(B) The percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

(4) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(f) For flower seeds in containers intended for use in home gardens or household planting or in preplanted containers, mats, tapes, or other planting devices:

(1) For all kinds of flower seeds:

(A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this act;

(B) The calendar month and year seed was tested or the year for which the seed was packaged; and

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the rules and regulations of this act:

(A) The percentage of germination exclusive of hard seed; and

(B) The words "below standard" in not less than 8-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(4) For seeds without an established germination standard in the rules and regulations under the New Jersey Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.):

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present; and

(C) The calendar month and year the test was completed to determine the percentages.

(g) For flower seeds in containers other than those intended for use in home gardens or household planting, preplanted containers, mats, tapes, or other planting devices as described in the rules and regulations:

(1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this act;

(2) The lot number or other lot identification;

(3) The calendar month and year that the seed was tested;

(4) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State; and

(5) For those kinds of seeds for which standard testing procedures are prescribed by the rules and regulations:

(A) The percentage of germination exclusive of hard seed; and

(B) The percentage of hard seed, if present.

(h) For agricultural seeds that are coated:

(1) Percentage of pure seeds with coating material removed.

(2) Percentage of coating material shall be shown as a separate item in close association with the percentage of inert matter.

(3) Percentage of germination shall be determined on 400 pellets with or without seeds.

(4) In addition to the provisions of this subsection, labeling of agricultural seeds that are coated shall comply with the requirements of subsections (a), (b) and (c) of this section.

(i) For tree and shrub seeds:

(1) Common name and the species of seed, and, if appropriate, the subspecies.

(2) The scientific name of the genus and species, and, if appropriate, the subspecies.

(3) Lot number or other lot identification.

(4) Origin:

(A) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision, such as state or county; and

(B) For seed collected from other than a predominantly indigenous stand, the area of collection and the origin of the stand or state "Origin Not Indigenous."

(5) The elevations of the upper and lower limits of elevation within which the seed was collected.

(6) Purity as a percentage of pure seed by weight.

(7) For those species for which standard germination testing procedures are prescribed by the State Seed Analyst, the following:

(A) Percentage germination exclusive of hard seed:

(B) Percentage of hard seed, if present; and

(C) The calendar month and year the test was completed to determine the percentages.

In lieu of the provisions of subparagraphs (A), (B), and (C) of this paragraph, the seed may be labeled, if appropriate, "Test is in process, results will be supplied upon request."

(8) For those species for which standard germination testing procedures have not been prescribed by the State Seed Analyst, the calendar year in which the seed was collected.

7. Section 4 of P. L. 1963, c. 29 (C. 4:8–17.16) is amended to read as follows:

C. 4:8-17.16 Prohibitions.

4. No person shall sell, offer for sale, or transport for sale any agricultural, vegetable, flower, tree or shrub seed within this State:

(a) Unless the test to determine the percentage of germination required by section 3 shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

Notwithstanding the prohibition contained in this subsection, agricultural or vegetable seeds packaged in hermetically-sealed containers under the conditions specified in rules and regulations promulgated under the New Jersey State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.), may be sold, exposed for sale, offered for sale or transported for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. Agricultural or vegetable seeds in hermetically-sealed containers may be sold, exposed for sale, offered for sale or transported for sale more than 36 months after the last day of the month in which they were tested for germination prior to packaging, if they are retested within a nine-month period, exclusive of the calendar month in which the retesting is completed, immediately prior to sale, exposure for sale, offering for sale or transportation.

This subsection does not apply to tree and shrub seeds.

(b) Not labeled in accordance with the provisions of this act.

(c) Pertaining to which there has been false or misleading advertisement.

(d) Consisting of or containing prohibited noxious weed seeds, subject to the tolerances established in the rules and regulations promulgated under this act.

(e) Consisting of or containing restricted noxious weed seeds in excess of the number prescribed by rules and regulations promulgated under this act, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.

(f) Containing more than 1% by weight of all weed seeds.

(g) If any labeling, advertising, or other representation subject to this act represents the seed to be certified or registered seed, unless it has been determined by a seed certifying agency that such seed was produced, processed and packaged, and conforms to standards of purity as to kind or variety, in compliance with rules and regulations of such agency pertaining to such seed, and the seed bears an official label issued for such seed by a seed certifying agency, stating that the seed is of a specified class and a specified kind, species and subspecies, if appropriate, or variety.

(h) Represented to be hybrid, unless such seed conforms to the definition of hybrid in section 1 (q) of this act; provided that this prohibition shall not apply to variety names in common trade usage at the time this act becomes effective.

(i) Labeled with a variety name, but not certified by a certifying agency, and the variety of seed has a certificate of plant variety protection issued by the Plant Variety Protection Office in the United States Department of Agriculture, under the "Plant Variety Protection Act," Pub. L. 91-577 (7 U. S. C. § 2321 et seq.), which certificate specifies sale only as a class of certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

8. Section 6 of P. L. 1963, c. 29 (C. 4:8–17.18) is amended to read as follows:

C. 4:8-17.18 Records; samples.

6. Each person whose name appears on the label as handling agricultural, vegetable, flower, tree or shrub seeds subject to this act shall keep for a period of two years complete records of each lot of seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the State Seed Analyst or his agent during customary business hours.

9. Section 8 of P. L. 1963, c. 29 (C. 4:8–17.20) is amended to read as follows:

C. 4:8-17.20 Failure to take precautions.

8. It shall not constitute a violation of this act for any person to have sold or offered or exposed for sale agricultural, vegetable, flower, tree or shrub seed, which was incorrectly labeled or represented as to kind, variety, type or origin (if required), which seed cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's or tree seed collector's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

10. Section 12 of P. L. 1963, c. 29 (C. 4:8–17.24) is amended to read as follows:

C. 4:8-17.24 Rules, regulations.

12. The State board may by rule or regulation prescribe and establish:

(a) The method or methods of sampling, inspecting, analyzing, testing, and examining seed, and the tolerances to be followed in the administration of this act, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the enforcement of this act;

(b) Lists of prohibited and restricted noxious weeds, and changes in such lists;

(c) Reasonable standards of germination for vegetable seeds;

(d) Reasonable germination standards for flower seeds;

(e) Schedule of fees for analysis of samples submitted; and

(f) Procedures governing the registration of a wholesale seedsman and a seed conditioner in accordance with this 1984 amendatory and supplementary act.

11. Section 17 of P. L. 1963, c. 29 (C. 4:8–17.29) is amended to read as follows:

C. 4:8-17.29 Violations; penalties.

17. (a) A person who violates any of the provisions of this act or any order, rule or regulation made by the State Board of Agriculture under this act, or who prevents or hinders a representative of the Department of Agriculture in performing his duty under P. L. 1963, c. 29 (C. 4:8–17.13 et seq.), shall be liable to a penalty of not less than $50.00 nor more than $100.00 for a first offense, and not less than $100.00 nor more than $500.00 for a subsequent offense committed within a 12 month period.

The penalty shall be sued for and recovered in an action to be brought by and in the name of the Secretary of Agriculture in a summary manner pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.), as provided in article 2 of chapter 23 of Title 4 of the Revised Statutes.

After judgment by the court in any case arising under this act, the State Seed Analyst shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

The Department of Agriculture shall be entitled to the assistance of the Attorney General in the enforcement of this act.

(b) Nothing in the New Jersey State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8–17.13 et seq.), shall be construed as requiring the State Seed Analyst or his representative to: (1) report for prosecution, (2) institute seizure proceedings, (3) issue

a withdrawal from distribution order when he believes the public interest will best be served by a written notice of warning.

(c) Before the State Seed Analyst reports a violation of the New Jersey State Seed Law (Revision of 1963), the violator shall be given an opportunity to be heard before the secretary.

(d) The secretary is authorized to apply for a temporary or permanent injunction restraining a person from violating any of the provisions of the New Jersey State Seed Law (Revision of 1963) or a rule or regulation promulgated under the act, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

(e) Upon receiving any information of a violation of any provisions of the New Jersey State Seed Law (Revision of 1963)or any rule or regulation adopted thereunder, the secretary or any agent designated by him may hold hearings upon the violation, and if the secretary or agent finds that the violation was committed, he may assess a penalty against the violator in an amount not to exceed the maximum limit set forth in subsection (a) of this section, as he deems proper under the circumstances. If the violator pays the penalty, no further prosecution shall be had upon that violation.

12. This act shall take effect immediately but shall remain inoperative until January 1 next following enactment in order to permit the taking of measures necessary for the implementation thereof.

Approved November 28, 1984.

CHAPTER 202

AN ACT concerning the appointment of certain aides by certain boards of freeholders and supplementing P. L. 1972, c. 154 (C. 40:41A–1 et seq.).

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

C. 40:41A-129.1 Freeholder aides.

1. Notwithstanding the provisions of any law to the contrary, in any county of the first class operating under the provisions of P. L. 1972, c. 154 (C. 40:41A–1 et seq.), the board of freeholders

may appoint aides who shall be responsible to, and serve at the pleasure of, the board and who shall serve in the unclassified service of civil service.

2. This act shall take effect immediately.

Approved November 28, 1984.

CHAPTER 203

AN ACT providing for the registration and regulation of athletic trainers and supplementing chapter 9 of Title 45 of the Revised Statutes.

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

C. 45:9-37.35 Short title.

1. This act shall be known and may be cited as the "Athletic Training Practice Act."

C. 45:9-37.36 Definitions.

2. As used in this act:

a. "Advisory committee" means the Athletic Training Advisory Committee established in section 5 of this act;

b. "Athlete" means an individual who participates in an interscholastic, intercollegiate, or intramural athletic activity being conducted by an educational institution licensed in this State, or a professional athletic activity;

c. "Athletic trainer" means a person who practices athletic training as an employee of a school, college, university or professional team;

d. "Athletic training" means and includes the practice of physical conditioning and reconditioning of athletes and the prevention of injuries incurred by athletes. Athletic training shall also include, at the direction of a physician licensed in this State, the application of physical treatment modalities, as recommended by the advisory committee and defined in regulations by the board, to athletes;

e. "Board" means the State Board of Medical Examiners.

C. 45:9-37.37 Registration mandatory.

3. No person shall practice or hold himself out as being able to practice athletic training in this State unless registered in accordance with the provisions of this act.

C. 45:9-37.38 Rules, regulations.

4. The board, after consultation with the Athletic Training Advisory Committee, shall establish rules and regulations for the administration and enforcement of this act.

C. 45:9-37.39 Athletic Training Advisory Committee.

5. There is created in the Division of Consumer Affairs of the Department of Law and Public Safety, under the State Board of Medical Examiners, an Athletic Training Advisory Committee. The committee shall consist of six members, three of whom shall be registered athletic trainers of this State having at least five years' experience in the practice of athletic training in this State immediately prior to appointment and one of whom shall be a registered athletic trainer of this State having at least five years' experience in the practice of athletic training in a secondary school in this State immediately prior to appointment. One member of the advisory committee shall be a representative of the Department of Higher Education and one member shall be a physician licensed in this State. The first four athletic trainers appointed to the committee shall demonstrate eligibility for registration and shall apply for or receive registration within six months of their appointments. The members of the committee shall be appointed by the Governor, with the advice and consent of the Senate, for terms of three years; except in making the initial appointments the Governor shall designate two members to serve three years, two members to serve two years, and two members to serve one year. In the event of death, incapacity, resignation or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. Each member shall hold office after the expiration of the term until a successor shall be appointed and qualified. The committee shall meet at least twice a year and shall also meet upon the call of the board or Attorney General. The committee shall carry out the responsibilities assigned to it under this act and any other matter the board may require. The Attorney General shall provide the committee with facilities and personnel required for the proper conduct of its business. The board, with the approval of the Attorney General, may authorize reimbursement of the members of the committee for their actual expenses incurred in connec-

tion with the performance of their duties as members of the committee.

C. 45:9-37.40 Registration within 90 days.

6. a. Ninety days from the effective date of this act, it shall be unlawful for any person to practice athletic training in this State unless registered in accordance with the provisions of this act. Nothing in this act, however, shall prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

b. This act shall not prohibit: a candidate for registration as an athletic trainer from accumulating the mandated number of hours of supervised clinical experience under the direction of a registered athletic trainer; a student enrolled in a school or educational program of athletic training approved by the board from performing acts of athletic training incidental to the course of study, if the performance is under the direction of a registered athletic trainer; a student in any educational program in the healing arts approved or accredited under the laws of this State from carrying out prescribed courses of study; a person employed by any agency, bureau or division of the federal government from discharging his official duties; or a person in connection with employment as an athletic trainer by a nonresident athlete, educational institution or recognized athletic organization temporarily visiting in this State, from practicing athletic training; provided he is lawfully permitted to work as an athletic trainer in the state of residence of his employer.

c. The provisions of this act are not intended to limit the activities of persons legitimately engaged in the administration of nontherapeutic baths, massage and normal exercise.

C. 45:9-37.41 No physical therapy for reimbursement.

7. An athletic trainer may not practice or be employed by any individual or entity in order to do physical therapy procedures for reimbursement.

C. 45:9-37.42 Qualifications.

8. An applicant for registration as an athletic trainer shall submit evidence to the board, in the form the board may prescribe, that the applicant:

a. Is 18 years of age or older;

b. Is of good moral character and does not engage in the habitual use of alcohol, narcotics or other habit-forming drugs;

c. Is a graduate of a high school approved by the Department of Education or has obtained equivalent education acceptable to the board; and

d. Has met the athletic training curriculum requirements of a college or university approved by the board and provides proof of graduation. The board, in establishing, altering or amending the standards for approving programs that grant degrees in instruction of athletic training, shall consult with the Board of Higher Education and the advisory committee and shall establish standards which are equal to or exceed the standards of the National Athletic Trainers Association for certification and which shall include courses of study in the biophysical sciences and the use of physical agents and medical-surgical techniques as related to athletics.

C. 45:9-37.43 Examination.

9. The board shall give an examination to applicants who comply with the qualifications for registration. The examination shall include a written and oral-practical examination which shall test the applicant's knowledge of the basic and clinical sciences that are pertinent to athletic training, emergency care of the injured athlete and principles of injury evaluation and conditioning, including the use of various physical modalities and exercise techniques. The examination shall be administered within the State no less than once each year at a time and place the board shall designate. The deadline for making application shall be 60 days prior to the date of the administration of the test. The applicant shall be notified of the board's decision regarding the applicant's eligibility for examination 30 days prior to the administration of the examination. An applicant who fails the first examination may, after the expiration of six months but within two years, apply for a second examination. An applicant failing the second examination may, at the discretion of the board, apply for further examination; provided the person qualifies for examination under the conditions in effect at the time of reapplication.

C. 45:9-37.44 Issuance of registration.

10. On payment to the board of the application fee as provided in section 14 of this act, and upon approval of an applicant's application, the board shall issue a registration to any person who successfully passes the written and oral-practical examination provided in section 9 of this act.

C. 45:9-37.45 Registration without examination.

11. On payment to the board of the application fee as provided in section 14 of this act, and upon approval of a written application

on forms provided by the board, the board shall issue, without examination, a registration to any person who:

a. Applies for registration within 90 days of the effective date of this act and who meets the qualifications set forth in subsections a., b., and c. of section 8 of this act and presents to the board evidence of having provided comprehensive, satisfactory athletic training services for five years or more as a major responsibility of employment in this State prior to the effective date of the act; or is a resident of this State and presents evidence of being certified by the National Athletic Trainers Association; or

b. Is licensed or registered as an athletic trainer in any other state or territory of the United States or the District of Columbia, if the requirements for licensure or registration are equivalent to the requirements of this act at the date of application for the registration, as shall be determined by the board in consultation with the committee.

C. 45:9-37.46 Title use restricted.

12. No person shall use the words "athletic trainer" or "registered athletic trainer" or the letters "AT" unless registered pursuant to this act.

C. 45:9-37.47 Temporary registration.

13. Upon submission of a written application on forms provided by it, the board shall issue a temporary registration to a person who has applied for registration under the provisions of section 8 of this act and who is, in the judgment of the board, eligible to take the examination provided for in section 9 of this act. The temporary registration shall be available to an applicant only with respect to the first application for registration under section 8. The temporary registrant shall take the next available examination. The temporary registration will expire on either the date of the next examination or the date of the final determination, whichever is later.

C. 45:9-37.48 Biennial registration.

14. Each initial application under this act shall be accompanied by a fee as prescribed by the board. Registration shall expire biennially on January 31 and shall be renewed upon application and payment of a fee as prescribed by the board. If the fee is not paid by that date, the registration shall automatically expire. A registration which has expired may, within three years of its expiration date, be renewed on payment to the board of the prescribed reinstatement fee for each year or part thereof during which the

registration was ineffective and a restoration fee as prescribed by the board. After the three year period, the registration may be renewed only by complying with the provisions of this act regarding initial registration.

C. 45:9-37.49 Denial, suspension, revocation.

15. The board may refuse to issue, or may suspend or revoke the registration of any person, or may impose any other disciplinary sanction pursuant to the provisions of P. L. 1978, c. 73 (C. 45:1–14 et seq.).

C. 45:9-37.50 Other laws superseded.

16. All laws and parts thereof dealing with athletic training inconsistent with this act are superseded to the extent of their inconsistency.

17. This act shall take effect immediately.

Approved December 4, 1984.

CHAPTER 204

AN ACT concerning certain employees of county youth houses in certain counties, and supplementing subtitle 3 of Title 11 of the Revised Statutes.

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

C. 11:22-44.9 Youth house employees.

1. All permanent positions and employments existing on or before January 1, 1984 in county youth houses established pursuant to R. S. 9:11–1 et seq. in counties governed by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A–1 et seq.), 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 by the Civil Service Commission, and, hereafter, these positions and employments shall be subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes. The titles of executive director and director shall be and remain in the unclassified service.

C. 11:22-44.10 Certification of names.

2. Upon receipt from the Civil Service Commission of a list of the positions and employments so allocated to the classfied service

and their appropriate titles, the governing body of any county governed by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A–1 et seq.), which has established a youth house in accordance with R. S. 9:11–1 et seq., shall certify to the Civil Service Commission, within 30 days of receipt of the list, the names of all those employees then employed in the county youth house in these allocated positions and employments who have been permanently employed on or before January 1, 1984. In lieu of this certification, the governing body, by resolution, may authorize the certification to be made by the county executive. The employees so certified shall be recorded under these titles, after passing a qualifying examination, as having been permanently appointed in the classified service of Civil Service as of the dates of their original appointments and shall thereafter be under and shall be subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes relating to the classified service.

3. This act shall take effect immediately.

Approved December 4, 1984.

CHAPTER 205

AN ACT establishing the New Jersey State Board of Cosmetology and Hairstyling, amending R. S. 40:52–1, P. L. 1971, c. 60, P. L. 1974, c. 46 and P. L. 1978, c. 73, supplementing Title 45 of the Revised Statutes and repealing parts of the statutory law.

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

C. 45:5B-1 Short title.

1. (New section) This act shall be known and may be cited as the "Cosmetology and Hairstyling Act of 1984."

C. 45:5B-2 Findings, declarations.

2. (New section) The Legislature finds and declares that it is a valid public purpose:

a. To establish a single board which shall administer, coordinate and enforce this act and regulations promulgated pursuant to this act relating to the practices of cosmetology, hairstyling, barbering and beauty culture, the premises at which those services

are rendered and the schools at which instruction in those practices may be obtained;

b. To protect those persons of the general public who are direct recipients of the services regulated by this act and registered students receiving instruction at licensed schools of cosmetology and hairstyling from unsafe, fraudulent and deceptive practices, as well as practices which reduce competition;

c. To maintain and ensure standards of competency and integrity for the occupations of cosmetology and hairstyling; and

d. To ensure that registered students at cosmetology and hairstyling schools receive thorough and reliable instruction.

C. 45:5B-3 Definitions.

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

a. "Barber" means any person who is licensed to engage in any of the practices encompassed in barbering.

b. "Barbering" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(1) shaving or trimming of the beard, mustache or other facial hair;

(2) shampooing, cutting, arranging, relaxing or styling of the hair;

(3) singeing or dyeing of the hair;

(4) applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or neck;

(5) massaging, cleansing or stimulating the face, neck or scalp, with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or

(6) cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

c. "Beautician" means any person who is licensed to engage in any of the practices encompassed in beauty culture.

d. "Beauty culture" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(1) shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;

(2) singeing, dyeing, tinting, coloring, bleaching of the hair;

(3) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face, neck or upper part of the body;

(4) massaging, cleansing or stimulating the face, scalp, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;

(5) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis;

(6) manicuring the fingernails, nail-sculpturing or pedicuring the toenails; or

(7) cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

e. "Board" means New Jersey State Board of Cosmetology and Hairstyling.

f. "Board of Barber Examiners" means the State Board of Barber Examiners established pursuant to P. L. 1938, c. 197 (C. 45:4–27 et seq.).

g. "Board of Beauty Culture Control" means the Board of Beauty Culture Control established pursuant to Chapter 4A of Title 45 of the Revised Statutes.

h. "Clinic" means a designated portion of a licensed school in which members of the general public may receive cosmetology or hairstyling services from registered students in exchange for a fee, which shall be calculated to recoup only the cost of materials used in the performance of those services.

i. "Cosmetologist-hairstylist" means any person who is licensed to engage in the practices encompassed in cosmetology and hairstyling.

j. "Cosmetology and hairstyling" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(1) shaving or trimming of the beard, mustache or other facial hair;

(2) shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;

(3) singeing, dyeing, tinting, coloring, bleaching of the hair;

(4) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face or neck;

(5) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;

(6) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis;

(7) manicuring the fingernails, nail-sculpturing or pedicuring the toenails;

(8) cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are being performed while the wig is being worn by a person; or

(9) hairweaving to the extent that the procedure does not involve the replacement of human hair by means of the insertion of any natural or synthetic fiber hair into the scalp.

k. "Manicurist" means a person who holds a limited license to engage in only the practice of manicuring.

l. "Manicuring" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or when done without payment for the general public:

(1) manicuring of the fingernails;

(2) pedicuring of the toenails; or

(3) nail sculpturing.

m. "Owner" means any person, corporation, firm or partnership who has a financial interest in a school or shop entitling him to participate in the promotion, management and proceeds thereof. It does not include a person whose connection with a school or shop entitles him only to reasonable salary or wages for services actually rendered.

n. "Practicing licensee" means any person who holds a license to practice barbering, beauty culture, cosmetology and hairstyling, or manicuring.

o. "Registered student" means a person who is engaged in learning and acquiring a knowledge of the practice of cosmetology and

hairstyling under the direction and supervision of a person duly authorized under this act to teach cosmetology and hairstyling and who is enrolled in a program of instruction at a licensed school of cosmetology and hairstyling, completion of which may render him eligible for licensure pursuant to this act, but does not mean a person who is enrolled in a public school vocational program in cosmetology and hairstyling approved by the State Board of Education.

p. "Registration card" means a document issued by the board to a registered student upon receipt of documentation from a licensed school of cosmetology and hairstyling that the student is enrolled.

q. "School" means an establishment or place licensed by the board to be maintained for the purpose of teaching cosmetology and hairstyling to registered students.

r. "Senior student" means a registered student who has successfully completed 600 hours of instruction in cosmetology and hairstyling in a program offered at a licensed school of cosmetology and hairstyling or a student enrolled in an approved vocational training program in cosmetology and hairstyling who has completed 600 hours of instruction.

s. "Student permit" means a permit issued to a senior student which enables him to practice cosmetology and hairstyling in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational training program.

t. "Shop" means any fixed establishment or place where one or more persons engage in one or more of the practices included in the definition of cosmetology and hairstyling, barbering, beauty culture or manicuring.

u. "Teacher" means any person who is licensed by the board to give instruction or training in the theory or practice of cosmetology and hairstyling.

v. "Temporary permit" means a permit issued to applicants for licensure awaiting scheduling or results of an examination.

C. 45:5B-4 Board of Cosmetology and Hairstyling.

4. (New section) There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey State Board of Cosmetology and Hairstyling. The board shall consist of 11 members who are residents of the State, three of whom shall be public members, two appointed pursuant to subsection b. of section 2 of P. L. 1971, c. 60 (C. 45:1–2.2) and one

additional public member, and one of whom shall be a State executive department member appointed pursuant to subsection c. of section 2 of P. L. 1971, c. 60 (C. 45:1–2.2). Of the remaining seven members, six shall hold practicing licenses issued by the board, by the Board of Barber Examiners or by the Board of Beauty Culture Control and shall have been engaged in the practice of beauty culture, barbering, or cosmetology and hairstyling for at least five years prior to their appointments, but shall not have been engaged in the conduct of or teaching at a licensed school of beauty culture or cosmetology and hairstyling. Three of the practicing members appointed to the initial board created by this act shall hold a license to practice barbering issued by the Board of Barber Examiners. Three of the practicing members appointed to the initial board created by this act shall hold a license issued by the Board of Beauty Culture Control. The remaining one member appointed by the board created by this act shall hold a teacher's license issued by the Board of Beauty Culture Control or by the board and shall have been engaged in the teaching of beauty culture or cosmetology and hairstyling or shall have been involved in the conduct of a licensed school of beauty culture or school of cosmetology and hairstyling in this State for at least five years prior to the appointment.

C. 45:5B-5 Terms of board members.

5. (New section) The Governor shall appoint members to the board with the advice and consent of the Senate. The Governor shall appoint each member for a term of three years, except that of the seven members first appointed who are actively involved in the practice or teaching of cosmetology and hairstyling, three shall serve for terms of three years, two shall serve for terms of two years and two shall serve for a term of one year. Each member shall hold office until his successor has been qualified. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the unexpired term only. No member of the board may serve more than two successive terms in addition to any unexpired term to which he has been appointed. Members of the board shall be compensated and reimbursed for expenses and provided with office and meeting facilities pursuant to section 2 of P. L. 1977, c. 285 (C. 45:1–2.5). The board shall annually elect from among its members a chairman and vice chairman. The board shall meet six times per year and may hold additional meetings as necessary to discharge its duties.

C. 45:5B-6 Powers; duties.

6. (New section) The board shall:

a. Review the qualifications of applicants for licensure;

b. Devise examinations for licensure which include practical, written and oral portions;

c. Administer and grade examinations or employ competent examiners to administer and grade examinations, but in no case shall the board permit a person having any affiliation with a licensed school to examine or grade an applicant who has been a registered student at the school with which the examiner has an affiliation;

d. Issue and renew licenses of any cosmetologist-hairstylist, beautician, barber, manicurist, teacher, shop, or school;

e. Issue student permits to senior students, which permits shall remain valid during the period that the senior student is registered at a licensed school or enrolled in an approved vocational training program;

f. Issue temporary permits to applicants for licensure who are awaiting scheduling for or results from an examination;

g. Issue registration cards to registered students;

h. Suspend, revoke or fail to renew a license and exercise investigative powers pursuant to the provisions of P. L. 1978, c. 73 (C. 45:1–14 et seq.);

i. Appoint and employ an executive secretary and an assistant secretary, subject to the approval of the Attorney General, and other employees as necessary to carry out the provisions of this act;

j. Determine the duties that the executive secretary and the assistant secretary shall perform;

k. File with the Attorney General a petition to remove any executive secretary or assistant secretary for cause, which petition shall be acted upon by the Attorney General in a manner which he deems appropriate;

l. Establish fees for initial licensure, permits, renewals and restoration of licenses, as well as for duplication of lost licenses, pursuant to section 2 of P. L. 1974, c. 46 (C. 45:1–3.2);

m. Maintain records of all practicing licensees and all licensed teachers. Records shall include the latest work address of each licensee, as provided on applications for licensure and renewals thereof;

n. Maintain a record of all registered students and all persons holding student permits;

o. Maintain a record of all shops licensed by the board to offer one or more of the services encompassed within the definition of cosmetology and hairstyling;

p. Maintain a record of all schools licensed by the board to offer courses of instruction or training in the practice and theory of cosmetology and hairstyling to registered students, which courses shall be approved by the board for the awarding of credit for licensure;

q. Make available for public inspection all records required to be kept pursuant to this section;

r. Promulgate regulations governing practice and teaching of cosmetology and hairstyling as are necessary to implement this act and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner which is sanitary and safe and in a manner which is not intended to deceive or mislead the general public;

s. Promulgate regulations governing the conduct of shops and schools as are necessary to implement this act and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner that is sanitary and safe, and in a manner not intended to deceive or mislead the general public, students of the schools, or organizations awarding financial aid to the students, and to clarify or define any term used in the act and to define any activity included in hairstyling and cosmetology, and beauty culture;

t. Review curricula offered by licensed schools in courses of instruction offered to registered students and approve those curricula which offer comprehensive training in cosmetology and hairstyling;

u. Direct the conduct of inspections or investigations of all licensed shops and schools; and

v. Direct the conduct of inspections or investigations of any premises from which the board may have reason to believe that cosmetology and hairstyling services are being offered, or that courses of instruction are being offered to registered students.

C. 45:5B-7 Individual exemptions.

7. (New section) No person shall render any of the services encompassed within the definition of cosmetology and hairstyling without first having secured a license from the board which permits the offering of that service, except for the following persons when acting within the scope of their profession or occupation:

a. Persons authorized by the laws of this State to practice medicine and surgery, dentistry, chiropractic and acupuncture;

b. Registered nurses, licensed practical nurses, nurses' aides, physical therapists and physical therapy assistants;

c. Commissioned medical officers of the United States Armed Forces Hospital Services;

d. Persons employed to render cosmetology or hairstyling services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industries, modeling or photography;

e. Persons employed to demonstrate, recommend or administer cosmetic preparations, lotions, creams, makeup or perfume intended for home use, for the purposes of effecting retail sales, if those persons neither accept payment from the consumer for that demonstration nor make the demonstration contingent upon the purchase of any product or service; or

f. Senior students holding a student permit; provided that those services are rendered in a school clinic or licensed shop during hours that the student does not have scheduled classes.

C. 45:5B-8 Premises exemptions.

8. (New section) No person shall render any of the services encompassed within the definition of cosmetology and hairstyling in a place which is not licensed as a shop or school, except that a practicing licensee, duly licensed pursuant to this act, may render the services which he is licensed to offer:

a. Upon patients in hospitals, nursing homes, and other licensed health care facilities;

b. Upon inmates and residents of institutions of the Department of Corrections or the Department of Human Services;

c. Upon an invalid or handicapped person in the person's place of residence, if the practicing licensee is sponsored by a licensed shop and a record of those services is maintained by that shop;

d. Upon performers or models, prior to, in anticipation of or during a performance; or

e. Upon potential consumers of cosmetic preparations, lotions, creams, makeup or perfume which are intended for home use, if the application of the product is made for the purposes of effecting a retail sale and the person neither accepts payment from the consumer for the service, nor makes the provision of the service contingent upon the purchase of any product or service.

C. 45:5B-9 Shop licenses.

9. (New section) No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises for the rendering of any one or more of the services encompassed in the definition of cosmetology and hairstyling without first having secured a shop license from the board.

C. 45:5B-10 School licenses.

10. (New section) No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises at which courses of instruction in cosmetology and hairstyling services are offered to registered students without first having secured a school license from the board. Nothing herein shall prohibit the offering of educational programs and courses in cosmetology and hairstyling to practicing licensees or teachers at unlicensed premises. However, no course offered at an unlicensed premise, shall be recognized by the board in satisfaction of licensure eligibility requirements. All educational programs and courses offered at unlicensed premises shall be conducted by practicing licensees.

C. 45:5B-11 Practicing licensee requirement.

11. (New section) A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall either:

a. Hold a cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist-hairstylist; or

b. Hold a beautician or cosmetologist-hairstylist license and have been issued a manager-operator license by the Board of Beauty Culture Control.

Any shop licensed by the Board of Beauty Culture Control prior to the effective date of this act may also satisfy the requirements of this section by employing a practicing licensee who holds a license as a beautician and has three years of experience.

Any shop licensed by the Board of Barber Examiners prior to the effective date of this act may also satisfy the requirements of this section by employing a practicing licensee who holds a barber's license and has three years of experience; except that a shop which satisfies the requirements of this section in this manner is precluded from employing senior students unless the shop also employs a practicing licensee who holds either a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist.

C. 45:5B-12 Unlawful practices: persons.

12. (New section) In addition to any practice declared unlawful pursuant to P. L. 1978, c. 73 (C. 45:1–14 et seq.), it shall be unlawful for any person to engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology or hairstyling services;

b. Advertise, practice or attempt to practice under another's name or trade name;

c. Continue to practice while knowingly having an infectious, contagious or communicable disease;

d. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering that aid to students of cosmetology or hairstyling;

e. Aid, abet, or knowingly permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling;

f. Fail to display a practicing license at any place at which the licensee renders services; or

g. Engage in one or more of the practices included in the definition of cosmetology and hairstyling on premises not licensed as a shop or a school, except as provided in section 8 of this act.

C. 45:5B-13 Unlawful practices: shops, owners.

13. (New section) In addition to any practice declared unlawful pursuant to P. L. 1978, c. 73 (C. 45:1–14 et seq.), it shall be unlawful for a licensed shop or shop owner to engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling services;

b. Advertise, operate a shop or attempt to operate a shop under another's name or trademark;

c. Knowingly permit any practicing licensee to render services when that licensee has an infectious, contagious or communicable disease;

d. Aid, abet or permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling;

e. Maintain a shop in a manner which is unsafe or unsanitary;

f. Fail to display, in a conspicuous place, its shop license; or

g. Fail to employ one person with the required experience as provided in section 11 of this act.

C. 45:5B-14 Unlawful practices: schools, owners.

14. (New section) In addition to any practice declared unlawful pursuant to P. L. 1978, c. 73 (C. 45:1–14 et seq.), it shall be unlawful for a licensed school or school owner to engage in the following practices:

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology or hairstyling services offered within the school's clinic;

b. Advertise, operate a school or attempt to open a school under another's name or trade name;

c. Permit students to practice upon each other or members of the public while knowingly having an infectious, contagious or communicable disease;

d. Permit teachers to demonstrate cosmetology and hairstyling services on students while knowingly having an infectious, contagious or communicable disease;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology or hairstyling;

f. Aid, abet, or permit a person not licensed pursuant to this act to teach any of the services encompassed within the definition of cosmetology and hairstyling to registered students;

g. Maintain any premises from which the practice of cosmetology and hairstyling is offered, or the teaching of cosmetology and hairstyling is offered in a manner which is unsatisfactory or unsafe;

h. Fail to display, in a conspicuous place, its school license;

i. Fail to maintain accurate records of attendance by any registered student for at least five years after the student's enrollment ends, which records shall be subject to inspection by the board;

j. Fail to notify the board on forms it may prescribe of any student who obtains a leave of absence, fails to attend classes for a period of more than 90 consecutive days or withdraws from school; or

k. Fail to maintain the required bond during all periods of operation.

C. 45:5B-15 Unlawful practices: teachers.

15. (New section) In addition to any practice declared unlawful pursuant to P. L. 1978, c. 73 (C. 45:1–14 et seq.), it shall be unlawful for a licensed teacher to engage in the following practices:

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology or hairstyling services offered in the school clinic;

b. Advertise, teach or attempt to open a school under another person's name;

c. Knowingly permit students to practice upon each other or members of the public while having an infectious, contagious or communicable disease;

d. Demonstrate cosmetology and hairstyling services on students while knowingly having an infectious, contagious or communicable disease;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling;

f. Aid, abet or permit a person not licensed pursuant to this act to teach any of the services included in the definition of cosmetology and hairstyling to registered students;

g. Teach cosmetology and hairstyling in a manner which is unsatisfactory or unsafe;

h. Fail to display in a conspicuous place a valid teacher's license at the school; or

i. Fail to accurately and truthfully record attendance by registered students.

C. 45:5B-16 Application for licensure.

16. (New section) Each applicant for initial licensure as a practicing licensee must submit to the board satisfactory evidence, on forms as the board requires, that he:

a. Is of good moral character;

b. Is at least 17 years of age; and

c. Does not have any communicable, contagious or infectious disease.

C. 45:5B-17 Previously unlicensed applicants.

17. (New section) An applicant seeking licensure as a cosmetologist-hairstylist, who does not at the time of that application hold a license to practice barbering issued by the Board of Barber Examiners or the board or a license to practice beauty culture issued by the Board of Beauty Culture Control or the board, shall:

a. Demonstrate successful completion of high school or its equivalent; and

b. Demonstrate successful completion of a 1,200 hour course of instruction in cosmetology and hairstyling at:

(1) a school of cosmetology and hairstyling licensed in this State, or

(2) a public school approved by the State Board of Education, to offer a vocational program in cosmetology and hairstyling, or

(3) a school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or a foreign country which, in the opinion of the board, offers curricula which is substantially similar to that offered at licensed schools within the State; and

c. Take and pass an examination conducted by the board, as provided by this act.

C. 45:5B-18 Beauty culture licensees' examination.

18. (New section) Any applicant holding a license to practice beauty culture issued by the Board of Beauty Culture Control or by the board, who is seeking licensure as a cosmetologist-hairstylist shall be given one opportunity within five years of the effective date of this act to take and pass an examination conducted by the board, which shall demonstrate to the board's satisfaction that the applicant has attained proficiency in shaving, without undertaking additional training. If the applicant does not pass the examination, he may not take the examination again until he can demonstrate successful completion of a course in shaving, the length of which is to be established by the board pursuant to regulation, and which is offered at:

a. A school of cosmetology and hairstyling in this State; or

b. A public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

c. A school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or foreign country, which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State.

C. 45:5B-19 Barbering licensees' examination.

19. (New section) An applicant holding a license to practice barbering issued by the Board of Barber Examiners or the board, who is seeking licensure as a cosmetologist-hairstylist shall be given one opportunity within five years of the effective date of this act to take and pass an examination conducted by the board, which shall demonstrate to the board's satisfaction that the applicant has attained proficiency in services included within the definition of beauty culture which are not encompassed within the definition of barbering, without undertaking additional training. If the applicant does not pass that examination, he may not take the examination

again until he can demonstrate successful completion of a 500-hour course in beauty culture services offered at:

a. A school of cosmetology and hairstyling in this State; or

b. A public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

c. A school of cosmetology and hairstyling or beauty culture licensed in another state or foreign country, which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State.

C. 45:5B-20 Beautician.

20. (New section) An applicant seeking initial licensure as a beautician, who does not hold a license to practice beauty culture issued by the Board of Beauty Culture Control, shall:

a. Demonstrate successful completion of high school or its equivalent;

b. Demonstrate that he was a registered student at a school of cosmetology and hairstyling, or beauty culture in this State on or before the effective date of this act or enrolled in an approved vocational course of instruction in beauty culture on the effective date of this act;

c. Demonstrate successful completion of a 1,200 hour course of instruction in beauty culture within two years of the effective date of this act at a school of cosmetology and hairstyling licensed in this State, or a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, or beauty culture; and

d. Take and pass an examination conducted by the board, as provided by this act.

C. 45:5B-21 Barber.

21. (New section) An applicant seeking initial licensure as a barber, who does not hold a license to practice barbering issued by the Board of Barber Examiners, shall:

a. Demonstrate successful completion of eighth grade or its equivalent;

b. Demonstrate that he held an apprentice registration certificate issued by the Board of Barber Examiners on or before the effective date of this act and has successfully completed that apprenticeship within two years of the effective date of this act; and

c. Take and pass an examination conducted by the board, as provided by this act.

C. 45:5B-22 Manicurist.

22. (New section) An applicant seeking initial licensure as a manicurist, who does not hold a license to practice manicuring issued by the Board of Beauty Culture Control, must:

a. Demonstrate successful completion of high school or its equivalent; and

b. Demonstrate successful completion of a 200 hour course of instruction in manicuring at:

(1) a school of cosmetology and hairstyling licensed in this State; or

(2) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

(3) a school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or foreign country, which, in the opinion of the board, offers curricula which is substantially similar to that offered at licensed schools within this State; and

c. Take and pass an examination conducted by the board, as provided by this act.

C. 45:5B-23 Teacher.

23. (New section) An applicant for a license to teach cosmetology and hairstyling, who does not hold a license to teach beauty culture issued by the Board of Beauty Culture Control, shall submit to the board satisfactory evidence that he:

a. Is of good moral character;

b. Is at least 18 years of age;

c. Does not have a communicable, contagious or infectious disease;

d. Has successfully completed high school or its equivalent;

e. Holds a cosmetologist-hairstylist license issued by the board or an operator's license issued by the Board of Beauty Culture Control prior to the effective date of this act or a beautician's license issued within two years of the effective date of this act;

f. Has successfully completed a teacher training course of 500 hours consisting of practice and theory of teaching conducted at a licensed school of cosmetology and hairstyling;

g. Has successfully completed a 30-hour teaching methods course conducted by a college approved by the State Board of Higher Education and recognized by the board;

h. Has attained six months' employment experience in a licensed shop within this State, which may be obtained prior to, at the same time as, or subsequent to the period during which the applicant

is attending the teacher training course offered by a licensed school of cosmetology and hairstyling of this State; and

i. Has successfully completed an examination conducted by the board.

C. 45:5B-24 Courses in shaving.

24. (New section) An applicant holding a license to teach beauty culture issued by the Board of Beauty Culture Control, who is seeking licensure as a teacher of cosmetology and hairstyling, shall successfully complete a course in shaving within one year of the effective date of this act. The course shall be administered by the board and conducted by an individual it designates, who has held a license issued by the Board of Barber Examiners for at least five years immediately preceding the enactment of this act. The applicant shall pay the cost of the course, which may be determined by the board.

The board, in its discretion, may discontinue conducting courses in shaving at such time that it determines there are sufficient numbers of licensed teachers of cosmetology and hairstyling to conduct the course at licensed schools. Thereafter, the board may accept proof that an applicant has successfully completed a course of the required length, as established pursuant to regulation by the board. A licensed teacher of cosmetology and hairstyling shall conduct the course at:

a. A school of cosmetology and hairstyling in this State;

b. A public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

c. A school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or foreign country, which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State.

Upon submission of proof of completion of that course, an applicant shall take and is required to pass an examination. Failure to successfully complete the course and take and pass the examination in shaving within one year of the effective date of this act may be the basis for the revocation or refusal to issue or renew a teacher's license issued by the Board of Beauty Culture Control.

C. 45:5B-25 Student permit.

25. (New section) To be eligible to obtain a student permit, an applicant shall submit to the board satisfactory evidence that he:

a. Is a registered student in a course of instruction in cosmetology and hairstyling or is enrolled on the effective date of this act in a licensed beauty culture school in this State or is enrolled in a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, and has completed 600 hours in that course of instruction; and

b. Does not have a communicable, contagious or infectious disease.

Student permits shall remain valid only during the period that the student is registered at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program and shall expire upon a student's graduation, withdrawal or leave of absence from the school or program for more than 90 consecutive days.

C. 45:5B-26 Temporary permit.

26. (New section) Upon submitting satisfactory evidence of eligibility for any practicing license, an applicant shall submit to the board a fee as required by the board. The applicant then shall be scheduled to sit for the examination conducted by the board in the practice in which he is seeking a practicing license. Upon scheduling, he shall be issued a temporary permit to engage in the practice for which the applicant is seeking a license. The permit shall remain valid for a period of no more than 120 days and shall expire upon receipt of a newly issued license by the licensee. Only one temporary permit shall be issued to an applicant. No temporary permit shall be issued to applicants awaiting scheduling of and results from the teacher examination.

C. 45:5B-27 Examinations.

27. (New section) All examinations conducted by the board pursuant to this act shall consist of oral, practical and written portions and may be administered in English, and in the case of practicing licenses, in Spanish or with the aid of a translator, if the board, in its discretion, deems that aid to be warranted.

C. 45:5B-28 Reciprocity: cosmetology-hairstyling.

28. (New section) Applicants possessing a license to render services in another state or a foreign country, which services are included within the definition of cosmetology and hairstyling as set forth in this act, may be issued a license without examination; provided, however, that the state or country has established eligibility criteria substantially similar to those established in this State, and the applicant has paid a fee as required by the board

and submitted certification from the licensing jurisdiction. A person possessing a license to practice cosmetology and hairstyling services issued by a licensing authority from another state or a foreign country which has established eligibility criteria with respect to cosmetology and hairstyling training which are, in the opinion of the board, less stringent than those required in this State may, nevertheless, be eligible for licensure without examination, if he can present satisfactory evidence of prior practical experience of three years working in a licensed shop.

C. 45:5B-29 Reciprocity: beauty culture.

29. (New section) Applicants possessing a license to render services in another state or foreign country, which services are included within the definition of beauty culture pursuant to this act, may be issued a license to practice cosmetology and hairstyling in accordance with the provisions of section 18 of this act, if that jurisdiction has established eligibility criteria substantially similar to those established by the Board of Beauty Culture Control and in effect on the date of enactment of this act. The applicant shall pay a fee as required by the board and submit certification from the licensing jurisdiction. An applicant possessing a license to practice beauty culture services issued by a licensing authority from another state or a foreign country which has established eligibility criteria with respect to beauty culture training which are, in the opinion of the board, less stringent than those required by the Board of Beauty Culture Control on the date of enactment of this act, may, nevertheless, be eligible for licensure as a cosmetologist-hairstylist in accordance with the provisions of section 18 of this act, if the applicant can present satisfactory evidence of prior practical experience of three years working in a licensed shop.

C. 45:5B-30 Reciprocity: barbering.

30. (New section) Applicants possessing a license to render services in another state or a foreign country, which services are included within the definition of barbering pursuant to this act, may be issued a license to practice cosmetology and hairstyling in accordance with the provisions of section 19 of this act, if that jurisdiction has established eligibility criteria substantially similar to those established by the Board of Barber Examiners and in effect on the date of enactment of this act. The applicant shall pay a fee as required by the board and submit certification from the licensing jurisdiction.

An applicant possessing a license to practice barbering services issued by a licensing authority from another state or a foreign country which has established eligibility criteria which are, in the opinion of the board, less stringent than those required by the Board of Barber Examiners on the date of enactment of this act, may, nevertheless, be eligible for licensure as a cosmetologist-hairstylist in accordance with the provisions of section 19 of this act, if the applicant can present satisfactory evidence of prior practical experience of three years working in a licensed shop.

C. 45:5B-31 Shop license.

31. (New section) A person, corporation, firm or partnership intending to open a shop shall:

a. Make application to the board on forms as it may require, demonstrating that the physical premises and the operation of the shop will meet minimum criteria as established by the board;

b. Permit an inspection of the premises;

c. Pay a fee as may be required by the board;

d. Employ a practicing licensee with the required experience, pursuant to section 11 of this act.

C. 45:5B-32 School license.

32. (New section) A person, corporation, firm or partnership intending to open a school shall:

a. Make application to the board on forms as it may require, demonstrating the physical premises and the operation of the school will meet minimum criteria as established by the board;

b. Permit an inspection of the premises;

c. Post a bond in favor of the State in an amount which shall be determined on the basis of the school's enrollment, in accordance with regulations provided by the board, except in no case shall the bond posted by a school be in an amount less than $10,000.00; and

d. Pay a fee as required by the board.

C. 45:5B-33 Action on bond.

33. (New section) A person, partnership, corporation or agency, department or political subdivision of State government, including the board, may initiate an action on the bond required pursuant to section 32 of this act, if the person, partnership, corporation or agency, department, or political subdivision of State government is aggrieved, damaged or injured by any misconduct or violation for which the licensed school is held responsible.

C. 45:5B-34 Expiration dates.

34. (New section) All practicing licenses and teachers' licenses issued shall automatically expire on September 30 of the next odd-numbered year following the date of license issuance. Shop and school licenses shall automatically expire on July 31 of the next odd-numbered year following the date of license issuance.

C. 45:5B-35 Renewal.

35. (New section) Any practicing license issued by the Board of Cosmetology and Hairstyling, the Board of Beauty Culture Control or the Board of Barber Examiners may be renewable biennially if the expired licenses are renewed within six months following expiration. Applications shall be submitted to the board and accompanied by the fee to be determined by the board. Applications for renewal submitted more than six months after the expiration of a license shall be accompanied by a restoration fee to be determined by the board. Shop and school licenses shall be renewed within 30 days following expiration. Applicants for renewal of school licenses shall provide satisfactory evidence that a bond required pursuant to section 32 of this act has been secured and shall remain valid through the next licensing period. No shop or school license may be restored after 30 days and an application for initial licensure shall be submitted.

C. 45:5B-36 Change of location, ownership.

36. (New section) A shop or school owner shall notify the board prior to undertaking a change of location or undergoing a change of ownership. The shop or school shall submit to the board an initial application for licensure. If a change of ownership results from the death or disability of a principal shareholder in a corporation, or partner in a partnership which holds a shop or school license, the new owner shall notify the board within six months after the change has been effected. For purposes of this section, a change of ownership shall be deemed to have occurred if more than 50% of the outstanding stock or other financial interest is transferred.

C. 45:5B-37 Ancillary services.

37. (New section) Nothing in this act shall be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance, which are not enumerated in the definition of cosmetology and hairstyling pursuant to section 3 of this act, from being undertaken within a licensed shop or school. To the

extent that the board determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services, placing restrictions on the manner in which the services are offered or designating appropriate training levels which those offering the services shall have to attain.

C. 45:5B-38 Public school courses.

38. (New section) Nothing in this act shall be construed to limit in any way the right of the State Board of Education or any local board of education to establish and operate courses in cosmetology and hairstyling, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to location, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in cosmetology and hairstyling operated by a public school. Nothing in this act shall be interpreted to give any person or agency other than the State Board of Education and the local boards of education the right to prescribe any requirement of any kind whatsoever for courses of cosmetology and hairstyling in public schools or for teachers or pupils in school courses.

39. R. S. 40:52–1 is amended to read as follows:

Municipal regulation.

40:52–1. The governing body may make, amend, repeal and enforce ordinances to license and regulate:

a. All vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises in which or at which the different kinds of business or occupations mentioned herein are carried on and conducted. Nothing herein contained shall be construed as modifying or repealing any of the provisions of chapter 4 of the Title Public Utilities (§ 48:4–1 et seq.);

b. Autobuses, and the owners and drivers of all such vehicles, and to fix the fees for such licenses, which may be imposed for revenue, and to prohibit the operation of all such vehicles in the public streets or places of such municipality, unless such ordinances are complied with, whether such vehicles are operated over routes wholly or partly within the territorial limits of such municipality; the powers conferred by this section shall not be in substitution

of but in addition to whatever other right, power and authority any such municipality may at any time have as to licensing, regulating, or control of the operation of such autobuses, commonly called jitneys, and this section shall not be construed as modifying or repealing any of the provisions of chapter 4 (§ 48:4–1 et seq.) or article 3 of chapter 16 (§ 48:16–23 et seq.) of the Title Public Utilities;

c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers, peddlers, employment agencies, pawnbrokers, junk shopkeepers, junk dealers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant vendors of merchandise, medicines and remedies; and the places and premises in which or at which the different kinds of business or occupations mentioned herein are conducted and carried on;

d. Hotels, boardinghouses, lodging and rooming houses, trailer camps and campsites, motels, furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof, restaurants and all other eating places, and the keepers thereof;

e. Automobile garages, dealers in second-hand motor vehicles and parts thereof, bathhouses, swimming pools, and the keepers thereof;

f. Theatres, cinema and show houses, opera houses, concert halls, dance halls, pool or billiard parlors, bowling alleys, exhibition grounds, and all other places of public amusement, circuses and traveling or other shows, plays, dances, exhibitions, concerts, theatrical performances, and all street parades in connection therewith;

g. Lumber and coal yards, stores for the sale of meats, groceries and provisions, dry goods and merchandise, and goods and chattels of every kind, and all other kinds of business conducted in the municipality other than herein mentioned, and the places and premises in or at which the business is conducted and carried on; street stands for the sale or distribution of newspapers, magazines, periodicals, books, and goods and merchandise or other articles;

h. Street signs and other objects projecting beyond the building line, into or over any public street or highway;

i. Auctioneers and their business, whether the auctioneers be real estate brokers engaged in selling at auction or real estate auctioneers licensed by the New Jersey Real Estate Commission; fix their fees, and license and regulate public auctions; make such regulations as the governing body of the municipality shall deem

necessary, to protect the public against fraud at public auction sales, and for the safety and protection of the property of the municipality and its inhabitants, including the power to require from auctioneers a bond to the municipality, not exceeding the penal sum of $5,000.00, conditioned as the governing body shall require;

j. Sales of goods, wares and merchandise to be advertised, held out or represented, or which are advertised, held out or represented, to the public, by any means, directly or by implication, as forced sales at reduced prices or as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or expiration of lease or closing out sales, or as assignees', receivers' or trustees' sales or as sales of goods distrained or as sales of goods damaged by fire, smoke or water, except any sale which is to be held under a judicial order, judgment or decree or a writ issuing out of any court or to enforce any lawful lien or power of sale, whether by judicial process or not, or by a licensed auctioneer; to make such regulations governing the advertisement, holding out or representing to the public of such sales, and the conduct thereof, as the governing body of the municipality shall deem necessary to protect the public against fraud; to prohibit the advertising, holding out or representing to the public of any sale as being of the character above described which is not of such character and to fix license fees for the conduct of such sales and to impose penalties for the violation of any such ordinance;

k. Roving bands of nomads, commonly called gypsies; and

l. (Deleted by amendment, P. L. 1984, c. 205.)

Nothing in this chapter contained shall be construed to authorize or empower the governing body of any municipality to license or regulate any person holding a license or certificate issued by any department, board, commission, or other agency of the State; provided, however, that the governing body of a municipality may make, amend, repeal and enforce ordinances to license and regulate real estate auctioneers or real estate brokers engaged in selling at auction and their business, as provided in this section, despite the fact that such real estate auctioneers or brokers may be licensed by the New Jersey Real Estate Commission and notwithstanding the provisions of this act or any other act.

40. Section 1 of P. L. 1971, c. 60 (C. 45:1–2.1) is amended to read as follows:

C. 45:1-2.1 Boards, commissions.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, 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 New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, and the Acupuncture Examining Board.

41. Section 2 of P. L. 1971, c. 60 (C. 45:1–2.2) is amended to read as follows:

C. 45:1-2.2 Appointments by Governor.

2. a. All members of the several professional boards and commissions shall be appointed by the Governor in the manner prescribed by law; except in appointing members other than those appointed pursuant to subsection b. or subsection c., the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the appropriate professional organizations of this State.

b. In addition to the membership otherwise prescribed by law, the Governor shall appoint in the same manner as presently prescribed by law for the appointment of members, two additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, 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 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 New Jersey Real Estate Commission, the State Board of Shorthand Reporting, and the State Board of Veterinary Medical Examiners, and one additional public member to each of the following boards: the Board of Examiners of Electrical Contractors, the State Board of Marriage Counselor Examiners and the State Board of Examiners of Master Plumbers. Each public member shall be appointed for the term prescribed for the other members of the board or commission and until the appointment of his successor. Vacancies shall be filled for the unexpired terms only. The Governor may remove any such public member after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

No public member appointed pursuant to this section shall have any association or relationship with the profession or a member thereof regulated by the board of which he is a member, where such association or relationship would prevent such public member from representing the interest of the public. Such a relationship includes a relationship with members of one's immediate family; and such association includes membership in the profession regulated by the board. To receive services rendered in a customary client relationship will not preclude a prospective public member from appointment. This paragraph shall not apply to individuals who are public members of boards on the effective date of this act.

It shall be the responsibility of the Attorney General to insure that no person with the aforementioned association or relationship or any other questionable or potential conflict of interest shall be appointed to serve as a public member of any board regulated by this section.

Where a board is required to examine the academic and professional credentials of an applicant for licensure or to test such applicant orally, no public member appointed pursuant to this section shall participate in such examination process; provided, however, that public members shall be given notice of and may be present at all such examination processes and deliberations concerning the results thereof, and, provided further that public members may participate in the development and establishment of the procedures and criteria for such examination processes.

c. The Governor shall designate a department in the Executive Branch of the State government which is closely related to the

profession or occupation regulated by each of the boards or commissions designated in section 1 and shall appoint the head of such department, or the holder of a designated office or position in such department, to serve without compensation at the pleasure of the Governor as a member of such board or commission.

d. A majority of the voting members of such boards or commissions shall constitute a quorum thereof and no action of any such board or commission shall be taken except upon the affirmative vote of a majority of the members of the entire board or commission.

42. Section 1 of P. L. 1974, c. 46 (C. 45:1–3.1) is amended to read as follows:

C. 45:1-3.1 Subject to act.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, 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, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, and the Acupuncture Examining Board.

43. Section 2 of P. L. 1978, c. 73 (C. 45:1–15) is amended to read as follows:

C. 45:1-15 Professions, occupations covered.

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 Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, 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, the State Board of Veterinary Medical Examiners, and the Acupuncture Examining Board.

Repealer.

44. The following are repealed:

R. S. 45:4–26;

R. S. 45:4A–1 to 45:4A–14;

R. S. 45:4A–16;

R. S. 45:4A–18;

R. S. 45:4A–21 to 45:4A–23;

R. S. 45:4A–35;

P. L. 1938, c. 197, ss. 1 to 8, 11 to 13, 16 to 28 and 30 (C. 45:4–27 to 45:4–34, C. 45:4–37 to 45:4–39, C. 45:4–42 to 45:4–54 and C. 45:4–56);

P. L. 1942, c. 322 (C. 45:4–35.1 and C. 45:4–35.2);

P. L. 1943, c. 9, ss. 1 to 7 (C. 45:4A–5.1, C. 45:4A–10.1, C. 45:4A–11.1 to 45:4A–11.4, C. 45:4A–23.1);

P. L. 1946, c. 132, s. 6 (C. 45:4–29.1);

P. L. 1946, c. 133, ss. 1 to 8, 11 and 12 (C. 45:4–50.1 to 45:1–50.8, C. 45:4–50.10 and C. 45:4–50.11);

P. L. 1950, c. 187 (C. 45:4–50.12);

P. L. 1953, c. 184, s. 7 (C. 45:4A–10.2);

P. L. 1953, c. 185, s. 3 (C. 45:4–33.1);

P. L. 1953, c. 278 (C. 45:4A–23.2 and C. 45:4A–23.3);

P. L. 1955, c. 168 (C. 45:4A–10.3);

P. L. 1963, c. 156, ss. 2, 4 and 5 (C. 45:4–29.2, C. 45:4–31.1 and C. 45:4–39.1);

P. L. 1965, c. 7, s. 14 (C. 45:4A–11.5); and

P. L. 1969, c. 245, s. 9 (C. 45:4–27.1).

45. This act shall take effect on the 365th day following its enactment.

Approved December 4, 1984.

CHAPTER 206

AN ACT concerning the "Teachers' Pension and Annuity Fund Law" and amending N. J. S. 18A:66–71.

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

1. N. J. S. 18A:66–71 is amended to read as follows:

One-half pay on retirement.

18A:66–71. a. Any public employee veteran member in office, position or employment of this State or of a county, municipality, or school district, board of education or other employer who (1) has or shall have attained the age of 60 years and has or shall have been for 20 years continuously or in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer, or (2) has or shall have attained the age of 55 years and has or shall have been for 25 years continuously or in the aggregate in that office, position or employment, shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under N. J. S. 18A:66–44, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made.

b. (Deleted by amendment, P. L. 1984, c. 69.)

c. Any public employee veteran member who has been for 20 years in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer as of January 1, 1955, shall have the privilege of retiring for ordinary disability and of receiving, instead of the retirement allowance provided under N. J. S. 18A:66–41, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made. Such retirement shall be subject to the provisions governing ordinary disability retirement in N. J. S. 18A:66–39 and N. J. S. 18A:66–40.

d. The death benefit provided in N. J. S. 18A:66–44 shall apply in the case of any member retiring under the provisions of subsection a. of this section and in the case of any member who has

previously retired under the provisions of subsection b. of this section before said subsection was amended by this act. The death benefit provided in N. J. S. 18A:66–41 shall apply in the case of any member retiring under the provisions of subsection c. of this section.

e. A member who purchases service credit pursuant to any provision of the "Teachers' Pension and Annuity Fund Law" (N. J. S. 18A:66–1 et seq.) is entitled to apply the credit for the purpose of satisfying any of the service requirements of that act.

2. This act shall take effect immediately and apply to all retirement applications filed on or after July 1, 1984.

Approved December 4, 1984.

CHAPTER 207

AN ACT concerning surplus lines insurer insolvencies and amending P. L. 1984, c. 101 and P. L. 1974, c. 17.

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

1. Section 2 of P. L. 1984, c. 101 (C. 17:22–6.71) is amended to read as follows:

C. 17:22-6.71 Purpose.

2. The purpose of this act is to provide a mechanism for the payment of covered claims under certain insurance policies issued by eligible surplus lines insurers; to avoid excessive delays in the payment of the covered claims against insolvent, eligible, nonadmitted insurers; and to avoid financial loss to claimants or policyholders because of the insolvency of an eligible, nonadmitted insurer.

This act shall apply to all property and casualty lines of direct insurance authorized under R. S. 17:17–1, except workers' compensation insurance, title insurance, surety bonds, credit insurance, mortgage guaranty insurance, municipal bond coverage, fidelity insurance, investment return assurance, and ocean marine insurance. This act shall also not apply to reinsurance of any kind.

2. Section 3 of P. L. 1984, c. 101 (C. 17:22–6.72) is amended to read as follows:

C. 17:22-6.72 Definitions.

3. As used in this act:

a. "Association" means the New Jersey Property-Liability Insurance Guaranty Association created pursuant to P. L. 1974, c. 17 (C. 17:30A–1 et seq.).

b. "Covered claim" means an unpaid claim, including a claim for unearned premiums, which arises out of and is within the coverage, and not in excess of the applicable limits of an insurance policy to which this act applies, and which was issued by a surplus lines insurer which was eligible to transact insurance business in this State at the time the policy was issued and which has been determined to be an insolvent insurer on or after July 27, 1984, if (1) the claimant or policyholder is a resident of this State at the time of the occurrence of the insured event for which a claim has been made, or (2) the property from which the claim arises is permanently located in this State.

"Covered claim" shall not include any amount due any reinsurer, insurance pool or underwriting association, as subrogation recoveries or otherwise, except that a claim for any such amount, asserted against a person insured under a policy issued by a surplus lines insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool, or underwriting association, would be a "covered claim," may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted in any legal action against the insured of that insolvent insurer. "Covered claim" shall also not include amounts for interest on unliquidated claims, punitive damages unless covered by the policy, counsel fees for prosecuting suits for claims against the fund, and assessments or charges for failure by an insolvent insurer to have expeditiously settled claims.

c. "Fund" means the New Jersey Surplus Lines Insurance Guaranty Fund created pursuant to section 4 of this act.

d. "Insolvent insurer" means an insurer which was an eligible surplus lines insurer at the time the insurance policy was issued or when the insured event occurred, and which is determined to be insolvent by a court of competent jurisdiction in this State or the state or place in which the surplus lines insurer is domiciled. "Insolvent insurer" does not include an admitted insurer issuing insurance pursuant to section 10 of P. L. 1960, c. 32 (C. 17:22–6.44).

e. "Member insurer" means an eligible, nonadmitted or surplus lines insurer required to be a member of, and that is subject to assessments by the fund.

f. "Net direct written premiums" means direct gross premiums on insurance policies written by a surplus lines insurer to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on that direct business. If a policy issued by a surplus lines insurer covers risks or exposures only partially in this State, the "net direct written premiums" shall be computed, for assessment purposes, on that portion of the premium subject to the premium receipts tax levied in accordance with section 25 of P. L. 1960, c. 32 (C. 17:22–6.59). "Net direct written premiums" do not include premiums on contracts between insurers or reinsurers.

g. "Surplus lines insurer" means a nonadmitted insurer approved as an eligible, nonadmitted or unauthorized insurer pursuant to section 11 of P. L. 1960, c. 32 (C. 17:22–6.45) at the time the policies were issued against which a covered claim may be filed in accordance with this act.

3. Section 4 of P. L. 1984, c. 101 (C. 17:22–6.73) is amended to read as follows:

C. 17:22-6.73 Surplus Lines Insurance Guaranty Fund.

4. There is created a private, nonprofit, unincorporated, legal entity to be known as New Jersey Surplus Lines Insurance Guaranty Fund. All surplus lines insurers shall be and remain member insurers of the fund as a condition of their continued eligibility pursuant to section 11 of P. L. 1960, c. 32 (C. 17:22–6.45). The fund shall be managed and administered by the New Jersey Property-Liability Insurance Guaranty Association. The association shall excercise all of the powers vested in the fund under this act, and such other powers as may be necessary or appropriate to the fulfilling of its responsibilities under this act. The association shall administer the affairs of the fund in accordance with the "New Jersey Property-Liability Guaranty Association Act," P. L. 1974, c. 17 (C. 17:30A–1 et seq.) and its plan of operation adopted pursuant to section 9 (C. 17:30A–9), insofar as the provisions of that act and that plan are not thereof inconsistent with the provisions of this act, and subject to any amendments to the plan as may be necessary or appropriate to effectuate the purposes of this act.

In order to assist the association in implementing the provisions of this act, there is created an advisory body to the board of di-

rectors of the association to be comprised of two members representing eligible surplus lines insurers and two members representing surplus lines agents, to be appointed by and to serve at the pleasure of the commissioner. The association shall consult the advisory body on any matter relating to the provisions of P. L. 1984, c. 101 (C. 17:22–6.70 et seq.).

4. Section 5 of P. L. 1984, c. 101 (C. 17:22–6.74) is amended to read as follows:

C. 17:22-6.74 Duties, powers of fund.

5. a. The fund shall:

(1) Be obligated to the extent of the covered claims against an insolvent insurer incurred prior to or 30 days after the determination of insolvency, or before the policy expiration date, if less than 30 days after that determination, or before the policyholder replaces the policy or causes its cancellation, if he does so within 30 days of the determination. The fund's obligation for covered claims shall not be greater than $300,000.00 per occurrence, subject to any applicable deductible contained in the policy. The commissioner may adjust the fund's obligations for covered claims based on the monies available in the fund. In no event shall the fund be obligated to a policyholder or claimant in excess of the limits of liability of the insolvent insurer stated in the policy from which the claim arises;

(2) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) Assess member insurers in accordance with section 6 of this act in amounts necessary to pay:

(a) Obligations of the fund under paragraph (1) of this subsection,

(b) Expenses of handling covered claims,

(c) Any other expenses incurred in the implementation of the provisions of this act;

(4) Investigate claims brought against the fund; and adjust, compromise, settle, and pay covered claims to the extent of the fund's obligation; and deny all other claims; and may review settlements, releases and judgments to which the insolvent insurer or its policyholders were parties to determine the extent to which the settlements, releases and judgments may be properly contested;

(5) Notify those persons as the commissioner directs under section 8 of this act;

(6) Handle claims through the association's employees or representatives, or through one or more insurers or other persons designated as servicing facilities; and

(7) Pay the other expenses of the association in administering the provisions of this act.

b. The fund may:

(1) Sue or be sued;

(2) Negotiate and become a party to those contracts which are necessary to carry out the purpose of this act;

(3) Perform those other acts which are necessary or appropriate to effectuate the purpose of this act;

(4) Refund to the member insurers in proportion to the contribution of each member insurer that amount which the commissioner determines to be in excess of the needs of the fund; and

(5) With the approval of the commissioner, borrow monies from any source, including but not limited to the New Jersey Property-Liability Insurance Guaranty Association, in accordance with subsection b. of section 6 of P. L. 1984, c. 101 (C. 17:22–6.75), as may be necessary to effectuate the purposes of that act, except that the use of proceeds of any loans shall be limited to the payment of covered claims, including claim adjustment expenses.

5. Section 6 of P. L. 1984, c. 101 (C. 17:22–6.75) is amended to read as follows:

C. 17:22-6.75 Assessments; surcharges.

6. a. In order to provide the monies necessary to meet the fund's obligations and expenses under this act:

(1) Each member insurer, including a surplus lines insurer made eligible on or after the effective date of this act, shall make an initial one-time payment of $25,000.00, to be made to the fund within 60 days of the effective date of this act; and

(2) A surcharge on the policy premium, as determined by the commissioner, shall be levied and collected on any surplus lines coverage issued or renewed on or after the effective date of this amendatory act. The surcharge shall be collected by the surplus lines agent at the time of delivery of the cover note, certificate of insurance, policy or other initial confirmation of insurance. No premium receipts tax, commissions or assessments shall be levied or collected on the surcharge. The surplus lines agent shall for-

ward to the fund the amount of the surcharge on a quarterly payment basis. Each member insurer and surplus lines agent shall be notified of the policy surcharge not later than 10 days before it is due. The amount of the surcharge may be, from time to time, adjusted, terminated or reinstituted by the commissioner, as he may deem necessary to meet the current and projected obligations and expenses of the fund, except that in no case shall the surcharge in any year exceed 4% of the policy premium.

b. The fund may, from time to time, borrow monies from the New Jersey Property-Liability Insurance Guaranty Association to pay the fund's obligations and expenses under this act, which are in excess of the monies available to the fund therefor. The aggregate amount owed by the fund to the association shall at no time exceed $10,000,000.00, exclusive of interest charges, except that the commissioner may limit the amount of loans outstanding at any one time to less than $10,000,000.00 upon a finding that the additional monies requested by the fund would reduce the monies available to the association below a level necessary to meet the current and prospective obligations of the association pursuant to paragraph (3) of subsection a. of section 8 of P. L. 1974 (C. 17:30A–8). Monies borrowed under this subsection shall be paid back to the association in accordance with a payment schedule approved by the commissioner. An interest charge shall be levied on all monies borrowed under this subsection at the current market rate of interest, using an index or indexes to be selected by the commissioner.

c. No policy surcharge shall be levied or collected upon a determination by the commissioner that the fund's unencumbered assets exceed the fund's outstanding and anticipated obligations and other liabilities, including expenses chargeable to the fund, by $10,000,000.00 or more.

6. Section 7 of P. L. 1984, c. 101 (C. 17:22–6.76) is amended as follows:

C. 17:22-6.76 Suspension.

7. The commissioner may, after notice, suspend the eligibility of a member insurer or the license of a surplus lines agent that fails to pay an assessment or policy surcharge under section 6 of this act when due, or any interest accruing thereon, or fails to comply with the applicable provisions of the plan of operations. The commissioner may, after notice and hearing in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C.

52:14B–1 et seq.), withdraw the eligibility of that insurer or suspend or revoke the surplus lines agent's license.

Interest shall be charged on the amount of the unpaid assessment or surcharge subject to the provisions of this section. The interest charge shall be at the current market rate of interest, using an index or indexes to be selected by the commissioner, and shall be payable at the time the unpaid assessment or policy surcharge is paid to the fund.

Eligibility of a surplus lines insurer or the license of an agent shall not be restored or reissued until all monies owing under this section have been paid to the fund.

7. Section 8 of P. L. 1984, c. 101 (C. 17:22–6.77) is amended to read as follows:

C. 17:22-6.77 Insolvent insurers.

8. a. An insolvent insurer shall forward to the commissioner and to the association a copy of the declaration of insolvency within three business days of the date of the determination of the insolvency. A surplus lines insurer shall forward to the fund and commissioner a copy of any complaint seeking an order of liquidation with a finding of insolvency against the insurer at the same time that such complaint is filed with a court of competent jurisdiction.

b. The commissioner shall:

(1) Order the termination of all in-force policies of an insolvent insurer within 30 days of the date of determination of the insolvency;

(2) Upon request, provide the fund with a statement of the net direct written premiums of each member insurer; and

(3) Order surplus lines agents to notify, within five days of the date of the order, the policyholders of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this act. Notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

8. Section 14 of P. L. 1984, c. 101 (C. 17:22–6.83) is amended to read as follows:

C. 17:22-6.83 Notice of protection.

14. A member insurer shall include on the application and on the face of the policy or certificate for insurance subject to this

act, a notice stating that the insurer is not an admitted company in New Jersey, but that the policy coverage has the protection, in whole or in part, of the New Jersey Surplus Lines Insurance Guaranty Fund, if the eligible surplus lines insurer becomes bankrupt or insolvent. A member insurer or an agent or broker may advertise that policy coverages offered by a member insurer and subject to the provisions of this act are protected by the New Jersey Surplus Lines Insurance Guaranty Fund, should the surplus lines insurer become bankrupt or insolvent. The commissioner shall determine the contents and form of the notice.

9. Section 8 of P. L. 1974, c. 17 (C. 17:30A–8) is amended to read as follows:

C. 17:30A-8 Duties, powers of association.

8. a. The association shall:

(1) Be obligated to the extent of the covered claims against an insolvent insurer incurred, in the case of private passenger automobile insurance, prior to or after the determination of insolvency, but before the policy expiration date or the date upon which the insured replaces the policy or causes its cancellation, or in the case of insurance other than private passenger automobile insurance, covered claims against such insolvent insurer incurred prior to or 90 days after the determination of insolvency, or before the policy expiration date, if less than 90 days after said determination, or before the insured replaces the policy or causes its cancellation, if he does so within 90 days of the determination, but such obligation shall include only that amount of each covered claim which is less than $300,000.00 and subject to any applicable deductible contained in the policy, except that the $300,000.00 limitation shall not apply to a covered claim arising out of insurance coverage mandated by section 4 of P. L. 1972, c. 70 (C. 39:6A–4). In the case of benefits payable under subsection a. of section 4 of P. L. 1972, c. 70 (C. 39:6A–4), the association shall be liable for payment of benefits in an amount not to exceed $75,000.00. Benefits paid in excess of such amount shall be recoverable by the association from the Unsatisfied Claim and Judgment Fund pursuant to the provisions of section 2 of P. L. 1977, c. 310 (C. 39:6–73.1). In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the limits of liability stated in the policy of the insolvent insurer from which the claim arises;

(2) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and

obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) Assess member insurers in amounts necessary to pay:

(a) The obligations of the association under paragraph a. (1) of this section;

(b) The expenses of handling covered claims;

(c) The cost of examinations under section 13; and

(d) Other expenses authorized by this act.

The assessment of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment bears to the net direct written premiums of all member insurers for the calendar year preceding the assessment.

Each member insurer shall be notified of the assessment not later than 30 days before it is due. No member insurer may be assessed in any year an amount greater than 2% of that member insurer's net direct written premiums for the calendar year preceding the assessment.

The association may, subject to the approval of the commissioner, exempt, abate or defer, in whole or in part the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. In the event an assessment against a member insurer is exempted, abated, or deferred, in whole or in part, because of the limitations set forth in this section, the amount by which such assessment is exempted, abated, or deferred shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association, does not provide in any one year an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as it is permitted by this act. Each member insurer serving as a servicing facility may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by such member insurer;

(4) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of

the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) Notify such persons as the commissioner directs under section 10b. (1);

(6) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer;

(7) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act;

(8) Make loans to the New Jersey Surplus Lines Insurance Guaranty Fund in accordance with the provisions of the "New Jersey Surplus Lines Insurance Guaranty Fund Act," P. L. 1984, c. 101 (C. 17:22–6.70 et seq.).

b. The association may:

(1) Employ or retain such persons as are necessary to handle claims and perform such other duties of the association;

(2) Borrow funds necessary to effectuate the purpose of this act in accordance with the plan of operation;

(3) Sue or be sued;

(4) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act;

(5) Perform such other acts as are necessary or proper to effectuate the purpose of this act;

(6) Refund to the member insurers in proportion of the contribution of each member insurer that amount by which the assets exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities, as estimated by the board of directors for the coming year.

10. This act shall take effect immediately and shall be retroactive to July 27, 1984.

Approved December 4, 1984.

CHAPTER 208

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:*

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; provided, however, that a supplemental debt statement has heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24–16 and 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 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 December 4, 1984.

CHAPTER 209

AN ACT concerning the appointment of wardens in certain counties, supplementing Title 30 of the Revised Statutes and repealing R. S. 30:8–18.

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

C. 30:8-17.1 Jail wardens.

1. Except as otherwise provided in R. S. 30:8–15, in any county where the sheriff assumes the custody, keeping and charge of the county jail or jails and all prisoners therein, as provided by R. S. 30:8–17, the sheriff may appoint some fit person to be the keeper or warden of the jail or jails of the county, who shall serve at the pleasure of the sheriff, shall hold his office for the term of one year and until his successor is appointed and qualified in his place and may be reappointed to subsequent one-year terms.

To be considered for appointment as keeper or warden an applicant shall have at least three years of supervisory experience in the field of corrections and shall possess those qualities necessary for the effective and efficient administration of a penal institution.

The position of keeper or warden established pursuant to this act is placed in the unclassified service of the civil service.

This act shall not affect the term of office or employment of any person who, as of the effective date of this act, holds a position as keeper or warden.

Repealer.

2. R. S. 30:8–18 is repealed.

3. This act shall take effect immediately.

Approved December 10, 1984.

CHAPTER 210

AN ACT concerning hazardous discharges and supplementing Title 13 of the Revised Statutes.

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

C. 13:1K-15 Definitions.

1. As used in this act:

a. "Hazardous substances" means those elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances

adopted by the federal Environmental Protection Agency pursuant to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," Pub. L. 92-500 (33 U.S.C. § 1321), as amended, and the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to section 307 of that act (33 U.S.C. § 1317); except that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act.

b. "Hazardous discharge" means a discharge of a hazardous substance required to be reported to the Department of Environmental Protection pursuant to the provisions of P. L. 1976, c. 141 (C. 58:10–23.11 et seq.) and any rules and regulations adopted pursuant thereto, but shall not include such a hazardous discharge reported to the department prior to the effective date of this act.

c. "Industrial establishment" means any place of business engaged in operations which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances on-site, above or below ground, and having a primary Standard Industrial Classification number within Major Group Numbers 22-39 inclusive, 46-49 inclusive, 51, 55, 75 or 76 as designated in the Standard Industrial Classification manual prepared by the Office of Management and Budget in the Executive Office of the President of the United States; and including any other places of business which the Department of Environmental Protection may by regulation prescribe. The department may, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), exempt certain subgroups within the Standard Industrial Classification Major Group Numbers listed in this subsection upon a finding that the operation of the industrial establishment does not pose a risk to public health and safety.

C. 13:1K-16 Report to municipality.

2. a. An owner or operator of an industrial establishment, or real property which once was the site of an industrial establishment, who knows or suspects the occurrence of any hazardous discharge on-site, above or below ground, at the industrial establishment or real property shall, within 10 days of obtaining any information leading to this knowledge or suspicion, make an inspection thereof and file a written report concerning this hazardous discharge with the governing body of the municipality in which the industrial establishment or real property is located and the local board of health. The report shall include: the types and

quantity of hazardous substances involved in the hazardous discharge, if known; the location of the hazardous discharge; and any actions taken by the owner or operator of the industrial establishment to contain the hazardous substance.

b. A person who fails to make a report required pursuant to this section, knowingly gives or causes to be given any false information in any such report, or otherwise violates the provisions of this section, or any rule or regulation adopted pursuant thereto, is liable to a penalty of not more than $50,000.00, to be collected in a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58–1 et seq., or in a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

c. If any person violates any of the provisions of this section, the Department of Environmental Protection, the governing body of the municipality or the local health department may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent the continuation of the violation and the court may proceed in a summary manner.

d. Any person reporting a hazardous discharge pursuant to the provisions of this section shall not, by this report, incur liability for the cleanup of the hazardous discharge. The provisions of this subsection shall not affect a person's liability for the cleanup of a hazardous discharge under any other law, rule, or regulation.

C 13:1K-17 Notification; investigation.

3. a. When the Department of Environmental Protection obtains any information which leads it to suspect that a hazardous discharge has occurred, it shall immediately notify, in writing and orally, the governing body and the local board of health of the municipality in which the hazardous discharge has occurred and shall take appropriate action to verify that a hazardous discharge has occurred, including authorizing an agent or officer of the municipality to investigate the site of the suspected hazardous discharge and to report to the department.

b. Within six months of the effective date of this act, the department shall transmit to the governing body of each municipality in the State a list of all hazardous discharges reported to the department pursuant to the provisions of P. L. 1976, c. 141 (C. 58:10–23.11

et seq.) or which the department discovered by any other means, which occurred within the boundaries of the municipality between the effective date of P. L. 1976, c. 141 and the effective date of this act. This list also shall include the status of the department's response to, or action taken concerning each discharge.

c. When the governing body of a municipality or the local board of health obtains any information which leads it to suspect that a hazardous discharge has occurred, it shall immediately notify the department, in writing and orally.

C. 13:1K-18 Rules, regulations.

4. The department shall adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), the rules and regulations necessary to carry out the provisions of this act.

5. This act shall take effect immediately.

Approved December 10, 1984.

CHAPTER 211

AN ACT concerning the appointment of undersheriffs and amending N. J. S. 40A:9–116.

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

1. N. J. S. 40A:9–116 is amended to read as follows:

Limitation on number of undersheriffs.

40A:9–116. Limitation on number of undersheriffs.

In all counties the sheriff may appoint not more than three undersheriffs. All such undersheriffs shall hold office during the pleasure of the sheriff making the appointment, or his successor. The undersheriffs shall be included in the unclassified service of the civil service.

2. This act shall take effect immediately.

Approved December 10, 1984.

CHAPTER 212

AN ACT concerning death by auto and amending N. J. S. 2C:11–5.

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

1. N. J. S. 2C:11–5 is amended to read as follows:

Death by auto.

2C:11–5. Death by auto. a. Criminal homicide constitutes death by auto when it is caused by driving a vehicle recklessly.

b. Death by auto is a crime of the third degree and, notwithstanding the provisions of 2C:43–2, the court may not suspend the imposition of sentence on any defendant convicted under this section, who was operating the vehicle under the influence of an intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, and any sentence imposed under this section shall include either a fixed minimum term of 120 days' imprisonment, during which the defendant shall be ineligible for parole, or a requirement that the defendant perform a community related service for a minimum of 120 days.

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.

2. This act shall take effect immediately.

Approved December 13, 1984.

CHAPTER 213

AN ACT creating a commission to study State and local fiscal policy, including State and local spending and the revenues to support it, and all of the elements pertinent thereto, including the financing of public schools, and making an appropriation therefor.

WHEREAS, It is generally agreed that serious study of fiscal policy and possible structural reform of our system of State and local finance is long overdue; and

WHEREAS, Implementation of programs according to the State school aid formula has been difficult in our current economic climate and equalization of funding resources has not been fully realized; and

WHEREAS, It is essential to any reform that an immediate and comprehensive examination be undertaken of existing State fiscal policy; the present and future revenue requirements for providing government services at all levels of government; the various established, mandated State spending formulas; and the role of the various levels of government in raising revenues and providing services; and

WHEREAS, Only after examination can meaningful recommendations for reform be developed to meet future revenue requirements and to provide an equitable distribution of the cost of government; now, therefore,

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

1. There is created a commission to be known as the "State and Local Expenditure and Revenue Policy Commission," to consist of a chairman to be appointed by the Governor with the advice and consent of the Senate, and 32 members, all of whom shall be citizens and residents of this State, 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; the Commissioner of Education, ex officio, or his designee; the State Treasurer, ex officio, or his designee; the Director of the Division of Budget and Accounting, ex officio, or his designee; the Director of the Division of Taxation, ex officio, or his designee; and the following individuals, should they be willing to serve, or their designees: the President of the Association of County Tax Board Commissioners and County Tax Administrators; the President of the Association of Municipal Assessors of New Jersey; the Chairman of the Taxation Section of the New Jersey State Bar Association; the President of the New Jersey League of Women Voters; the Executive Director of the New Jersey Taxpayers Association; the President of the New Jersey School Boards Association; the President of the New Jersey Education Associa-

tion; the President of the New Jersey Business and Industry Association; the President of the New Jersey State Chamber of Commerce; the President of the New Jersey State AFL-CIO; the President of the New Jersey League of Municipalities; and the President of the New Jersey Alliance for Action. Six of the remaining members of the commission shall be appointed by the Governor, and six jointly by the President of the Senate and the Speaker of the General Assembly, provided that no more than half of the appointments of each be of the same political party, and that in making these appointments the appointing authorities include representatives of State and local government, business and labor, taxpayers, professions and other persons knowledgeable in major areas of governmental services, and persons knowledgeable in the control of State spending and the revenues to support it. The members shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. The commission shall organize as soon as may be practicable following the appointment of its members, to select a secretary, who need not be a member of the commission. The commission may divide itself into such task forces and subcommittees as it deems necessary to accomplish its study.

3. a. The commission shall engage in a continuing study of the State and local tax structure, the structure of State expenditures, mandated spending formulas, and related fiscal matters, with particular attention to: (1) a taxpayer's relative ability to pay, (2) the relationship of the State and local tax system to the economy of the State and its localities, (3) the adequacy of this tax system to support the needs of the residents of the State and its localities for public services and facilities, (4) the reasonableness, efficiency, and fairness of the State and local tax system and spending formulas, (5) the relationship of State expenditures to the vitality of the economy of the State, and (6) the ability of the residents of the State to bear the cost of formula-driven increases in State spending.

b. The commission shall engage in a continuing study of the structure of State and local expenditures, mandated spending formulas, and related fiscal matters, with particular attention to: (1) the relationship of State expenditures to the vitality of the economy of the State and its localities, (2) the ability of the State and local tax systems to bear the cost of formula-driven

spending increases and of government services, and (3) the reasonableness, efficiency, and fairness of the State spending formulas.

c. The commission shall prepare a detailed evaluation of how the State's economic base is changing and how it is projected to change in the years ahead, together with the revenue and productivity implications that these changes will have, under various alternative revenue and expenditure structures.

d. The commission shall make recommendations to ensure that, where mandated expenditures are paid from dedicated or earmarked revenues, a structure is built into those formulas to ensure that the mandated spending is kept as nearly as practicable in balance with the related revenues.

e. The commission shall conduct a comprehensive study and investigation of the ways in which State financing of education under section 3 of P. L. 1975, c. 212 (C. 18A:7A–3) has been implemented.

f. The commission shall make recommendations as to various possible structural changes in education aid formulas, and in doing so shall be mindful of the State's goals of providing a thorough and efficient education, equalization of funding resources, addressing the special educational needs of students and the attainment of equal educational opportunity, while seeking ways to effect economies in the overall cost of education.

g. The commission shall review the constitutional and statutory provisions relating to taxes imposed by the State and its political subdivisions.

h. The commission shall review the existing and future demand for government services at all levels within the State.

i. The commission shall review methods of providing revenues to finance government services in the manner to provide for the most equitable distribution of the cost of government among the taxpayers in the State.

j. The commission shall review the ability of the various levels of government to raise the revenues necessary to provide present and future government services.

k. The commission shall review the proper and efficient allocation of cost among the various levels of government of present and future government services.

l. The commission shall also determine the respects in which the tax laws and regulations of the State of New Jersey can be revised for greater efficiency in the assessment and collection of taxes.

m. The commission shall eventually publish a complete set of the technical papers generated by the commission or its task forces, so they will be available to the State government as a basis for future research and analysis.

n. The commission shall also make any appropriate studies which are directed by the Legislature and the Governor, by legislation duly adopted and signed.

4. The commission shall be entitled to appoint an executive director and a staff to serve for the duration of the commission's study, and to call to its assistance and avail itself of such services of 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 these purposes, and to employ such stenographic and clerical assistants and incur such traveling, equipment, computer and data processing and other miscellaneous expenses as it may deem necessary, in order to perform its duties.

5. The commission may meet and hold hearings at any place as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and to the Legislature by January 15, 1986, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. There is appropriated $500,000.00 to the commission from the General Fund in order to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved December 17, 1984.

CHAPTER 214

AN ACT concerning eminent domain and amending P. L. 1962, c. 198.

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

1. Section 48 of P. L. 1962, c. 198 (C. 48:3–17.6) is amended to read as follows:

C. 48:3-17.6 Condemnation for utility purposes.

48. Any of the following types of public utilities now or hereafter organized and existing under and by virtue of any law of

this State: electric light, heat and power; canal; gas; pipeline; railroad; underground railroad; sewerage; solid waste disposal, as defined in section 3 of P. L. 1970, c. 40 (C. 48:13A–3); water power; street railway or traction; telegraph or telephone; or water, in addition to and not in substitution for whatever other right, power and authority it may have and possess, may, subject to the restrictions as provided hereinafter, take or acquire under the provisions of P. L. 1971, c. 361 (C. 20:3–1 et seq.), such property or other interest therein which may be reasonably necessary for the purposes enumerated for each such utility in the succeeding sections hereto. In the case of solid waste disposal facilities, the condemnation proceeding may not commence unless the Department of Environmental Protection finds, pursuant to the provisions of section 17 of P. L. 1975, c. 326 (C. 13:1E–26), that the site to be taken is a suitable site for a solid waste disposal facility, and that it will not pose an undue risk to the environment or public health.

2. This act shall take effect immediately.

Approved December 17, 1984.

CHAPTER 215

AN ACT concerning the New Jersey Sports and Exposition Authority and amending P. L. 1971, c. 137.

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

1. Section 2 of P. L. 1971, c. 137 (C. 5:10–2) is amended to read as follows:

C. 5:10-2 Findings, declarations.

2. The Legislature hereby finds and declares that the general welfare, health and prosperity of the people of the State will be promoted by the holding of athletic contests, horse racing and other spectator sporting events and of trade shows and other expositions in the State; that in order to induce professional athletic teams, particularly major league football and baseball teams, to locate their franchises in the State, it is necessary to provide stadiums and related facilities for the use of such teams, in addition to the facilities for horse racing and other spectator sporting events and to

undertake the projects herein described; that such projects would provide needed recreation, forums and expositions for the public.

It is hereby further found and declared that additional facilities are needed in the State to accommodate trade shows and other expositions in order to promote industry and development in the State and provide a forum for public events.

The Legislature further finds and declares that the location of a sports and exposition complex in the Hackensack meadowlands would stimulate the needed development of said meadowlands.

The Legislature has determined that to provide for the projects, including the establishment and operation of the needed stadiums and other facilities for the holding of such spectator sports, expositions and other public events and uses, a corporate agency of the State shall be created with the necessary powers to accomplish these purposes.

The Legislature further finds that the authority and powers conferred under this act and the expenditure of public moneys pursuant thereto constitute a serving of 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.

2. Section 3 of P. L. 1971, c. 137 (C. 5:10–3) is amended to read as follows:

C. 5:10-3 Definitions.

3. The following words or terms as used in this act shall have the following meanings, unless a different meaning clearly appears from the context:

a. "Act" means this New Jersey Sports and Exposition Authority Law.

b. "Authority" means the New Jersey Sports and Exposition Authority created by section 4 of the act.

c. "Bonds" means bonds issued by the authority pursuant to the act.

d. "Meadowlands complex" means the sports and exposition project authorized by paragraph (1) of subsection a. of section 6 of the act.

e. "Notes" means notes issued by the authority pursuant to the act.

f. "Projects" means and includes any project which the authority is authorized to undertake pursuant to paragraphs (1) through (7) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10–6).

g. "State" means the State of New Jersey.

h. "Hackensack meadowlands" means the Hackensack Meadowlands District as delineated in section 4 of P. L. 1968, c. 404 (C. 13:17–4).

i. "Meadowlands Commission" means the Hackensack Meadowlands Development Commission created by P. L. 1968, c. 404.

j. "Racing Commission" means the New Jersey Racing Commission created by P. L. 1940, c. 17.

k. "Credit agreement" as used herein includes loan agreement, revolving credit agreement, agreement establishing a line of credit, letter of credit, reimbursement agreement, insurance contract, surety bond, commitment to purchase bonds, purchase or sale agreement, or commitments or other contracts or agreements authorized and approved by the authority in connection with the authorization, issuance, security, or payment of bonds.

3. 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 to enter into any credit agreement, and otherwise to provide for and secure the payment of its bonds and notes 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 its projects 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 its projects;

j. To establish, acquire, construct, lease the right to construct, rehabilitate, repair, improve, own, operate, and maintain its projects, 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 sections 1 through 3 of P. L. 1981, c. 447 (C. 5:10–21.1 through 5:10–21.3);

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 its projects 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 its projects or the conduct of its activities, and provide for the policing and the security of its projects;

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 any of its projects 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 any project, except that the authority shall not have the right to exercise the power of eminent domain in connection with projects authorized under paragraphs (5), (6), and (7) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10–6);

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 its projects 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's use of its projects 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 to 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, in connection with its project in the meadowlands complex;

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 contract 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, including, but not limited to, the creation or formation of profit or not-for-profit corporations, 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 a project or any part thereof and all other matters in connection with all or any part of a 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 any project under the jurisdiction of the Meadowlands Commission.

4. Section 6 of P. L. 1971, c. 137 (C. 5:10–6) is amended to read as follows:

C. 5:10-6 Authorized projects.

6. a. The authority, pursuant to the provisions of the act, is hereby authorized and empowered, either alone or in conjunction with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the authority shall have sufficient right and power to carry out the public purposes set forth in this act:

(1) To establish, develop, construct, operate, acquire, own, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project to be located in the Hackensack meadowlands upon a site not to exceed 750 acres and upon a site or sites outside of that acreage, but either immediately contiguous thereto or immediately across any public road which borders that acreage, consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, clubhouses, a racetrack for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of athletic contests

or other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities, related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(2) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project, at a site within the State of New Jersey, but outside of the meadowlands complex, consisting of a baseball stadium and other buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to a complex suitable for the holding of professional baseball games and other athletic contests or sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(3) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside of the meadowlands complex, consisting of aquariums and the buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those aquariums, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and

otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition center or hotel complex, at a site either (a) within the meadowlands complex or (b) outside of the meadowlands complex, but either immediately contiguous thereto or immediately across any public road which borders the meadowlands complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of that project.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the State of New Jersey shall be permitted on the condition that payments equivalent to all municipal, school board and county taxes due to each entity shall be paid by the authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the authority conveys lands or other parts of the

racetrack facility to others, the authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the authority. In addition, the authority shall be responsible for paying all existing local franchise fees, license and parking tax fees in effect at the time of the acquisition.

(6) To establish, develop, acquire, own, operate, manage, promote and otherwise effectuate, in whole or in part, either directly or indirectly through lessees, licensees or agents, projects consisting of events, expositions, teams, team franchises or membership in professional sports leagues.

(7) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of facilities, at a site or sites within the State of New Jersey and either within or without the meadowlands complex, that are related to, incidental to, necessary for, or complementary to the accomplishment or purpose of any project of the authority authorized by this section, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of those projects.

b. The authority, pursuant to the provisions of the act, is authorized (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of those projects, (2) to lease any part of any of those project sites not occupied or to be occupied by the facilities of any of those projects, for purposes determined by the authority to be consistent with or related to the purposes of those projects, including, but not limited to, hotels and other accommodations for transients and other facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property, including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects.

c. 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) Payments required to be made, in accordance with the resolution authorizing or relating to the issuance of bonds or notes of the authority, for the purposes of any project authorized by this 1984 amendatory act;

(7) 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 section 1 of P. L. 1973, c. 286 (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.

d. Revenues, moneys or other funds, if any, derived from the operation or ownership of any project other than the meadowlands complex shall be applied for such purposes, in such manner and subject to such conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of such project, and the balance, if any, remaining after such application shall be deposited in the General Fund.

5. Section 7 of P. L. 1971, c. 137 (C. 5:10–7) is amended to read as follows:

C. 5:10-7 Horse races authorized.

7. a. The authority is hereby authorized, licensed and empowered to apply to the Racing Commission for a permit or permits to hold and conduct, at any of the projects set forth in paragraphs (1) and (5) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10–6), 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 results 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 race 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 for other applicants. 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 and shall remain in force and effect so long as any bonds or notes of the authority remain outstanding, the provisions 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 provisions of any other law to the contrary, the Racing Commission shall allot annually to the authority (1) for the meadowlands complex, in the case of harness racing, not less than 100 racing days, and in the case of running racing, not less than 56 racing days, if and to the extent that application is made therefor, and (2) for any other project, which is set forth in paragraph (5) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10–6), and which was previously operated by a permitholder other than the authority, racing days shall be limited, in type of racing and amount of days, to those allotted by the Racing Commission to the prior permitholder for the year 1985, as of December 13, 1984; except that the authority may apply to the Racing Commission for an extension of the number and type of racing days pursuant to section 2 of P. L. 1984, c. 247 (C. 5:5–43.1).

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. Distribution of sums deposited in parimutuel pools to winners thereof shall be in accordance with the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–64) pertaining thereto. The authority shall make disposition of the deposits remaining undistributed as follows:

(1) In the case of harness races:

(a) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 42½% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(ii) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(iii) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in

New Jersey through payment of awards to owners and breeders of New Jersey bred horses, which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(iv) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

Payment of the sums held and set aside pursuant to subparagraphs (iii) and (iv) shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

(b) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the authority. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the authority shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the authority shall retain out of the 7% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(2) In the case of running races:

(a) Hold and set aside in an account designated as a special trust account 15% of 1% of such total contributions, to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such registered New Jersey bred money earners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7.24% of the total contributions.

(c) For pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account established pursuant to section 46 b. (1) (e) and 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5–66).

Payment of the sums held and set aside pursuant to subparagraphs (a) and (c) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

In addition, as an initial payment to the State, an amount equal to ½ of 1% of all parimutuel pools shall be deposited annually in

the General State Fund. All amounts remaining in parimutuel pools, including the breaks, after such distribution and payments shall constitute revenues of the authority. Except as otherwise expressly provided in this section 7, the authority shall not be required to make any payments to the Racing Commission or others in connection with contributions to parimutuel pools.

In the event that a written agreement between the authority and the respective horsemen's associations shall require the distribution of additional sums of money to increase purses or contributions to the special trust accounts hereinabove provided, or both, any such distribution to be made in the year 1981 shall be made by the authority only from, and to the extent of, available moneys from the preceding year set aside for such purpose, after application of the authority's revenues, moneys or other funds as provided in subsection c. (1), (2), (3), (4), (5), (6) and (7) of section 6 of P. L. 1971, c. 137 (C. 5:10-6).

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. 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 of New Jersey, 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 results of horse races held at such race meeting shall not under any circumstances, if conducted as provided in the 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, subject to the same terms and conditions as is required of similar employees of other permitholders. 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 New Jersey 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 laws.

6. Section 8 of P. L. 1971, c. 137 (C. 5:10–8) is amended to read as follows:

C. 5:10-8 Additional powers.

8. a. If the authority shall find it necessary in connection with the undertaking of any of its projects to change the location of any portion of any public highway or road, it may contract with any government agency or public or private corporation, which may have jurisdiction over said public highway or road, to cause said public highway or road to be constructed at such location as the authority shall deem most favorable and, as to its project in the meadowlands complex, in consultation with the Meadowlands Commission. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the authority as a part of the cost of any project. Any public highway affected by the construction of a project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as part of the cost of the project. In all undertakings authorized by this subsection the authority shall consult and obtain the approval of the New Jersey Department of Transportation.

b. In addition to the foregoing powers, the authority and its authorized agents and employees may enter upon any lands, waters and premises for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of the act, all in accordance with due process of law, and such entry shall not be deemed a trespass nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

c. The authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility as defined in R. S. 48:2–13, in, on, along, over or under a project. Whenever the authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under a project shall be relocated in the project, or should be removed therefrom, the public utility owning or operating such facilities shall relocate or remove

the same in accordance with the order of the authority; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the authority as a part of the cost of any project. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations. In all undertakings authorized by this subsection the authority shall consult and obtain the approval of the Board of Public Utilities.

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

C. 5:10-10 Bond issuance authority.

10. a. 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 of 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 a project financed with the proceeds of such bonds or notes; (2) exclusively from the revenues and receipts of certain designated parts of a 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, a pledge of any income or revenues, funds or moneys of the authority from any source whatsoever or from the proceeds of any credit agreement.

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, which may be fixed or may change at such time and in accordance with a specified formula or method of determination, 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, be subject to such terms of redemption (with or without premium) and contain such options or rights to tender bonds or notes for purchase or redemption 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 depart-

ment, division, commission, board, bureau or agency of the State, and without any other proceedings 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 as 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.

i. The authority shall have the power to purchase bonds or notes out of any funds available therefor. The authority may hold, cancel or resell such bonds or notes, subject to and in accordance with agreements with holders of its bonds and notes.

j. The authority may issue temporary or interim bonds or notes, pending the preparation of definitive bonds, exchangeable for definitive bonds.

k. The authority, in connection with the authorization of bonds or notes to be issued and sold from time to time, may delegate to such officer or agent of the authority as the authority selects the power to determine the time and manner of sale, public or private, the maturities and rate of interest, which may be fixed or vary at such time and in accordance with a specified formula or method of determination; provided, however, that the amounts and maturities of, and the interest rate on these bonds shall be within the limits prescribed by the authority in its resolution delegating to that officer or agent the power to authorize the sale and issuance of those bonds or notes.

8. Section 11 of P. L. 1971, c. 137 (C. 5:10–11) is amended to read as follows:

C. 5:10-11 Contract with bondholders.

11. In any resolution of the authority authorizing or relating to the issuance of any bonds or notes, the authority, in order to secure the payment of such bonds or notes and in addition to its other powers, shall have power by provisions therein which shall constitute covenants by the authority and contracts with the holders of such bonds or notes:

a. To pledge all or any part of its rents, fees, tolls, revenues or receipts to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of any bonds or notes;

b. To pledge any lease or other agreement or the rents or other revenues thereunder and the proceeds thereof;

c. To mortgage all or any part of its property, real or personal, then owned or thereafter to be acquired;

d. To covenant against pledging all or any part of its rents, fees, tolls, revenues or receipts or its leases or agreements or rents or other revenues thereunder or the proceeds thereof, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on any of the foregoing;

e. To covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part thereof or any property of any kind;

f. To covenant as to any bonds and notes to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application, investment, and disposition of the proceeds thereof;

g. To covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by it;

h. To covenant as to the payment of the principal of or interest on the bonds or notes, or any other obligations, as to the sources and methods of such payment, as to the rank or priority of any such bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds, notes or obligations;

i. To provide for the replacement of lost, stolen, destroyed or mutilated bonds or notes;

j. To covenant against extending the time for the payment of bonds or notes or interest thereon;

k. To covenant as to the redemption or repurchase of bonds or notes and privileges of tender exchange thereof for other bonds or notes of the authority;

l. To covenant as to the rates of toll and other charges to be established and charged, the amount to be raised each year or other period of time by tolls or other revenues and as to the use and disposition to be made thereof;

m. To covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use, investment, and disposition of the moneys held in such funds;

n. To establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

o. To covenant as to the construction, improvement, operation or maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

p. To provide for the release of property, leases or other agreements, or revenues and receipts from any pledge or mortgage and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage;

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q. To provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the authority shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

r. To vest in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine, including the right to foreclose any mortgage, and to limit the rights, duties and powers of such trustee;

s. To execute all mortgages, bills of sale, conveyances, deeds of trust and other instruments necessary or convenient in the exercise of its powers or in the performance of its covenants or duties;

t. To pay the costs or expenses incident to the enforcement of such bonds or notes or of the provisions of such resolution or of any covenant or agreement of the authority with the holders of its bonds or notes;

u. To limit the powers of the authority to construct, acquire or operate any structures, facilities or properties which may compete or tend to compete with any of the projects;

v. To limit the rights of the holders of any bonds or notes to enforce any pledge or covenant securing bonds or notes; and

w. To make covenants other than in addition to the covenants herein expressly authorized, of like or different character, and to make such covenants to do or refrain from doing such acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or notes or which, in the absolute discretion of the authority, will tend to make bonds or notes more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

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

C. 5:10-15 Vested rights.

15. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to authority of the 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 a project 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.

10. Section 17 of P. L. 1971, c. 137 (C. 5:10–17) is amended to read as follows:

C. 5:10-17 Real property conveyance.

17. All counties and municipalities and other governmental subdivisions, all authorities, and all public departments, agencies and commissions of the State, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the authority at its request, upon such terms and conditions as the governing body or other proper authorities of such counties, municipalities and governmental subdivisions, authorities and departments, agencies or commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the authorizing ordinance of the governing body of the municipality, the authorizing resolution of the governing body of the county, or the regular and formal action of any public body concerned, any real property or interest therein which may be necessary or convenient to the effectuation of the purposes of the authority, including public highways and other real property already devoted to public use, provided that, as to the authority's project in the meadowlands complex, such real property is located within the 750 acre site authorized for that project or upon a site outside of that acreage, but immediately contiguous thereto or immediately across any public road which borders that acreage. No property of the State, other than meadowlands, riparian lands or lands under water and similar lands or interests therein referred to in Title 12, Commerce and Navigation, and Title 13, Conservation and Development, of the Revised Statutes, as amended, shall be so granted, leased or conveyed to the authority, except upon payment to the State of such price therefor as may be fixed by the State House Commission.

11. This act shall take effect immediately, but shall remain inoperative until Senate Bill No. 2543 of 1984, P. L. 1984, c. 247, is enacted into law.

Approved December 18, 1984.

CHAPTER 216

AN ACT concerning eligibility for unemployment compensation based on service performed in agricultural labor and amending R. S. 43:21–4 and R. S. 43:21–19.

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

1. R. S. 43:21–4 is amended to read as follows:

Benefit eligibility conditions.

43:21–4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) The individual has filed a claim at an unemployment insurance claims office and thereafter continues to report at an employment service office or unemployment insurance claims office, as directed by the division in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided that no such regulation shall conflict with subsection (a) of R. S. 43:21–3.

(b) The individual has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21–6.

(c) (1) The individual is able to work, and is available for work, and has demonstrated to be actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section.

(2) The director may modify the requirement of actively seeking work if such modification of this requirement is warranted by economic conditions.

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

(4) Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because the individual is attending a training program approved for the individual by the division to enhance the individual's employment opportunities or because the individual failed or refused to accept work while attending such program.

(5) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance before a court in response to a summons for service on a jury.

(d) The individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under the temporary disability benefits law;

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21–5.

(e) (1) With respect to a base year as defined in subsection (c) of R. S. 43:21–19, the individual has established at least 20 base weeks as defined in paragraph (1) of subsection (t) of R. S. 43:21–19, or, in those instances in which the individual has not established

20 base weeks, the individual has earned $2,200.00 for benefit years commencing prior to October 1, 1984; and, except as otherwise provided in paragraph (2) of this subsection, for benefit years commencing on or after October 1, 1984, the individual has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under R. S. 43:21–3(c), raised to the next higher multiple of $100.00 if not already a multiple thereof or more in the individual's base year.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, for benefit years commencing on or after October 1, 1984 and before January 1, 1985, an unemployed individual claiming benefits on the basis of service performed in the production and harvesting of agricultural crops shall, subject to the limitations of subsection (i) of R. S. 43:21–19, be eligible to receive benefits if it appears that the individual has established at least 20 base weeks as defined in paragraph (2) of subsection (t) of R. S. 43:21–19, or, in those instances in which the individual has not established 20 base weeks, the individual has earned $2,200.00.

(f) (1) The individual has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21–1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21–3 (d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual," as defined in R. S. 43:21–27 (b); provided further that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist, optometrist, podiatrist or chiropractor;

(B) (Deleted by amendment, P. L. 1980, c. 90.)

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a crime of the first, second or third degree;

(D) For any week with respect to which or a part of which the individual has received or is seeking benefits under any

unemployment compensation or disability benefits law of any other state or of the United States; provided that if the appropriate agency of such other state or of the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which the individual has received or is seeking disability benefits under the temporary disability benefits law;

(F) For any period of disability commencing while such individual is a "covered individual," as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21–19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that, notwithstanding any other provisions of the Unemployment Compensation Law:

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to weeks of unemployment beginning after September 3, 1982, on the basis of service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of

such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this paragraph (2) and the individual was not offered an opportunity to perform these services for the educational institution for the second of any academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess;

(4) With respect to any services described in paragraphs (1) and (2) above, benefits shall not be paid as specified in paragraphs (1), (2), and (3) above to any individual who performed those services in an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sports seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for purpose of performing the services or otherwise was permanently residing in the

United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act); provided that any modifications of the provisions of section 3304 (a) (14) of the federal Unemployment Tax Act, as provided by Public Law 94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

2. R. S. 43:21–19 is amended to read as follows:

Definitions.

43:21–19. Definitions. As used in this chapter (R. S. 43:21–1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which

the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of section 43:21–7 of this Title means the average of the annual payrolls of any employer on which he paid contributions to the State Disability Benefits Fund for the last three or five preceding calendar years, whichever average is higher; provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R. S. 43:21–1 et seq.), with respect to his unemployment.

(c) "Base year" with respect to benefit years commencing on or after January 1, 1953, shall mean the 52 calendar weeks ending with the second week immediately preceding an individual's benefit year. "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of section 43:21–6 of this Title shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of section 43:21–4 of this Title.

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor, and any transaction or exercise of authority by the director of the di-

vision thereunder, or under this chapter (R. S. 43:21–1 et seq.), shall be deemed to be performed by the division.

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor, established by the 1982 Reorganization Plan of the Department of Labor.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R. S. 43:21–7. "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P. L. 1971, c. 346 (C. 43:21–7.2 and 43:21–7.3).

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R. S. 43:21–1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R. S. 43:21–1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which,

at the time of such acquisition, was an employer subject to this chapter (R. S. 43:21–1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R. S. 43:21–19 (i) (1) (B) (i) is performed after December 31, 1971; and as defined in R. S. 43:21–19 (i) (1) (B) (ii) is performed after December 31, 1977;

(6) Any employing unit for which service in employment as defined in R. S. 43:21–19 (i) (1) (C) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of the Unemployment Compensation Law for full tax credit against the tax imposed by the federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R. S. 43:21–1 et seq.);

(8) (Deleted by amendment; P. L. 1977, c. 307.)

(9) (Deleted by amendment; P. L. 1977, c. 307.)

(10) (Deleted by amendment; P. L. 1977, c. 307.)

(11) Any employing unit subject to the provisions of the federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section;

(12) Any employing unit for which agricultural labor in employment as defined in R. S. 43:21–19 (i) (1) (I) is performed after December 31, 1977;

(13) Any employing unit for which domestic service in employment as defined in R. S. 43:21–19 (i) (1) (J) is performed after December 31, 1977;

(14) Any employing unit which, having become an employer under the Unemployment Compensation Law (R. S. 43:21–1 et seq.), has not under R. S. 43:21–8 ceased to be an employer; or for the effective period of its election pursuant to R. S. 43:21–8, any other employing unit which has elected to become fully subject to this chapter (R. S. 43:21–1 et seq.).

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the federal Unemployment Tax Act, solely by reason of section 3306 (c) (8) of that act, if such service is not excluded from "employment" under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in section 19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official;

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(cc) as a member of the State National Guard or Air National Guard;

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week; or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;

(v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof; or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971 and prior to January 1 of the year following the year in which the U. S. Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than the service which is deemed employment under the provisions of paragraph 43:21–19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State; or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the Unemployment Compensation Law (R. S. 43:21–1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State;

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R. S. 43:21–19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily

and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under the Unemployment Compensation Law (R. S. 43:21–1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R. S. 43:21–19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U. S. Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1954 an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands.

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) as of January 1 of such year; or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(ii) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a valid certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. 97-470 (29 U. S. C. § 1801 et seq.) or P. L. 1971, c. 192 (C. 34:8A–7 et seq.); or substantially all the members of such crew operate or maintain

tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(bb) if such individual is not an employee of such other person for whom services were performed.

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual; and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity.

(iv) For the purposes of subparagraph (I) (i), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity;

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them; and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity.

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part

of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.).

(5) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R. S. 43:21–1 et seq.) unless and until it is shown to the satisfaction of the division that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) Provided that such services are also exempt under the federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a

state unemployment fund as a condition for a tax offset credit against the tax imposed by the federal Unemployment Tax Act, as amended, the term "employment" shall not include:

(A) Agricultural labor performed prior to January 1, 1978; and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the Unemployment Compensation Law (R. S. 43:21–1 et seq.) as of January 1 of such calendar year; or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time;

(B) Domestic service in a private home performed prior to January 1, 1978; and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R. S. 43:21–19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the federal Unemployment Tax Act, as amended, except as provided in R. S. 43:21–19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of an instrumentality of the United States

exempt under the Constitution of the United States from the contributions imposed by the Unemployment Compensation Law, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code (26 U. S. C. § 3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R. S. 43:21–14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theatre, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than $1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organization Immunities Act (22 U. S. C. § 288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or

federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R. S. 43:21-21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school approved pursuant to the laws of this State;

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis.

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employ-

ment, all the services of such individual shall be deemed to be employment; but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) (Deleted by amendment, P. L. 1984, c. 24.)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) "Unemployment."

(1) An individual shall be deemed "unemployed" for any week during which he is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation.

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or $5.00, whichever is the larger.

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R. S. 43:21–1 et seq.), from which administrative expenses under this chapter (R. S. 43:21–1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment. If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in paragraph 1-a of c. 322 of the laws of 1938, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.' "

(t) (1) "Base week" for a benefit year commencing prior to October 1, 1984, means, except as otherwise provided in paragraph (2) of this subsection, any calendar week of an individual's base year during which he earned in employment from an employer remuneration equal to not less than $30.00. "Base week" for a benefit year commencing on or after October 1, 1984 and prior to October 1, 1985 means any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration equal to not less than 15% of the Statewide average weekly remuneration defined in subsection (c) of R. S. 43:21–3, which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

"Base week" for a benefit year commencing on or after October 1, 1985 means, except as otherwise provided in paragraph (2) of this subsection, any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration equal to not less than 20% of the Statewide average

weekly remuneration defined in subsection (c) of R. S. 43:21–3, which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof; provided if in any calendar week an individual is in employment with more than one employer, he may in such calendar week establish a base week with respect to each such employer from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (1) during such week.

(2) "Base week," with respect to an individual claiming benefits on the basis of service performed in the production and harvesting of agricultural crops, means, for a benefit year commencing on or after October 1, 1984 and before January 1, 1985, any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration equal to not less than $30.00, except that if in any calendar week an individual subject to this paragraph is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (2) during that week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

For the purpose of computing the average weekly wage, the monetary alternative in subsection (e) of R. S. 43:21–4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year. For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year; provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52.

(v) "Initial determination" means, subject to the provisions of R. S. 43:21–6 (b) (2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year. For benefit years commencing prior to July 1, 1986, subject to the provisions of R. S. 43:21–3 (d) (3), if an individual has been in employment in his base year with more than one employer, no benefits shall be paid to that individual under any successive initial determination until his benefit rights have been exhausted under the next preceding initial determination.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed services in employment in the base year.

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education):

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s);

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school; and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(2) "Institution of higher education" means an educational institution which:

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) Is legally authorized in this State to provide a program of education beyond high school;

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of

post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

3. This act shall take effect immediately, and shall be retroactive to October 1, 1984.

Approved December 18, 1984.

CHAPTER 217

AN ACT to amend the "New Jersey Health Care Facilities Financing Authority Law," approved May 25, 1972(P. L. 1972, c. 29).

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

1. Section 34 of P. L. 1972, c. 29 (C. 26:2I–34) is amended to read as follows:

C. 26:2I-34 Hospital facilities.

34. a. Participation in existing projects. Whenever any public or private hospital has constructed or acquired any work or improvement which would otherwise qualify as a project under the preceding portions of this act, except for the fact that such construction or acquisition was undertaken and financed without assistance from the authority, the authority may purchase such work or improvement, and lease the same to such hospital, or may lend funds to such hospital for the purpose of enabling the latter to retire obligations incurred for such construction or acquisition, provided that the amount of any such purchase price or loan shall not exceed the project cost as herein defined, irrespective of such work or improvement. All powers, rights, obligations and duties granted to or imposed upon the authority, hospitals, State departments and agencies or others by this act in respect to projects shall apply to

the same extent with respect to transactions authorized by this section, provided that any action otherwise required to be taken at a particular time in the progression of a project may, where the circumstances so require in connection with a transaction under this section, be taken nunc pro tunc.

b. Acquisition of hospital facilities from counties or municipalities. Notwithstanding the provisions of any law to the contrary, the authority may authorize the acquisition, and any county or municipality by resolution or ordinance may authorize a private sale and conveyance or leasing to the authority, of any interest of the county or municipality in any lands and existing hospital facilities which are then being operated by a private or public hospital, upon such terms and conditions as may be agreed upon by the authority and the county and municipality. The authority may use its funds for the acquisition by providing for the retirement of obligations incurred for the acquisition of the land, and for the acquisition and construction of the existing hospital facilities, provided that the amount of the purchase price shall not exceed the project cost. Upon acquisition of the lands and existing hospital facilities, the authority may convey or lease the lands and existing hospital facilities to a participating hospital under such terms and conditions as the authority and participating hospital may agree.

2. This act shall take effect immediately.

Approved December 18, 1984.

CHAPTER 218

AN ACT concerning reinvestments required of casino licensees, amending P. L. 1981, c. 142, and amending and supplementing P. L. 1977, c. 110.

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

1. Section 74 of P. L. 1977, c. 110 (C. 5:12–74) is amended to read as follows:

C. 5:12-74 Minutes and records.

74. Minutes and Records. a. The commission shall cause to be made and kept a verbatim record of all proceedings held at public

meetings of the commission, which record shall be open to public inspection.

A true copy of the minutes of every meeting of the commission and of any regulations finally adopted by the commission shall be forthwith delivered, by and under the certification of the executive secretary, to the Governor, the Secretary of the Senate, and the Clerk of the General Assembly.

b. The commission shall keep and maintain a list of all applicants for licenses and registrations under this act together with a record of all actions taken with respect to such applicants, which file and record shall be open to public inspection; provided, however, that the foregoing information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after five years from the date of such action.

c. The commission shall maintain such other files and records as may be deemed desirable.

d. Except as provided in subsection h. of this section, all information and data required by the commission to be furnished hereunder, or which may otherwise be obtained, relative to the internal controls specified in section 99a. of this act or to the earnings or revenue of any applicant, registrant, or licensee shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this act, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

e. All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the commission from any source shall be considered confidential and may be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

f. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subsection d. or e. of this section, may be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the commission.

g. Files, records, reports and other information in the possession of the New Jersey Division of Taxation pertaining to licensees

shall be made available to the commission and the division as may be necessary to the effective administration of this act.

h. The following information to be reported periodically to the commission shall not be considered confidential and shall be made available for public inspection:

(1) A licensee's operating revenues and expenses from all authorized games as herein defined;

(2) (a) The dollar amount of patron checks initially accepted by a licensee, (b) the dollar amount of patron checks deposited to the licensee's bank account, (c) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as "uncollected," and (d) the dollar amount ultimately uncollected after all reasonable efforts;

(3) The amount of gross revenue tax or investment alternative tax actually paid and the amount of investment, if any, required and allowed, pursuant to section 144 of P. L. 1977, c. 110 (C. 5:12–144) and section 3 of P. L. 1984, c. 218 (C. 5:12–144.1);

(4) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements, which were the subject of an investment required and allowed pursuant to section 144 of P. L. 1977, c. 110 (C. 5:12–144) and section 3 of P. L. 1984, c. 218 (C. 5:12–144.1);

(5) The amount, if any, of tax in lieu of full local real property tax paid pursuant to section 146, and the amount of profits, if any, recaptured pursuant to section 147;

(6) A list of the premises, nature of improvements and costs thereof which constitute the cumulative investments by which a licensee has recaptured profits pursuant to section 147; and

(7) All information and data submitted to the commission relating to the licensee's annual revenues and expenditures, including annual audits.

Nothing in this subsection shall be construed to limit access by the public to those forms and documents required to be filed pursuant to Article 11 of this act.

2. Section 144 of P. L. 1977, c. 110 (C. 5:12–144) is amended to read as follows:

C. 5:12-144 Tax on gross revenues.

144. Tax on Gross Revenues. a. There is hereby imposed an annual tax on gross revenues as defined in section 24 of this act in the amount of 8% of such gross revenues.

b. Commencing with the first annual tax return of a licensee for any calendar year beginning after December 31, 1978, and ending before January 1, 1984 and based upon a determination that in said return or any annual return for a calendar year during that period the gross revenue of a licensee in the calendar year upon which the tax is based exceeds the cumulative investments in this State of said licensee as of that year, such licensee shall make investments in an amount not less than 2% of the gross revenue for said calendar year within a period of five years from the end of said calendar year. Fifty percent of the investments required by this subsection as a result of any of the three annual tax returns commencing with the first annual tax return for any calendar year beginning after December 31, 1978 shall be made in the municipality in which the licensed premises are located, and 50% of such investments shall be made in any other municipality of this State. Twenty-five percent of the investments required by this subsection as a result of any annual tax return subsequent to the third such return in a series of returns the first of which is for a calendar year beginning after December 31, 1978 shall be made in the municipality in which the licensed premises are located, and 75% shall be made in any other municipality of this State.

All investments and cumulative investments made pursuant to this subsection shall be subject to a determination by the commission as to the eligibility of such investments. In determining eligibility, the commission shall consider the public interest, including the social and economic benefits to be derived from such investments for the people of this State.

c. For the purposes of this section, ''investments'' means equity investments in land and real property on which improvements are made and in real property improvements. For the purposes of this section, "cumulative investments" means investments in and debt financing of the licensed premises, plus other investments in and debt financing of land and real property on which improvements are made and real property improvements; provided, however, that the investments and debt financing not associated with the licensed premises have been subsequent to July 6, 1976. Real property and real property improvements sold or otherwise disposed of by the licensee shall not be included for the purposes of determining cumulative investments.

d. For the purposes of satisfying the amount of investments in any given year and of determining cumulative investments as of

any given year, pursuant to subsection b., contributions of money or realty shall be included if the commission determines that such contributions best serve the public interest and either (1) directly relate to the improvement, furtherance, and promotion of the tourist industry in this State through the planning, acquisition, construction, improvement, maintenance and operation of recreational, entertainment, and other facilities for the public, including, without limitation, a performing arts center, the beaches and shorefront of this State, and transportation facilities providing or enhancing service in resort areas of this State, or (2) directly relate to the improvement, furtherance, and promotion of the health and well-being of the people of this State through the planning, acquisition, construction, improvement, maintenance, and operation of a facility, project or program approved by the commission.

e. In the event that the investments required in subsection b. of this section are not made within the time set forth herein, there shall be imposed an investment alternative tax in an amount equivalent to 2% of gross revenue, which tax shall be added to the tax determined under subsection a. of this section and shall be due and payable in accordance with section 148 of P. L. 1977, c. 110 (C. 5:12–148). For the purposes of determining whether the investment alternative tax shall be paid, the State Treasurer shall certify, under such rules and regulations as he shall promulgate consistent with the provisions of this article, the amount of cumulative investments made by each licensee. In the event of the sale or other disposition of the licensed premises, any investment obligation imposed by subsection b. which is not satisfied shall be immediately deemed due and payable as investment alternative tax, and said amount shall constitute a lien upon the licensed premises until paid, together with interest at the rate specified in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes; provided, however, that the appointment of a conservator under section 31 of P. L. 1978, c. 7, shall not constitute a sale or other disposition of the licensed premises within the meaning of this subsection, and provided further that if, in the judgment of the commission, a sale or other disposition does not significantly affect the operations of a casino licensee with respect to such premises, the commission may permit the investment obligation imposed on such licensee to continue under such conditions as the commission may deem appropriate.

f. The commission shall promulgate rules and regulations consistent with the provisions of this article as to the eligibility of

the investments and cumulative investments required by this section.

g. The Casino Reinvestment Development Authority shall, simultaneous with the initial excercise of its general powers and responsibilities pursuant to section 39 of P. L. 1984, c. 218, assume and exercise all powers and responsibilities and make all determinations necessary to the administration of subsections b. through f. of section 144 of P. L. 1977, c. 110 (C. 5:12–144) theretofore exercised or made by the commission, including the resolution of all matters then pending before the commission. Subsequent to the initial excercise of its general powers and responsibilities by the Casino Reinvestment Development Authority, the commission shall make no further determinations of eligibility under this section except as may be necessary to enable a licensee to satisfy an investment obligation which is due in calendar year 1984, and shall have no further responsibility for planning or redevelopment activity with regard to the use of reinvestment funds generated by either subsections b. through f. of section 144 of P. L. 1977, c. 110 (C. 5:12–144) or subsection b. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1). All determinations of the commission made in accordance with this section shall be final and subject only to alteration by a decision of a court.

h. Notwithstanding any other provision of this section to the contrary, any investment required by this section which has not been commenced by a licensee as of the effective date of this 1984 amendatory and supplementary act, other than an investment which is necessary to enable a licensee to satisfy an investment obligation which is due in calendar year 1984, may only be satisfied through the purchase of bonds of the Casino Reinvestment Development Authority issued pursuant to sections 14 and 15 of P. L. 1984, c. 218 (C. 5:12–162 and 5:12–163), except that the date by which the investment shall be made, and the amount of the investment or investment alternative tax obligation, shall be that set forth in subsections b. and e. of this section.

Notwithstanding the provisions of subsections b. and c. of this section, any investment obligation which is due in calendar year 1984 which has not been commenced or satisfied by December 31, 1984 may, at the option of the licensee and with the approval of the Casino Control Commission, and in lieu of or in addition to making any other investment or contribution authorized by this section, be satisfied subsequent thereto by the purchase, or the

agreement to make a purchase, of bonds of the Casino Reinvestment Development Authority. Any licensee desiring to exercise this option, with the approval of the Casino Control Commission, shall transfer and entrust the necessary amount to the State Treasurer, who shall maintain the funds until the initial exercise by the Casino Reinvestment Development Authority of its general powers and responsibilities pursuant to section 39 of P. L. 1984, c. 218. Immediately subsequent to the initial exercise of its general powers and responsibilities by the Casino Reinvestment Development Authority, the State Treasurer shall transfer any such entrusted funds to the Casino Reinvestment Development Authority for the purchase of bonds by the licensee in amounts equivalent to the amount of the funds deposited by the licensee with the State Treasurer. Until he transfers the funds to the Casino Reinvestment Development Authority, the State Treasurer shall be authorized to invest and reinvest such funds through the Director of the Division of Investment, who shall make such investments in accordance with written directions of the State Treasurer, without regard to any other law relating to investments by the Director of the Division of Investment. Any interest earned on the funds while they are entrusted to the State Treasurer shall accrue to the licensee and the Casino Reinvestment Development Authority in the same proportion as if the funds were held and invested by the Casino Reinvestment Development Authority pursuant to subsection m. of section 13 of P. L. 1984, c. 218 (C. 5:12–161).

The proceeds of all bond purchases made pursuant to this subsection shall be used exclusively to finance the rehabilitation, development, or construction of housing facilities in the city of Atlantic City for persons or families of low through middle income in accordance with the provisions of subsection f. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1).

i. If a licensee has incurred an investment obligation which requires bonds to be purchased pursuant to the provisions of subsection h. of this section and the licensee purchases bonds of the Casino Reinvestment Development Authority issued pursuant to sections 14 and 15 of P. L. 1984, c. 218 (C. 5:12–162 and 5:12–163), in satisfaction of that obligation no later than six months after the adoption by the Casino Reinvestment Development Authority of rules and regulations pursuant to subsection j. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1), the licensee shall be entitled to a reduction of its investment obligation in an amount determined

by the Casino Reinvestment Development Authority, taking into account a current market discount rate from the date of the purchase to the date the purchase would have been required to be made. Any purchase of bonds made pursuant to this subsection shall first be used to satisfy the licensee's most recently incurred investment obligation. That purchase of bonds shall not constitute a credit against the tax provided for in subsection a. of section 3 of this 1984 amendatory and supplementary act.

C. 5:12-144.1 Investment alternative tax.

3. (New section) a. (1) Commencing with the first annual tax return of a licensee for any calendar year beginning after December 31, 1983, there is imposed an investment alternative tax on the gross revenues as defined in section 24 of P. L. 1977, c. 110 (C. 5:12–24) of the licensee in the amount of 2.5% of those gross revenues. The tax imposed with respect to each calendar year shall be due and payable on the last day of April next following the end of the calendar year. The State Treasurer shall have a lien against the property constituting the casino of a licensee for the amount of any tax not paid when due. No tax shall be imposed, however, on the gross revenues received by a licensee during the first 12 months of the operation of any casino that commences operation after January 1, 1984.

(2) A licensee shall pay to the State Treasurer on or before the 15th day of the first, fourth, seventh, and 10th months of each year as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection an amount equal to 1.25% of the estimated gross revenues for the three-month period immediately preceding the first day of those months. The moneys received shall be placed in an escrow account and shall be held until the licensee directs that the moneys be transferred to the Casino Reinvestment Development Authority for the purchase of bonds issued by or offered through the Casino Reinvestment Development Authority or pursuant to a contract for such a purchase, be made available to the licensee for a direct investment approved by the authority, or be transferred to the Casino Revenue Fund as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection. Any interest derived from the moneys in the escrow account shall be paid or made available to the Casino Revenue Fund. If a licensee fails to pay the amount due or underpays by an unjustifiable amount, the Casino Control Commission shall impose a fine of ½ of 1% of the amount

due or of the underpayment, as the case may be, for each month or portion thereof the licensee is in default of payment, up to 25% of the amount in default. Any fine imposed shall be paid to the Casino Reinvestment Development Authority and shall be used for the purposes of this 1984 amendatory and supplementary act.

b. Each licensee shall be entitled to an investment tax credit against the tax imposed by subsection a. of this section: (1) for the first 10 years of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and (2) for the remainder of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and twice the amount of investments made by a licensee in other approved eligible investments made pursuant to section 25 of this act. The Casino Reinvestment Development Authority shall have the power to enter into a contract or contracts with a licensee pursuant to which the Casino Reinvestment Development Authority agrees to issue and sell bonds to the licensee, and the licensee agrees to purchase the bonds issued by or offered through the Casino Reinvestment Development Authority, in annual purchase price amounts as will constitute a credit against at least 50% of the tax to become due in any future year or years. The contract may contain those terms and conditions relating to the terms of the bonds and to the issuance and sale of the bonds to the licensee as the Casino Reinvestment Development Authority shall deem necessary or desirable. The contract shall not be deemed to be in violation of section 104 of P. L. 1977, c. 110 (C. 5:12–104). After the first 10 years of a licensee's investment alternative tax obligation, a licensee will have the option of entering into a contract with the Casino Reinvestment Development Authority to have its tax credit comprised of direct investments in approved eligible projects. These direct investments shall not comprise more than 50% of a licensee's eligible tax credit in any one year.

The entering of a contract pursuant to this section shall be sufficient to entitle a licensee to an investment tax credit for the appropriate tax year.

c. A contract entered into between a licensee and the Casino Reinvestment Development Authority may provide for a deferral of payment for and delivery of bonds required to be purchased and for a deferral from making approved eligible investments in any year, but no deferral shall occur more than two years consecutively. A deferral of payment for any bonds required to be purchased by a licensee and a deferral from making approved eligible investments may be granted by the Casino Reinvestment Development Authority only upon a determination by the Casino Control Commission that purchase of these bonds or making approved eligible investments would cause extreme financial hardship to the licensee and a determination by the Casino Reinvestment Development Authority that the deferral of the payment would not violate any covenant or agreement or impair any financial obligation of the Casino Reinvestment Development Authority. The contract may establish a late payment charge to be paid in the event of deferral or other late payment at a rate as shall be agreed to by the Casino Reinvestment Development Authority. If a deferral of purchase or investment is granted, the licensee shall be deemed to have made the purchase or investment at the time required by the contract, except that if the purchase is not made at the time to which the purchase or investment was deferred, then the licensee shall be deemed not to have made the purchase or investment. The Casino Control Commission shall adopt regulations establishing a uniform definition of extreme financial hardship applicable to all these contracts. If a licensee petitions the Casino Reinvestment Development Authority for a deferral, the Casino Reinvestment Development Authority shall give notice of that petition to the Casino Control Commission and to the Division of Gaming Enforcement within three days of the filing of the petition. The Casino Control Commission shall render a decision within 60 days of notice as to whether the licensee has established extreme financial hardship, after consultation with the Division of Gaming Enforcement. The Casino Reinvestment Development Authority shall render a decision as to the availability of the deferral within 10 days of the receipt by it of the decision of the Casino Control Commission and shall notify the Division of Gaming Enforcement and the Casino Control Commission of that decision. If a deferral is granted, the Casino Reinvestment Development Authority may determine whether the purchases or investments shall be made in a lump sum, made over a period of years, or whether the period

of obligation shall be extended an additional period of time equivalent to the period of time deferred.

d. The license of any licensee which has defaulted in its obligation to make any purchase of bonds or investment in any approved eligible project under a contract entered into pursuant to subsection b. of this section for a period of 90 days may be suspended by the Casino Control Commission until that purchase is made or deferred in accordance with subsection b. of this section, or a fine or other penalty may be imposed upon the licensee by the commission. If the Casino Control Commission elects not to suspend the license of a licensee after the licensee has first defaulted in its obligation but instead imposes some lesser penalty and the licensee continues to be in default of its obligation after a period of 30 additional days and after any additional 30-day period, the commission may impose another fine or penalty upon the licensee, which may include suspension of that licensee's license. The fine shall be ½ of 1% of the amount of the obligation owed for each month or portion thereof a licensee is in default, up to 25% of that obligation; shall be paid to the Casino Reinvestment Development Authority; and shall be used for the purposes of this 1984 amendatory and supplementary act.

e. A contract entered into by a licensee and the Casino Reinvestment Development Authority pursuant to subsection b. of this section may provide that after the first 10 years of a licensee's investment alternative tax obligation imposed by subsection a. of this section, the Casino Reinvestment Development Authority may repurchase bonds previously sold to the licensee, which were issued after the 10th year of a licensee's investment alternative tax obligation, by the Casino Reinvestment Development Authority, if the Casino Reinvestment Development Authority determines that the repurchase will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority and that the licensee will reinvest the proceeds of the resale in an eligible project approved by the Casino Reinvestment Development Authority.

f. (1) During the 25 years a licensee is obligated to pay an investment alternative tax pursuant to subsection k. of this section, the total of (a) the proceeds of all bonds purchased by a licensee from or through the Casino Reinvestment Development Authority and (b) all approved investments in eligible projects by a licensee shall be devoted to the financing of projects in the following areas and amounts:

Areas	Years 1-3	Years 4-5	Years 6-10	Years 11-15	Years 16-20	Years 21-25
(a) Atlantic City	100%	90%	80%	50%	30%	20%
(b) South Jersey		8%	12%	28%	43%	45%
(c) North Jersey		2%	8%	22%	27%	35%

For the purposes of this paragraph, "South Jersey" means the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and "North Jersey" means the remaining 12 counties of the State. For the purposes of this 1984 amendatory and supplementary act, bond "proceeds" means all funds received from the sale of bonds and any funds generated or derived therefrom.

In the financing of projects outside Atlantic City, the Casino Reinvestment Development Authority shall give priority to the revitalization of the urban areas of this State in the ways specified in section 12 of this 1984 amendatory and supplementary act. Those areas shall include, but not be limited to, all municipalities qualifying for aid pursuant to P. L. 1978, c. 14 (C. 52:27D–178 et seq.).

Within nine months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in South Jersey for the first seven years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first seven years of the receipt of funds by South Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete

that portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the seventh year of the receipt of funds by South Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to exhaust the total allocation to that municipality for any year prior to April 30 of the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

Within 36 months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in North Jersey for the first five years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first five years of the receipt of funds by North Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that

portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the fifth year of the receipt of funds by North Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to exhaust the total allocation to that municipality for any year prior to April 30 of the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

(2) Commencing with the first year in which a licensee incurs a tax obligation pursuant to this section, and for the period of two years thereafter, 100% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City pursuant to paragraph (1) of this subsection shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income, as defined in this subsection. For the purposes of this subsection, the "rehabilitation, development, or construction of housing facilities" shall include expenses attributable to site preparation, infrastructure needs and housing-related community facilities and services, including supporting commercial development. Commencing with the fourth year in which a licensee incurs a tax obligation pursuant to this subsection, 50% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of housing facilities in the city of Atlantic City for persons or families of low through middle income. Commencing with the 11th year in which a licensee incurs a tax obligation pursuant to this section,

50% of the annual aggregate of the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City and investments in approved eligible projects commenced by a licensee in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income.

(3) The Legislature finds that it is necessary to provide for a balanced community and develop a comprehensive housing program. The Casino Reinvestment Development Authority shall determine the need for housing in the city of Atlantic City, in consultation with the city of Atlantic City and specifically its zoning and planning boards. This shall include determining the types and classes of housing to be constructed and the number of units of each type and class of housing to be built. The Casino Reinvestment Development Authority shall give priority to the housing needs of the persons and their families residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act. The actual percentage of the proceeds of bonds and investments in approved eligible projects commenced by a licensee in the city of Atlantic City, which shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income, shall be based upon the authority's determination of the need for housing in the city of Atlantic City conducted pursuant to this subsection. Once the housing needs of the persons residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act have been met, as determined by the Casino Reinvestment Development Authority pursuant to this subsection, any required percentages for such housing in the city of Atlantic City may, in its sole discretion, be waived by the Casino Reinvestment Development Authority. To aid the Casino Reinvestment Development Authority in making these determinations, the Casino Reinvestment Development Authority shall review the proposal for a housing redevelopment program and strategy for the city of Atlantic City approved and adopted by the Casino Control Commission and shall give priority to same and any other plan or project which is consistent with the standards of this sub-

section and is acceptable to the Casino Reinvestment Development Authority, pursuant to section 25 of this 1984 amendatory and supplementary act. The Casino Reinvestment Development Authority may determine whether the funds used to finance housing facilities in the city of Atlantic City for persons or families of low, moderate, median range, and middle income are derived from the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority to be devoted to the financing of projects in the city of Atlantic City, investments in approved eligible projects commenced by a licensee in the city of Atlantic City, or a combination of both. Any investment made by a licensee in excess of 100% of its eligible investment tax credit during the first three years and in excess of 50% thereafter in either the purchase of bonds or direct investments in approved eligible projects for low, moderate, median range, and middle income family housing facilities in the city of Atlantic City may be carried forward and credited against the licensee's obligation to make a 100% investment during the first three years and 50% thereafter in low, moderate, median range, and middle income family housing in any future year, with the approval of the Casino Reinvestment Development Authority. For the purposes of this act, "low income families" means families whose income does not exceed 50% of the median income of the area, with adjustments for smaller and larger families. "Moderate income families" means families whose income does not exceed 80% and is not less than 50% of the median income for the area, with adjustments for smaller and larger families. "Median range income families" means families whose income does not exceed 120% and is not less than 80% of the median income for the area, with adjustments for smaller and larger families. "Middle income families" means families whose income does not exceed 150% and not less than 120% of the median income for the area, with adjustments for smaller and larger families. "Median income" means an income defined as median within the Standard Metropolitan Statistical Area for Atlantic City by the United States Department of Housing and Urban Development.

In order to achieve a balanced community, the authority shall ensure that the development of housing for families of low and moderate income shall proceed at the same time as housing for families of median range and middle income, until such time as there is no longer a need for such facilities in the city of Atlantic City, as determined by the Casino Reinvestment Development Authority.

(4) Notwithstanding any other law or section to the contrary, particularly this subsection regarding the waiver of the required percentages for housing in the city of Atlantic City, subsection i. of section 14, and sections 26, 27, 28, 29, and 31 of this 1984 amendatory and supplementary act, nothing shall be implemented or waived by the Casino Reinvestment Development Authority which would reduce, impair, or prevent the fulfillment of the priorities established and contained in this subsection of this 1984 amendatory and supplementary act.

g. If a person is a licensee with regard to more than one approved hotel pursuant to section 82 of P. L. 1977, c. 110 (C. 5:12–82), the person shall separately account for the gross revenues, the investment alternative tax obligations, and the investments for a tax credit against the investment alternative tax for each approved hotel, and the tax obligations of the licensee under this section shall be determined separately for each approved hotel. The licensee may apportion investments between its approved hotels; provided that no amount of investment shall be credited more than once. If a licensee receives the prior approval of the Casino Reinvestment Development Authority, the licensee may make eligible investments in excess of the investments necessary to receive a tax credit against the investment alternative tax for a given calendar year, and the licensee may carry forward this excess investment and have it credited to its next investment alternative tax obligation. If the Casino Reinvestment Development Authority approves of such excess investment and approves the carry forward of this excess investment, and a licensee elects to purchase bonds of the Casino Reinvestment Development Authority or makes direct investments in approved eligible projects in excess of the investments necessary to receive a tax credit against the investment alternative tax for its current obligation, the licensee shall be entitled to a reduction of the amount of investments necessary in future years, which amount shall be determined annually by the Casino Reinvestment Development Authority, taking into account a current market discount rate from the date of the purchase or investment to the date the purchase or investment would have been required to be made.

h. Each casino licensee shall prepare and file, in a form prescribed by the Casino Reinvestment Development Authority, an annual return reporting that financial information as shall be deemed necessary by the Casino Reinvestment Development Authority to carry out the provisions of this act. This return shall be

filed with the Casino Reinvestment Development Authority and the Casino Control Commission on or before April 30 following the calendar year on which the return is based. The Casino Control Commission shall verify to the Casino Reinvestment Development Authority the information contained in the report, to the fullest extent possible. Nothing in this subsection shall be deemed to affect the due dates for making any investment or paying any tax under this section.

i. Any purchase by a licensee of bonds issued by or offered through the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this act and subsection b. of this section and all approved eligible investments made by a licensee pursuant to section 25 of this act and subsection b. of this section are to be considered investments and not taxes owed or grants to the State or any political subdivision thereof. As such, a licensee shall have the possibility of the return of principal and a return on the capital invested as with other investments. Investors in the bonds issued by or offered through the Casino Reinvestment Development Authority shall be provided with an opinion from a recognized financial rating agency or a financial advisory firm with national standing that each loan of bond proceeds by the Casino Reinvestment Development Authority has the minimum characteristics of an investment, in that a degree of assurance exists that interest and principal payments can be made and other terms of the proposed investment be maintained over the period of the investment, and that the loan of the bond proceeds would qualify for a bond rating of "C" or better. If an opinion cannot be obtained from a recognized financial rating agency or a financial advisory firm with national standing, an opinion shall be obtained from an expert financial analyst with national standing, selected and hired by the Casino Reinvestment Development Authority. In order to achieve a balanced portfolio, assure the viability of the authority and the projects, facilities and programs undertaken pursuant to this 1984 amendatory and supplementary act, no more than 25% of the total investments made by or through the Casino Reinvestment Development Authority with the proceeds of bonds generated in each year shall be investments which would qualify for a bond rating of "C," unless all holders of obligations in each year agree to waive the 25% limit for that year. Nothing herein shall be interpreted as limiting the Casino Reinvestment Development Authority from taking any steps it deems appropriate to protect the characteristics of its investment in projects or any other invest-

ments from not being real investments with a prospect for the return of principal and a return on the capital invested. Anything contained in this section shall not be considered a guarantee by the State or any political subdivision thereof of any return of principal or interest, but any purchase by a licensee of bonds or approved eligible investments made by a licensee pursuant to this act shall be at the risk of the licensee. A licensee or the licensees purchasing an issue of bonds issued by the Casino Reinvestment Development Authority in any given year may arrange, at their option, for those bonds or the investments, made by or through the Casino Reinvestment Development Authority with the proceeds of those bonds, to be insured. The cost of any such insurance purchased by a licensee or licensees shall be paid by the licensee or licensees desiring such insurance.

j. The Casino Reinvestment Development Authority shall promulgate rules and regulations deemed necessary to carry out the purposes of this section.

k. The obligation of a licensee to pay an investment alternative tax pursuant to subsection a. of this section shall end for each licensed facility operated by the licensee 25 years after any investment alternative tax obligation is first incurred in connection with each licensed facility operated by the licensee, unless extended in connection with a deferral granted by the Casino Reinvestment Development Authority pursuant to subsection c. of this section.

4. Section 145 of P. L. 1977, c. 110 (C. 5:12–145) is amended to read as follows:

C. 5:12-145 Casino revenue fund.

145. Casino Revenue Fund. a. There is hereby created and established in the Department of the Treasury a separate special account to be known as the "Casino Revenue Fund," into which shall be deposited all revenues from the tax imposed by section 144 of this act and the investment alternative tax imposed by section 3 of P. L. 1984, c. 218 (C. 5:12–144.1).

b. The commission shall require at least monthly deposits by the licensee of the tax established pursuant to subsection a. of section 144 of P. L. 1977, c. 110 (C. 5:12–144), at such times, under such conditions, and in such depositories as shall be prescribed by the State Treasurer. The deposits shall be deposited to the credit of the Casino Revenue Fund. The commission may require a monthly report and reconciliation statement to be filed with it on or before the 10th day of each month, with respect to gross revenues and

deposits received and made, respectively, during the preceding month.

c. Moneys in the Casino Revenue Fund shall be appropriated exclusively for reductions in property taxes, rentals, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, as shall be provided by law. On or about March 15 and September 15 of each year, the State Treasurer shall publish in at least 10 newspapers circulating generally in the State a report accounting for the total revenues received in the Casino Revenue Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding six months ending December 31 and June 30.

C. 5:12-153 Casino Reinvestment Development Authority.

5. (New section) a. There is established in, but not of, the Department of the Treasury a Casino Reinvestment Development Authority to consist of the following members:

(1) Five members appointed by the Governor with the advice and consent of the Senate for terms of four years, except that of the initial members to be appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years;

(2) One member appointed by the Governor upon the recommendation of the President of the Senate for a term of four years, except that the initial member to be appointed shall be appointed for a term of three years;

(3) One member appointed by the Governor upon the recommendation of the Speaker of the General Assembly for a term of four years, except that the initial member to be appointed shall be appointed for a term of one year;

(4) A member of the Casino Control Commission, who shall be appointed by the Governor and shall be a voting member of the authority;

(5) The mayor of Atlantic City, ex officio and voting;

(6) The State Treasurer, ex officio and nonvoting;

(7) Two nonvoting casino industry representatives appointed by the Governor for terms of two years, except that of the initial appointees, one shall serve for a term of one year and one for a term of two years.

No more than five of the voting members, other than the members appointed pursuant to paragraphs (2) and (3) of this subsection, shall be of the same political party.

In the appointment of members of the authority, consideration should be given to achieving a membership of high quality and varied experience, with special emphasis on the fields of banking, finance, investment, and housing and urban development.

b. Each member appointed by the Governor 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. The member of the Casino Control Commission appointed by the Governor shall serve as a member of the Casino Reinvestment Development Authority for the duration of his term as a member of the Casino Control Commission and until his successor shall be appointed and qualified, subject to the limitations in subsections c., f., and h. of section 52 of P. L. 1977, c. 110 (C. 5:12–52). The member may be removed or suspended from office as a member of the Casino Reinvestment Development Authority as provided in section 6 of this act. Any removal or suspension from office of the member of the Casino Control Commission from the Casino Reinvestment Development Authority shall not affect his office held as a member of the Casino Control Commission. Removal from office as a member of the Casino Control Commission may only be done in accordance with subsection g. of section 52 of P. L. 1977, c. 110 (C. 5:12–52).

C. 5:12-154 Removal of member.

6. (New section) 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 that 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 those oaths shall be filed in the office of the Secretary of State.

C. 5:12-155 Officers; quorum.

7. (New section) The Governor shall designate, from among the appointed and voting public members, a chairman and a vice chairman of the Casino Reinvestment Development Authority, who shall serve in those capacities during each member's entire term and

until his successor shall have been duly appointed and qualified. The powers of the Casino Reinvestment Development Authority shall be vested in the members thereof in office from time to time and five voting members of the Casino Reinvestment Development Authority shall constitute a quorum at any meeting thereof. Action may be taken by motions and resolutions adopted by the Casino Reinvestment Development Authority at any meeting thereof by the affirmative vote of at least five members of the Casino Reinvestment Development Authority. No vacancy in the membership of the Casino Reinvestment Development Authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the Casino Reinvestment Development Authority.

C. 5:12-156 Compensation.

8. (New section) Each appointed and voting public member of the Casino Reinvestment Development Authority, other than the chairman, shall receive compensation of $18,000.00 per annum. The compensation of the chairman shall be $23,000.00 per annum. All members shall be reimbursed 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 an ex officio or appointed member of the Casino Reinvestment Development Authority or his services thereon.

C. 5:12-157 Designees.

9. (New section) The State Treasurer may designate an officer or employee of his department, and the Chairman of the Casino Control Commission and the Casino Control Commission member on the Casino Reinvestment Development Authority may designate another commissioner or employee of the commission, and the casino industry representatives on the Casino Reinvestment Development Authority may designate another person to represent them at meetings of the Casino Reinvestment Development Authority, and each designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any designation shall be in writing delivered to the Casino Reinvestment Development Authority and shall continue in effect until revoked or amended by writing delivered to the Casino Reinvestment Development Authority.

C. 5:12-158 No self-dealing.

10. (New section) Other than the casino industry representatives, no member, officer, employee or agent of the Casino Reinvestment Development Authority shall be interested either directly or indirectly in any project or in any contract, sale, purchase, lease or transfer of real or personal property to which the Casino Reinvestment Development Authority is a party. The casino industry representatives appointed shall not be subject to section 4 of P. L. 1981, c. 142 (C. 52:13D–17.2).

C. 5:12-159 Dissolution.

11. (New section) The Casino Reinvestment Development Authority may be dissolved by an act of the Legislature on the condition that the Casino Reinvestment Development Authority has no debts or obligations outstanding or that provision has been made for the payment and retirement of its debts or obligations. Upon any dissolution of the Casino Reinvestment Development Authority, all property, funds and assets thereof shall be vested in the State.

C. 5:12-160 Purposes.

12. (New section) The purposes of the Casino Reinvestment Development Authority shall be: a. to maintain public confidence in the casino gaming industry as a unique tool of urban redevelopment for the city of Atlantic City and to directly facilitate the redevelopment of existing blighted areas and to address the pressing social and economic needs of the residents of the city of Atlantic City and the State of New Jersey by providing eligible projects in which licensees shall invest; b. to provide licensees with an effective method of encouraging new capital investment in Atlantic City, which investment capital would not otherwise be attracted by major casino hotel convention complexes or by normal market conditions and which will not supplant capital, either public or private, that would otherwise be invested in the city of Atlantic City or in the jurisdiction in which the investment is to be made and which will have the effect of benefiting the public at large and increasing opportunities and choices of those of low and moderate income, in particular; c. to provide, further and promote tourist industries in New Jersey and especially Atlantic county, by providing financial assistance for the planning, acquisition, construction, improvement, maintenance and operation of facilities for the recreation and entertainment of the public, which may include an arts center, cultural center, historic site or landmark, or sports center; d. to provide loans and other financial assistance for the planning, acquisition,

construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of buildings or facilities to provide decent, safe and sanitary dwelling units for persons of low, moderate, median range, and middle income in need of housing, and to provide mortgage financing for such units; e. to assist in the financing of structures, franchises, equipment and facilities for operation of, expansion of and the development of public transportation or for terminal purposes, including but not limited to development and improvement of port terminal structures, facilities and equipment for public use; f. to provide loans and other financial assistance for the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of convention halls in Atlantic county and the State of New Jersey, including but not limited to office facilities, commercial facilities, community service facilities, parking facilities, hotel facilities and other facilities for the accommodation and entertainment of tourists and visitors; g. to make loans and assist in the financing of the construction, reconstruction, rehabilitation, repair or acquisition of infrastructure projects, including but not limited to sewage disposal facilities, water facilities, solid waste disposal facilities, roads, highways and bridges; h. to assist in financing buildings, structures and other property to increase opportunities in manufacturing, industrial, commercial, recreational, retail and service enterprises in the State so as to induce and to accelerate opportunity for employment in these enterprises, particularly of unemployed and underemployed residents of the jurisdiction in which the investment is to be made; to provide loans and other financial assistance for the planning, development or preservation of new and existing small businesses, as well as the planning, acquisition, construction, reconstruction, rehabilitation, conversion or alteration of the facilities that house these enterprises, particularly those which provide services or employment to unemployed or underemployed residents of the State; and to provide loans and other financial assistance to provide employment training and retraining, particularly for unemployed and underemployed residents of the State; i. to cooperate with and assist local governmental units in financing any eligible project; j. to encourage investment in, or financing of, any plan, project, facility, or program which directly serves pressing social and economic needs of the residents of the jurisdiction or region in which the investment is to be made, including but not limited to schools, supermarkets, commercial establishments, day care centers, parks and community service centers, and any other plan, project, facility or program which best

serves the interest of the public, in accordance with section 25 of this 1984 amendatory and supplementary act; k. to encourage investment in, or financing of, projects which are made as part of a comprehensive plan to improve blighted or redevelopment areas or are targeted to benefit low through middle income residents of the jurisdiction or region in which the investments are to be made; l. to make loans for those eligible projects, according to the projected allocated amounts to be available; and m. any combination of the foregoing.

C. 5:12-161 Powers.

13. (New section) The Casino Reinvestment Development Authority shall have the following powers:

a. To adopt and have a common seal and to alter the same at pleasure;

b. To sue or be sued;

c. To acquire, hold, use and dispose of any eligible project in which it is making an investment;

d. To acquire, rent, hold, use, and dispose of other personal property for the purposes of the Casino Reinvestment Development Authority;

e. To acquire by purchase, gift, or otherwise, or lease as lessee, real property or easements or interests therein necessary or useful and convenient for the purposes of the Casino Reinvestment Development Authority, which real property, easements or interests may be subject to mortgages, deeds of trust, or other liens or otherwise, and to hold and to use the same, and to dispose of the property so acquired no longer necessary for the purposes of the Casino Reinvestment Development Authority;

f. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance, and operation of any facility, and to amend the **same;**

g. To enter into any agreements or contracts, execute any instruments, and do and perform any acts or things necessary, convenient, or desirable for the purposes of the Casino Reinvestment Development Authority, including the entering into of agreements or contracts with any governmental unit to provide for the payment of principal of and interest on any obligation issued by that governmental unit, the maintenance of necessary reserves in connection with these obligations or the payments under any lease entered into in connection with any eligible project;

h. To determine eligibility for investments in eligible projects in order to accomplish the purposes of the Casino Reinvestment Development Authority;

i. To collect and invest any proceeds received under subsection b. of section 3 and section 14 of this act;

j. To invest in obligations of local governmental units issued to finance eligible projects, provided that the investment shall only be effected through direct negotiation by the Casino Reinvestment Development Authority with the local governmental unit;

k. To make agreements of any kind with any governmental unit or person for the use or operation of all or any part of any eligible project for consideration and for periods of time and upon other terms and conditions as the Casino Reinvestment Development Authority may fix and agree upon, which agreements may include a partnership, limited partnership, joint venture or association in which the Casino Reinvestment Development Authority is a general or limited partner or participant;

l. To require and collect fees and charges as the Casino Reinvestment Development Authority shall determine to be reasonable in connection with the exercise of any power given to the Casino Reinvestment Development Authority under the act;

m. To the extent permitted under a contract of the Casino Reinvestment Development Authority with purchasers of its bonds entered into pursuant to section 3 of this 1984 amendatory and supplementary act, to invest and reinvest any of its moneys not required for immediate use, including moneys received for the purchase of its bonds prior to the bonds being issued, as it shall deem prudent. A pro rata share of 66 ⅔% of all interest earned by the Casino Reinvestment Development Authority on any such investments shall be paid to the licensees who entered into a contract with the Casino Reinvestment Development Authority for the purchase of its bonds and who contributed to the moneys which were received by the Casino Reinvestment Development Authority and were invested pursuant to this subsection. All functions, powers and duties relating to the investment or reinvestment of these funds, including the purchase, sale or exchange of any investments or securities, may, upon the request of the Casino Reinvestment Development Authority, be excercised and performed by the Director of the Division of Investment, in accordance with written directions of the Casino Reinvestment Development Authority, signed by an authorized officer, without regard to any other law relating to investments by the Director of the Division of Investment;

n. To the extent permitted under the contract of the Casino Reinvestment Development Authority with the holders of its bonds, to invest and reinvest any of its moneys not required for immediate use, including proceeds from the sale of any obligations, securities or other investments, as it shall deem prudent. All functions, powers and duties relating to the investment or reinvestment of these funds, including the purchase, sale or exchange of any investments or securities, may upon the request of the Casino Reinvestment Development Authority, be exercised and performed by the Director of the Division of Investment, in accordance with written directions of the Casino Reinvestment Development Authority, signed by an authorized officer, without regard to any other law relating to investments by the Director of the Division of Investment;

o. To enter into all agreements or contracts with any governmental unit or person, execute any instruments, and do and perform any acts or things necessary, convenient or desirable for the purposes of the Casino Reinvestment Development Authority to carry out any power expressely given in this act; and

p. To exercise the right of eminent domain in the city of Atlantic City;

q. To meet and hold hearings at places as it shall designate.

C. 5:12-162 Bond-issuance authority.

14. (New section) a. The Casino Reinvestment Development Authority shall have the power and is authorized from time to time to issue its bonds to licensees in principal amounts as in the opinion of the Casino Reinvestment Development Authority shall be necessary to provide sufficient funds for achieving any of its corporate purposes, or for the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds issued by it, whether the bonds or interest to be funded or refunded have or have not become due, the establishment or increase of reserves to secure or to pay the bonds or interest thereon, and all other costs or expenses of the Casino Reinvestment Development Authority incident to and necessary or convenient to carry out its corporate purposes and powers.

b. A contract for purchase of Casino Reinvestment Development Authority bonds entered into pursuant to sections 3 and 13 of this 1984 amendatory and supplementary act shall provide that an investment for any tax credit shall be paid by the licensee to the Casino Reinvestment Development Authority upon entering into the

contract or at any other times specified in the contract but not later than April 30 of each year. The Casino Reinvestment Development Authority shall invest any moneys so received as provided in subsection m. of section 13 of this 1984 amendatory and supplementary act until such time as the Casino Reinvestment Development Authority determines what projects it will invest in or what other investments it will make and issues its bonds to the licensees to finance those projects or investments.

c. Except as may be otherwise expressly provided herein or by the Casino Reinvestment Development Authority, every issue of bonds shall be general obligations payable out of any moneys or revenues of the Casino Reinvestment Development Authority, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues, but interest on the bonds shall not be payable out of proceeds of bonds issued by the Casino Reinvestment Development Authority. The Casino Reinvestment Development Authority may issue the types of bonds as it may determine, including but not limited to bonds on which the principal and interest are payable (1) 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 those bonds or (2) from its revenues generally.

d. Bonds of the Casino Reinvestment Development Authority shall be authorized by or in accordance with a resolution of the Casino Reinvestment Development Authority and may be issued in one or more series and shall bear dates, mature at times not exceeding 50 years from the date thereof, bear interest at the rates specified in this subsection, be in denominations, be in registered form only, have a rank or priority, be executed in a manner, be payable from sources in a medium of payment at places within or without the State, and be subject to terms of redemption, with or without premium, as the resolution may provide. The bonds issued by the authority shall bear interest at the rate of 7% for those bonds issued for purchase by a licensee to satisfy the requirements of subsection h. of section 144 of P. L. 1977, c. 110 (C. 5:12–144) and at the rate of 66⅔% of the average rate of the Bond Buyer Weekly 25 Revenue Bond Index for bonds available for purchase during the last 26 weeks preceding the date the Casino Reinvestment Development Authority issues its bonds to a licensee to satisfy the requirements of subsection b. of section 3 of this 1984 amendatory and supplementary act. Nothwithstanding the provisions of section 19 of this 1984 amendatory and supplementary act,

if, however, for bonds issued by the Casino Reinvestment Development Authority to satisfy the requirements of subsection b. of section 3 of this 1984 amendatory and supplementary act, either (1) the Casino Reinvestment Development Authority, pursuant to section 17 of this 1984 amendatory and supplementary act, consents, on any of its bonds being issued, to the inclusion of interest, or (2) the Internal Revenue Service determines that any of the interest on any bonds issued by the Casino Reinvestment Development Authority must be included in the gross income of holders of those bonds under the Internal Revenue Code of 1954, as amended, or any subsequent federal law, to the same extent and in the same manner as the interest on bills, notes, bonds and other obligations of the United States, then those bonds issued by the authority shall bear interest at the rate of 66 ⅔% of the average rate of Moody's A-rated Utility Index for bonds available for purchase during the last 26 weeks preceding the date the Casino Reinvestment Development Authority issues its bonds to a licensee to satisfy the requirements of subsection b. of section 3 of this 1984 amendatory and supplementary act. The written approval of the State Treasurer shall be obtained before the Casino Reinvestment Development Authority adopts any bond resolution or supplement to a bond resolution.

e. Interest earned on bonds issued by the Casino Reinvestment Development Authority shall be paid annually. If, however, a licensee enters into a long-term contract with the Casino Reinvestment Development Authority pursuant to subsection b. of section 3 of this 1984 amendatory and supplementary act, in which the licensee agrees to purchase bonds issued by the Casino Reinvestment Development Authority in each year for a period of at least 10 continuous years, the contract shall provide for the payment of interest earned on the bonds quarterly or at any other time agreed upon by the licensee and the Casino Reinvestment Development Authority.

f. Whether or not bonds of the Casino Reinvestment Development Authority are of the form and character as to be negotiable instruments under the terms of Title 12A of the New Jersey Statutes, the bonds are made negotiable instruments within the meaning of and for all the purposes of Title 12A of the New Jersey Statutes, subject only to the provisions of the bonds for registration.

g. Bonds of the Casino Reinvestment Development Authority may be sold at prices as the Casino Reinvestment Development Authority shall determine. Bonds of the Casino Reinvestment Development Authority may be sold at less than the current market rate of re-

turn but not less than the rate specified in subsection c. of this section.

h. Bonds may be issued by the Casino Reinvestment Development Authority under the provisions of this act, without obtaining the consent of any department, division, commission, board, bureau or other agency of the State, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this act.

i. Bonds of the Casino Reinvestment Development Authority issued under the provisions of this act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the Casino Reinvestment Development Authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any of its political subdivisions or be or constitute a pledge of the faith and credit of the State or of any of its political subdivisions, but all the bonds, unless funded or refunded by bonds, shall be payable solely from revenues or funds pledged or available for their payment as authorized in this act. Each bond shall contain on its face a statement to the effect that the Casino Reinvestment Development Authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the Casino Reinvestment Development Authority, that neither the State nor any political subdivision thereof is obligated to pay the principal or interest, and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged in the payment of the principal of or the interest on the bonds.

j. As an alternative to bonds issued by the Casino Reinvestment Development Authority, the Casino Reinvestment Development Authority may, in its sole discretion, offer for purchase by licensees bonds of the State of New Jersey, any political subdivision thereof, or any authority created by the State or any political subdivision thereof, as a means of fulfilling any investment obligation required of a licensee, provided those bonds fulfill the purposes of the Casino Reinvestment Development Authority and are in accordance with the requirements established pursuant to this section. A licensee may purchase such bonds through the Casino Reinvestment Development Authority only after approval by and in the sole discretion of the Casino Reinvestment Development Authority.

k. All expenses incurred in carrying out the provisions of this act shall be payable solely from revenues or funds provided or to be provided under the provisions of this act and nothing in this act shall be construed to authorize the Casino Reinvestment Development Authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivsion thereof.

C. 5:12-163 Contract with bondholders.

15. (New section) Any resolution of the Casino Reinvestment Development Authority authorizing the issuance or offering of bonds may contain provisions, except as expressly limited in this act and except as otherwise limited by existing agreements with the holders of the bonds, which shall be a part of the contract with the holders thereof, as to the following:

a. The pledging of or creating of a lien on, as security for the payment of the principal and redemption price of and interest on any bonds issued by or offered through the Casino Reinvestment Development Authority, all or any part of its revenues or assets to which the issuing authority's right then exists or may thereafter come into existence, and the moneys derived therefrom, and all or any part of the proceeds of any bonds, and covenanting against pledging all or any part of the revenues, assets, moneys, funds or property, or against permitting or suffering any lien thereon;

b. Otherwise providing for the custody, collection, securing, investment and payment of any revenues, assets, moneys, funds or property of the Casino Reinvestment Development Authority or of the issuing authority, or with respect to which the Casino Reinvestment Development Authority or the issuing authority may have any rights or interest;

c. The use and disposition of any payments of principal or interest received by the Casino Reinvestment Development Authority or the issuing authority with respect to investments made by the Casino Reinvestment Development Authority or the issuing authority or other income, revenues or receipts of the Casino Reinvestment Development Authority or the issuing authority;

d. The establishment of reserves or sinking funds, and the regulation and disposition thereof;

e. The custody, application and disposition of the proceeds of any bonds;

f. The rank or priority of any bonds with respect to any lien or security or the acceleration of the maturity of any bonds;

g. The creation of special funds or moneys to be held in trust or otherwise for operating expenses, payment or redemption of bonds,

reserves against defaults or prepayments of investments made by the Casino Reinvestment Development Authority or the issuing authority or for other purposes, and the use and disposition of the moneys held in these funds;

h. Limitations on the purpose to which the proceeds of sale of bonds may be applied and pledging the proceeds to secure the payment of the bonds;

i. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, the refunding or purchase of outstanding bonds of the Casino Reinvestment Development Authority or the issuing authority;

j. The procedure, if any, by which the terms of any contract with the holders of any bonds of the Casino Reinvestment Development Authority or the issuing authority may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which the consent may be given;

k. Provision for a trust agreement by and between the Casino Reinvestment Development Authority or the issuing authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without the State, which agreement may provide (1) for the pledging or assigning of any assets or income from assets to which or in which the Casino Reinvestment Development Authority or the issuing authority has any rights or interest, (2) for any other rights and remedies exercisable by the trustee as may be proper for the protection of the holders of any bonds of the Casino Reinvestment Development Authority or the issuing authority and not otherwise in violation of the law, and (3) for the restriction of the rights of any individual holder of bonds of the Casino Reinvestment Development Authority or the issuing authority. All expenses incurred in carrying out the provisions of the trust agreement may be treated as a part of the costs of operation of the Casino Reinvestment Development Authority or the issuing authority. The trust agreement may contain any further provisions which are reasonable, to delineate further the respective rights, duties, safeguards, responsibilities and liabilities of the Casino Reinvestment Development Authority or the issuing authority, individual and collective holders of bonds of the Casino Reinvestment Development Authority or the issuing authority, and the trustee;

l. The custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

m. The time or manner of enforcement or restraint from enforcement of any rights of the Casino Reinvestment Development Authority or the issuing authority, arising by reason of or with respect to nonpayment of principal or interest with respect to investments made by the Casino Reinvestment Development Authority or the issuing authority or any rights to or security interest in the collateral securing the investments made by the Casino Reinvestment Development Authority or the issuing authority or arising with respect to the default with respect to any investments made by the Casino Reinvestment Development Authority or the issuing authority;

n. Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the Casino Reinvestment Development Authority or the issuing authority and providing for the rights and remedies of the holders of bonds in the event of a default;

o. Covenants to do or refrain from doing any acts or things as may be necessary or convenient or desirable in order to better secure any bonds of the Casino Reinvestment Development Authority or the issuing authority or which, in the discretion of the Casino Reinvestment Development Authority, will tend to make any bonds to be issued more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein; and

p. Any other matters of the like or different character, which in any way affect the security or protection of the bonds issued by or offered through the Casino Reinvestment Development Authority.

C. 5:12-164 Pledge.

16. (New section) Any pledge made by the Casino Reinvestment Development Authority of income, revenues or other property shall be valid and binding from the time the pledge is made. The income, revenue or other property so pledged by the Casino Reinvestment Development Authority shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Casino Reinvestment Development Authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the Casino Reinvestment Development Authority.

C. 5:12-165 Interest.

17. (New section) The Casino Reinvestment Development Authority may consent, at or prior to the time of issuance of any issue of its bonds, to the inclusion of interest on those bonds in the gross income of holders of those bonds under the Internal Revenue Code of 1954 to the same extent and in the same manner as the interest on bills, notes, bonds and other obligations of the United States is includable in the gross income of the holders thereof under the Internal Revenue Code of 1954. Nothing contained in this act shall be construed to waive or to authorize the Casino Reinvestment Development Authority to waive any other exemption, privilege or immunity of the State or to consent or to authorize the Casino Reinvestment Development Authority to consent to the application of any other provision of any other laws, federal or State, to the Casino Reinvestment Development Authority or to its bonds, which would not otherwise be so applicable.

C. 5:12-166 No personal liability.

18. (New section) Neither the members of the Casino Reinvestment Development Authority nor any person executing bonds issued pursuant to this act shall be liable personally on those bonds by reason of the issuance thereof.

C. 5:12-167 Tax exemption.

19. (New section) All property of the Casino Reinvestment Development Authority is 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 subdivision thereof. All bonds issued pursuant to this act are declared to be issued by an instrumentality of this State and for an essential public and governmental purpose and the bonds, and the interest thereon and the income therefrom, and all fees, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of the bonds, or interest thereon, shall at all times be exempt from taxation.

C. 5:12-168 Exemption from judicial process.

20. (New section) All property of the Casino Reinvestment Development Authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the Casino Reinvestment Development Authority be a charge or lien upon its property; but nothing herein contained shall apply to or limit the

rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by the Casino Reinvestment Development Authority on its revenues or other moneys.

C. 5:12-169 Annual report.

21. (New section) On or before the last day of February in each year, the Casino Reinvestment Development Authority shall make an annual report on its activities for the preceding calendar year to the Governor and to the Legislature. Each report shall set forth a complete operating and financial statement covering its operations during the year. The Casino Reinvestment Development Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the Casino Reinvestment Development Authority and a copy thereof shall be filed with the State Treasurer.

C. 5:12-170 Use of employees of other agencies.

22. (New section) The Casino Reinvestment Development Authority shall be entitled to call to its assistance and avail itself of the services of the 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 that purpose. The cost and expense of any of these services shall be met and provided for by the Casino Reinvestment Development Authority. The Casino Reinvestment Development Authority shall also be entitled to employ professional, stenographic, and clerical assistants and incur 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 those purposes. To the maximum extent feasible, the Casino Reinvestment Development Authority shall avail itself of the staffs of the Casino Control Commission, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Department of the Treasury. Any use of the staff of the Casino Control Commission shall be subject to the approval of the chairman of the commission. In addition, the Casino Reinvestment Development Authority may accept the voluntary services of any person in the private sector. If a need is shown by the Casino Reinvestment Development Authority and approved by the Casino Control Commission, the members of the Casino Reinvestment Development Authority may have access to information which is regarded as confidential pursuant to section 74 of P. L. 1977, c. 110 (C. 5:12–74)

and to the staffs of the Casino Control Commission and the Division of Gaming Enforcement in connection with that information. The casino industry representatives, however, shall not have access to information which is regarded as confidential pursuant to section 74 of P. L. 1977, c. 110 (C. 5:12–74) or to the staffs of the Casino Control Commission or the Division of Gaming Enforcement in connection with that information.

C. 5:12-171 Budget.

23. (New section) The annual budget of the Casino Reinvestment Development Authority for administrative and operating costs shall be submitted to the State Treasurer for his approval 90 days after the effective date of this act and thereafter, on or before the last day of October in each year. The State Treasurer shall have 30 days to review and approve the requested budget. He may object in whole or in part to any item or items contained in the budget while approving the other portions of the budget. In such a case he shall append to the budget at the time of signing it, a statement of each item or part thereof to which he objects, and each item or part so objected to shall not take effect. A copy of the budget and any statement shall be transmitted by him to the Casino Reinvestment Development Authority. The costs associated with a specific bond issue or investment, such as underwriting and counsel fees, shall be considered costs of the issue and not operating costs of the Casino Reinvestment Development Authority.

C. 5:12-172 Guarantee of obligations.

24. (New section) The Casino Reinvestment Development Authority shall have the power to guarantee the obligations of any other person, corporation, association or of any instrumentality, municipality or political subdivision of the State, which are issued to finance an eligible project as defined in accordance with section 25 of this act. Such a guarantee shall be authorized by a resolution of the Casino Reinvestment Development Authority, which resolution may contain agreements, covenants and pledges of the Casino Reinvestment Development Authority as it may deem necessary or desirable to provide security for the guarantee, including but not limited to the establishment of reserves derived from proceeds of bonds issued by the Casino Reinvestment Development Authority to licensees or from the revenues of the Casino Reinvestment Development Authority, the subordination of bonds and other obligations of the Casino Reinvestment Development Authority to the guarantee, limita-

tions on the amount of obligations of the Casino Reinvestment Development Authority which can be issued, which would be senior to or on a parity with the guarantee, the pledge of contracts with licensees and of proceeds of bonds issued to licensees as security for the payment of guaranteed obligations and limitations on the total amount of annual debt service payable by the Casino Reinvestment Development Authority on all of its obligations.

C. 5:12-173 Equity investments, loans.

25. (New section) The Casino Reinvestment Development Authority shall have the power to invest in projects, in the form of equity investments or loans, or a combination of both, and to approve direct investments in the form of equity investments or loans, or a combination of both, by licensees in projects which best serve the public interest, which are in furtherance of the public purposes set forth in section 12 of this act and which promote the health or social or economic well-being of the people of this State and, in particular, of the residents of the local governmental unit in which the investment is being made. For investments by licensees required to be made in the city of Atlantic City, the Casino Reinvestment Development Authority shall consider financing and approving those investments which serve the most pressing social and economic needs of the city of Atlantic City or which directly respond to the impact of legalized gambling on the residents of the city of Atlantic City. The Casino Reinvestment Development Authority shall adopt regulations establishing criteria and priorities for eligible projects and investments. The criteria should also apply to projects considered for guarantees pursuant to section 24 of this 1984 amendatory and supplementary act and to projects considered for the reinvestment by licensees of proceeds of bonds repurchased by the Casino Reinvestment Development Authority from licensees pursuant to subsection e. of section 3 of this 1984 amendatory and supplementary act. No project shall be financed by the Casino Reinvestment Development Authority by investment, guarantee or repurchase of bonds nor shall a licensee commence a direct investment unless the project has been determined to be an eligible project meeting the criteria. The determination shall be made only after a public hearing on the merits of the project held in the jurisdiction of the local government unit in which the project is to be located. No investment or guarantee shall be made by the Casino Reinvestment Development Authority unless the terms

of the investment or guarantee have been approved by the State Treasurer.

C. 5:12-174 Waiver of prior determination requirement.

26. (New section) Upon a showing of good cause by a licensee, the Casino Reinvestment Development Authority may waive the requirements of section 25 of this 1984 amendatory and supplementary act requiring a prior determination of an eligible project and approve as an eligible project or investment a project or investment already commenced by a licensee, if the project or investment meets the other requirements contained in section 25 of this act.

C. 5:12-175 Waiver of bond purchase requirement.

27. (New section) Upon a showing of good cause by a licensee, the Casino Reinvestment Development Authority may, in its sole discretion, waive the requirements of subsection b. of section 3 of this act requiring that at least 100% or 50%, as the case may be, of the investment tax credit against the tax imposed by subsection a. of section 3 be composed of the purchase of bonds of the Casino Reinvestment Development Authority, provided the licensee shall make an equivalent investment in an eligible project approved by the Casino Reinvestment Development Authority and provided the authority determines that the amount waived does not impair the amount to be set aside pursuant to section 33 of this act and that the waiver will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority.

C. 5:12-176 Investment in infrastructure.

28. (New section) Upon a showing of good cause by a licensee, the Casino Reinvestment Development Authority may, in its sole discretion, waive the requirements of subsection b. of section 3 of this act that, during the first 10 years of a licensee's obligation to pay the investment alternative tax imposed by subsection a. of section 3 of this act, at least 100% of the investment tax credit against the tax imposed by subsection a. of section 3 be composed of the purchase of bonds of the Casino Reinvestment Development Authority, provided the licensee shall make an equivalent investment in or guarantee of infrastructure requirements, such as public roads, streets, intersections and sewer and water facilities, which are dedicated to the public use and benefit society as a whole. To the extent any such investment in or guarantee of infrastructure requirements exceeds the demand for such requirements created by an approved casino hotel or related facility and thus does not

finance infrastructure improvements required to be made by a casino licensee pursuant to subsection e. of section 84 of P. L. 1977, c. 110 (C. 5:12–84), the excess investment or guarantee may, in the sole discretion of the Casino Reinvestment Development Authority, be considered an eligible investment or project, if the authority finds that the investment or guarantee serves the most pressing social and economic needs of the residents of the city of Atlantic City and otherwise satisfies the requirements of section 25 of this 1984 amendatory and supplementary act, and if the authority determines that the amount waived does not impair the amount to be set aside pursuant to section 33 of this act and that the waiver will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority.

C. 5:12-177 Donations.

29. (New section) In lieu of buying the bonds of the Casino Reinvestment Development Authority or in lieu of making a direct investment, the Casino Reinvestment Development Authority may, in its sole discretion, permit a licensee to obtain an investment tax credit by making a donation of money or realty to an eligible project, facility or program. For the purposes of applying this section, a donation shall be deemed to be an investment and shall be subject to any provision of this 1984 amendatory and supplementary act which is relevant to an investment. No donation shall qualify for investment tax credit unless it has been approved and determined to be eligible for investment tax credit by the Casino Reinvestment Development Authority prior to the making of the donation and provided that the granting of the waiver to make the donation will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority.

C. 5:12-178 No exclusive benefits for casino hotels.

30. (New section) The Casino Reinvestment Development Authority shall not invest in, issue a guarantee in support of, or approve any investment or project which directly and exclusively benefits, improves, or increases the assessed value of a casino hotel or related facility. Notwithstanding the foregoing, to the extent that an investment in or guarantee of infrastructure requirements, such as public roads, streets, intersections and sewer and water facilities, which are dedicated to the public use and benefit society as a whole, exceeds the demand for such requirements created by an approved casino hotel or related facility and thus does not

finance infrastructure improvements required to be made by a casino licensee pursuant to subsection e. of section 84 of P. L. 1977, c. 110 (C. 5:12–84), the excess investment or guarantee may be considered an eligible investment or project, if the authority finds that the investment or guarantee serves the most pressing social and economic needs of the residents of the city of Atlantic City and otherwise satisfies the requirements of section 25 of this 1984 amendatory and supplementary act.

C. 5:12-179 Prior investments.

31. (New section) a. Notwithstanding any other law or any other section of this 1984 amendatory and supplementary act to the contrary, a casino licensee may seek a determination of eligibility from the Casino Reinvestment Development Authority for an equity investment commenced or a donation made prior to the adoption by the Casino Reinvestment Development Authority of its rules and regulations pursuant to subsection h. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1), if:

(1) The application concerns an equity investment in, or donation of money or realty in support of, the rehabilitation, development or construction of housing facilities in the Inlet section of the city of Atlantic City for persons or families of low through middle income, as defined and required by subsection f. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1);

(2) The Casino Reinvestment Development Authority finds that the investment or donation is consistent with the requirements of section 25 of P. L. 1984, c. 218 (C. 5:12–173), and in particular, that the housing facilities which are the recipients of the investment or donation are compatible with the proposal for the development of a balanced residential community in the Inlet section of the city of Atlantic City, approved and adopted by the Casino Control Commission; and

(3) The licensee applies to the Casino Reinvestment Development Authority for a determination of eligibility for the investment or donation within 90 days of the adoption by the Casino Reinvestment Development Authority of its rules and regulations pursuant to subsection h. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1), and subsequently obtains a determination of eligibility for the investment or donation, in accordance with the rules and regulations of the Casino Reinvestment Development Authority.

b. Notwithstanding any other law or section of this 1984 amendatory and supplementary act to the contrary, a casino licensee may seek a determination of eligibility from the Casino Reinvestment

Development Authority for an investment in, guarantee of, or a contractual commitment for an investment in or guarantee of infrastructure requirements, such as public roads, streets, intersections and sewer and water facilities, made prior to the adoption by the Casino Reinvestment Development Authority of its rules and regulations pursuant to subsection h. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1), which are dedicated to the public use and benefit society as a whole. To the extent any such investment in or guarantee of infrastructure requirements exceeds the demand for such requirements created by an approved casino hotel or related facility and thus does not finance infrastructure improvements required to be made by a casino licensee pursuant to subsection e. of section 84 of P. L. 1977, c. 110 (C. 5:12–84), the excess investment or guarantee may, in the sole discretion of the Casino Reinvestment Development Authority, be considered an eligible investment or project, if the authority finds that the investment or guarantee serves the most pressing social and economic needs of the residents of the city of Atlantic City and otherwise satisfies the requirements of section 25 of this 1984 amendatory and supplementary act.

c. If a casino licensee obtains a determination of eligibility for an investment or donation pursuant to subsection a. or b. of this section, the investment or donation shall first be used to satisfy the licensee's most recently incurred investment obligation under subsection b. of section 144 of P. L. 1977, c. 110 (C. 5:12–144). If the licensee has no outstanding investment obligations under subsection b. of section 144 of P. L. 1977, c. 110 (C. 5:12–144) at the time the determination of eligibility is obtained, the licensee shall be entitled to an investment tax credit against the tax imposed by subsection a. of section 3 of P. L. 1984, c. 218 (C. 5:12–144.1), in an amount equal to twice the amount of the eligible equity investment or donation made by the licensee.

C. 5:12-180 Fulfillment of priorities.

32. (New section) Notwithstanding any other law or section of this 1984 amendatory and supplementary act to the contrary, the Casino Reinvestment Development Authority shall not grant any waiver or invest in, guarantee support for or approve any investments or contributions by licensees, as provided for in sections 26, 27, 28, 29, 30 and 31 of this 1984 amendatory and supplementary act, which would reduce, impair or prevent the fulfillment of the priorities contained in subsection f. of section 3 or any priorities established by the Casino Reinvestment Development Authority

pursuant to section 25 of this 1984 amendatory and supplementary act.

C. 5:12-181 Aid to minority, women's businesses.

33. (New section) a. Beginning with the proceeds received by the authority for the calendar year 1984 from the sale of bonds and for 24 years thereafter, the authority shall set aside $1,200,000.00 annually for the purpose of investing in obligations of the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises established pursuant to P. L. 1984, c. (C.) (now pending before the Legislature as Assembly Committee Substitute for Assembly Bill No. 1828 of 1984).

That amount shall be used by that authority to finance the establishment of minority and women's businesses, as defined pursuant to section 2 of P. L. 1984, c. (C.) (now pending before the Legislature as Assembly Committee Substitute for Assembly Bill No. 1828 of 1984), or the operation or expansion of existing minority or women's businesses, or projects to be constructed by minority and women's businesses; and shall be allocated to those businesses and projects in the following areas and time periods:

Areas	Years 1-3	Years 4-5	Years 6-10	Years 11-15	Years 16-20	Years 21-25
(a) Atlantic City	100%	90%	80%	50%	30%	20%
(b) South Jersey		8%	12%	28%	43%	45%
(c) North Jersey		2%	8%	22%	27%	35%

For the purposes of this paragraph, "South Jersey" means the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and "North Jersey" means the remaining 12 counties of the State. No more than 50% of the above amounts shall be made available to women, and no more than 50% of this amount shall be made available to minorities.

b. (1) The authority shall ensure that minority or women's businesses which are in the construction industry or related industries or services, including suppliers of materials and professional construction engineering and design services, shall receive at least 20% of the total expenditures on the total number of eligible projects financed each year by the authority. A business

shall be deemed to be a minority or women's business if it meets the definition of that term in section 2 of P. L. 1984, c. .... (C.) (now pending before the Legislature as Assembly Committee Substitute for Assembly Bill No. 1828 of 1984). The authority shall, in providing financing for eligible projects, impose such conditions as necessary to effectuate this 20% requirement.

(2) The primary obligation for carrying out the 20% minority and women's business set-aside rests with the borrowers of the proceeds of bonds of the Casino Reinvestment Development Authority or the licensees, in the case of a direct investment. Nothing contained herein, however, shall relieve the Casino Reinvestment Development Authority from the obligation of enforcing the requirement of the 20% set-aside for minority and women's businesses. The borrower or licensee and those of its contractors which will make subcontracts with or purchase substantial supplies from or seek engineering or design services from other firms must seek out all available minority and women's businesses and make every effort to use as many of them as possible on the project, in order to satisfy the set-aside requirement. A minority or women's business is available if the project is located in the market area of the minority or women's business and the minority or women's business can perform project services or supply project materials or provide engineering and design services at the time they are needed and at a competitive price. The relevant market area depends on the kind of services or supplies which are needed. The authority will require borrowers, licensees and prime contractors to engage minority and women's businesses from as wide a market area as is economically feasible. A minority or women's business is qualified if it can perform the service or supply the materials that are needed. Borrowers, licensees and prime contractors will be expected to use minority and women's businesses with less experience than available nonminority enterprises and should expect to provide technical assistance to minority and women's businesses, as needed. The authority may waive up to 10% of this 20% set-aside requirement, if the borrower of the proceeds of bonds of the Casino Reinvestment Development Authority or the licensee, in the case of a direct investment, demonstrates at a public hearing of the authority that there are not sufficient, relevant, or qualified minority and women's business enterprises whose market areas include the project location to justify a waiver. The borrower or licensee must detail in its waiver request the efforts the borrower or licensee and its potential contractors have exerted to locate and enlist minority and women's

business enterprises. The request must indicate the specific minority and women's business enterprises which were contacted and the reason each was not used. Such a waiver request should ordinarily be made after the initial bidding or negotiation procedures prove unsuccessful; however, a borrower or licensee whose eligible project is situated in an area where the minority population is very small may apply for a waiver before requesting bids on its project. The Casino Reinvestment Development Authority shall only approve a waiver under exceptional circumstances.

(3) The authority may waive bonding requirements in full or in part in order to facilitate the use of such a business, if the business has been rejected by two surety companies authorized to do business in this State. The authority may require a cash deposit, increase the amount of retention, or limit or eliminate periodic payments. Such a waiver may not be extended more than three times.

C. 5:12-182 Right of condemnation.

34. (New section) a. The Legislature finds and declares that the achievement of the beneficial purposes of this 1984 amendatory and supplementary act requires the granting to the Casino Reinvestment Development Authority of the right of condemnation and the exercise by it of the right of eminent domain in the city of Atlantic City because special problems may arise or exist in that city concerning the necessity for the acquisition of the property for projects for the public good under this 1984 amendatory and supplementary act, including inflated land values resulting from speculation and intentional obstruction of a landowner or speculator to the acquisition of needed property in order to exact an unreasonable and prohibitive purchase price.

b. In the event the Casino Reinvestment Development Authority finds it is necessary to complete a project in the city of Atlantic City, the authority may acquire any real property in the city, whether a fee simple absolute or lesser interest and whether for immediate use, that the authority may find and determine is required for public use, and upon such a determination, the property shall be deemed to be required for a public use until otherwise determined by the authority; and with the exceptions hereinafter specifically noted, the determination shall not be affected by the fact that such property has theretofore been taken for, or is then devoted to, a public use, but the public use in the hands or under the control of the authority shall be deemed superior to the public use in the hands or under the control of any other person, association or corporation.

c. If the Casino Reinvestment Development Authority is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the city for any reason whatsoever, then the authority may acquire, and is hereby authorized to acquire, after consultation with the appropriate agency of the city by way of notification 30 days prior to the filing of condemnation proceedings, such property, whether a fee simple absolute or lesser interest, by condemnation or the exercise of the right of eminent domain pursuant to the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3–1 et seq.) and the "Relocation Assistance Act," P. L. 1971, c. 362 (C. 20:4–1 et seq.).

d. The power of the authority to acquire real property by condemnation or the exercise of the power of eminent domain in the city shall be a continuing power and no exercise thereof shall be deemed to exhaust it.

e. The Casino Reinvestment Development Authority and its duly authorized agents and employees may enter upon any land in the State for the purpose of making such surveys, maps or other examinations thereof as it may deem necessary or convenient for its authorized purposes.

f. Notwithstanding anything to the contrary contained in this 1984 amendatory and supplementary act, no property now or hereafter vested in or held by any county, city, borough, village, township or other municipality shall be taken by the Casino Reinvestment Development Authority without the consent of such municipality, unless expressly authorized so to do by the State. All counties, cities, boroughs, villages, townships, and other municipalities, and all public agencies and commissions of the State, notwithstanding any contrary provision of law, are hereby authorized and empowered to grant and convey to the Casino Reinvestment Development Authority upon its request, but not otherwise, and upon reasonable terms and conditions, any real property which may be necessary or convenient to the effectuation of its authorized purposes, including real property already devoted to public use.

g. The term "real property" as used in this 1984 amendatory and supplementary act includes lands, structures, franchises and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within that term and includes not only fees simple absolute, but also any and all lesser interests such as 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, and also claims for damage to real estate.

C. 5:12-183 Subject to gubernatorial veto.

35. (New section) A true copy of the minutes of every meeting of the Casino Reinvestment Development 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 Casino Reinvestment Development Authority shall have force and effect until the earlier of 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered, or the approval thereof by the Governor. If, in the 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect. The Governor may approve all or part of the action taken at such meeting, prior to the expiration of the 10-day period.

36. Section 4 of P. L. 1981, c. 142 (C. 52:13D–17.2) is amended to read as follows:

C. 52:13D-17.2 Conflict of interest.

4. a. As used in this section, "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting casino activity; any special State officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; members of the Casino Reinvestment Development Authority; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner, or consultant regularly employed or retained by such planning board or zoning board of adjustment.

b. No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person,

nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee, while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. No special State officer or employee without responsibility for matters affecting casino activity, excluding those serving in the Departments of Education, Health, Higher Education and Human Services, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter.

c. No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee, while he is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to subsection b. (2) of section 59 and to section 60 of P. L. 1977, c. 110 (C. 5:12–59b. (2) and C. 5:12–60).

d. This section shall not apply to the spouse of a State officer or employee, which State officer or employee is without responsibility for matters affecting casino activity, who becomes the spouse subsequent to the State officer's or employee's appointment or employment as a State officer or employee and who is not individually or directly employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

e. The Joint Legislative Committee on Ethical Standards and the Executive Commission on Ethical Standards, as appropriate, shall forthwith determine and publish, and periodically update, a list of those positions in State government with responsibility for matters affecting casino activity.

f. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

g. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provisions of this act or the regulations of the commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status of any application for licensure or any proceeding to enforce the provisions of this act or the regulations of the commission.

h. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed $500.00 or imprisonment not to exceed six months, or both.

37. Section 102 of P. L. 1977, c. 110 (C. 5:12–102) is amended to read as follows:

C. 5:12-102 Junkets and complimentary services.

102. Junkets and Complimentary Services. a. No junkets may be organized or permitted except in accordance with the provisions of this act. No person may act as a junket representative or junket enterprise except in accordance with this section. Notwithstanding any other provisions of this act, junket enterprises engaged in activities governed by this section shall not be subject to the provisions of sections 92 and 104b. of this act (C. 5:12–92 and 5:12–104b.) with regard to those activities, unless otherwise directed by the commission pursuant to subsection k. of this section.

b. A junket representative shall be licensed as a casino employee in accordance with the provisions of this act; provided, however, that said licensee need not be a resident of this State. Any person who holds a current and valid casino key employee license or casino employee license in a position directly related to gaming activity may act as a junket representative while employed by a casino

licensee without further endorsement of his license. No casino licensee or junket enterprise may employ or otherwise engage a junket representative who is not so licensed.

c. A junket enterprise shall be licensed in accordance with the provisions of this section prior to conducting any business whatsoever with a casino licensee, its employees or agents. A junket enterprise, as well as such of its owners, management and supervisory personnel and other principal employees as the commission may consider appropriate for qualification, must qualify under the standards, except residency, established for qualification of a casino employee under this act. No casino licensee or junket enterprise may employ or otherwise engage the services of a junket enterprise who is not so licensed.

Notwithstanding the foregoing, any licensed junket representative who is the sole owner and operator of a junket enterprise shall not be required to be licensed as a junket enterprise pursuant to this section, if his junket representative license is endorsed as such.

d. Prior to the issuance of any license required by this section, an applicant for licensure shall submit to the jurisdiction of the State of New Jersey and shall demonstrate to the satisfaction of the commission that he is amenable to service of process within this State. Failure to establish or maintain compliance with the requirements of this subsection shall constitute sufficient cause for the denial, suspension or revocation of any license issued pursuant to this section.

e. An applicant for junket representative or junket enterprise licensure may be issued a temporary license by the commission, provided that:

(1) The applicant for licensure has filed a completed application as required by the commission;

(2) The division either certifies to the commission that the completed application for licensure as specified in paragraph (1) of this subsection has been in the possession of the division for at least 45 days or agrees to allow the commission to consider the application in some lesser time; and

(3) The division does not object to the temporary licensure of the applicant; provided, however, that failure of the division to object prior to the temporary licensure of the applicant shall not be construed to reflect in any manner upon the qualifications of the applicant for licensure.

In addition to any other authority granted by this act, the commission shall have the authority, upon receipt of a representation by the division that it possesses information which raises a reasonable possibility that a junket representative or enterprise does not qualify for licensure, to immediately suspend, limit or condition any temporary license issued pursuant to this subsection, pending a hearing on the qualifications of the junket representative or enterprise, in accordance with the provisions of this act. Unless otherwise agreed by the commission and the junket representative or enterprise, such a hearing shall be initiated no later than 60 days after commission receipt of a demand for the hearing from the junket representative or enterprise.

Unless otherwise terminated pursuant to this act, any temporary license issued pursuant to this subsection shall expire 12 months from the date of its issuance, and shall be renewable by the commission, in the absence of an objection by the division, as specified in paragraph (3) of this subsection, for one additional six month period.

f. Every agreement concerning junkets entered into by a casino licensee and a junket representative or junket enterprise shall be deemed to include a provision for its termination without liability on the part of the casino licensee, if the commission orders the termination upon the suspension, limitation, conditioning, denial or revocation of the licensure of the junket representative or junket enterprise, in accordance with the provisions of this act. Failure to expressly include such a condition in the agreement shall not constitute a defense in any action brought to terminate the agreement.

g. A casino licensee shall be responsible for the conduct of any junket representative or junket enterprise associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the fact that the junket may involve persons not employed by such a casino licensee.

h. A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this act, the commission may, after hearings in accordance with this act, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino licensee, junket enterprise or junket representative, and order such further relief as it deems appropriate.

i. The commission shall, by regulation, prescribe methods, procedures and forms for the delivery and retention of information

concerning the conduct of junkets by casino licensees. Without limitation of the foregoing, each casino licensee, in accordance with the rules of the commission, shall:

(1) Maintain on file a report describing the operation of any junket engaged in on its premises, which report may include acknowledgments by the participants, signed on the date of arrival, that they understand the terms of the particular junket;

(2) Submit to the commission and division a report on those arrangements which would be junkets but for the fact that those arrangements do not include a selection or approval of participants in accordance with the terms of section 29 of P. L. 1977, c. 110 (C. 5:12–29); and

(3) Submit to the commission and division a list of all its employees who are acting as junket representatives but whose licenses are not endorsed as such.

j. Each casino licensee, junket representative or junket enterprise shall, in accordance with the rules of the commission, file a report with the division with respect to each list of junket patrons or potential junket patrons purchased directly or indirectly by the casino licensee, junket representative or enterprise.

k. The commission shall have the authority to determine, either by regulation, or upon petition by the holder of a casino license, that a type of arrangement otherwise included within the definition of "junket" established by section 29 of P. L. 1977, c. 110 (C. 5:12–29) shall not require compliance with any or all of the requirements of this section. The commission shall seek the opinion of the division prior to granting any exemption. In granting exemptions, the commission shall consider such factors as the nature, volume and significance of the particular type of arrangement, and whether the exemption would be consistent with the public policies established by this act. In applying the provisions of this subsection, the commission may condition, limit, or restrict any exemption as the commission may deem appropriate.

l. No junket enterprise or junket representative or person acting as a junket representative may:

(1) Engage in efforts to collect upon checks that have been returned by banks without full and final payment; or

(2) Exercise approval authority with regard to the authorization or issuance of credit pursuant to section 101 of P. L. 1977, c. 110 (C. 5:12–101).

m. Each casino licensee shall maintain a regulated complimentary service account and shall submit a quarterly report to the commission based upon such account and covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received the same, and such other information as the commission may require.

n. As used in this subsection, "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting casino activity; any special State officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; members of the Casino Reinvestment Development Authority; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner or consultant regularly employed or retained by such planning board or zoning board of adjustment.

No casino applicant or licensee shall provide directly or indirectly to any person any complimentary service or discount which is other than such service or discount that is offered to members of the general public in like circumstance.

o. (1) Any person who, on the effective date of this 1983 amendatory and supplementary act, holds a current and valid junket representative license or a casino service industry license pursuant to subsection a. of section 92 of P. L. 1977, c. 110 (C. 5:12–92) authorizing the conduct of junket activities, shall be considered licensed in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, for the remaining term of their current license.

(2) Any person who, prior to the effective date of this 1983 amendatory and supplementary act, has filed a completed applica-

tion as required by the commission, for a junket representative casino key employee license or a casino service industry license pursuant to subsection a. of section 92 of P. L. 1977, c. 110 (C. 5:12–92) authorizing the conduct of junket activities, may be issued a temporary license in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, if the commission finds that the requirements of paragraphs (1) through (3) of subsection e. of this section have been satisfied.

(3) Any person who, prior to the effective date of this 1983 amendatory and supplementary act, has filed a completed application as required by the commission, for a junket representative casino employee license or a junket enterprise license, may be issued a temporary license in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, if the commission finds that the requirements of paragraphs (2) and (3) of subsection e. of this section have been satisfied.

38. (New section) The State Treasurer is authorized to make a no-interest loan not to exceed $300,000.00 from the General Fund to the Casino Reinvestment Development Authority for the purpose of start-up costs. This loan shall be repaid to the General Fund at the close of the last business day of fiscal year 1985.

39. This act shall take effect immediately, except that the Casino Reinvestment Development Authority shall not exercise its powers and responsibilities other than the promulgation of rules and regulations until it has adopted those rules and regulations.

Approved December 19, 1984.

CHAPTER 219

AN ACT concerning the installation of traffic control devices and signs by municipalities at school crossing intersections, and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C. 39:4-183.1a Traffic regulation at school crossings.

1. Notwithstanding any law to the contrary, a municipality may, upon the request of the appropriate board of education, or, in the

case of a private school, by the school's governing body, provide by ordinance for the installation of a traffic control device or sign consistent with the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation, to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school. Before an ordinance shall take effect, however, the governing body shall submit a copy of the ordinance to the Commissioner of Transportation for his review and approval, together with detailed information as to the location of streets, intersections and signs affected by any installation; traffic count, accident and speed sampling data, when appropriate; and any other information as the commissioner may require. If the commissioner disapproves the ordinance, he shall file his disapproval, in writing, with a statement of the reasons for his disapproval, with the governing body within 90 days following the receipt of the ordinance. If the commissioner approves the ordinance or fails to file his disapproval within the 90-day review period, the ordinance shall take effect immediately.

For the purposes of this section, the term "public or private school" has the meaning that term is given in N. J. S. 18A:1–1.

2. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 220

AN ACT concerning the awarding of public contracts by the Passaic Valley Sewerage Commission, and amending R. S. 58:14–22.

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

1. R. S. 58:14–22 is amended to read as follows:

$7,500 bid threshold.

58:14–22. a. Whenever any work to be performed or any material to be furnished shall involve an expenditure of money exceeding the sum of $7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section, the commissioners shall designate the time when they will meet at their

usual place of meeting to receive proposals in writing for doing the work and furnishing the material, and the commissioners shall order their clerk to give notice by advertisement, inserted in at least two newspapers printed and circulating, respectively, in two of the counties of the district, at least 10 days before the time of such meeting, of the work to be done and the material to be furnished, particular specifications of which they shall cause to be filed in their office at the time of such order. All proposals received shall be publicly opened by the commissioners or the chief administrative officer of the commission and the commissioners shall award the contract to the lowest responsible bidder. All contractors shall be required to give bond satisfactory in amount and security to the commissioners.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985, the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and Philadelphia areas, as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the commissioners about the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

2. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 221

AN ACT concerning the siting of solid waste facilities and supplementing P. L. 1970, c. 39 (C. 13:1E–1 et seq.).

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

C. 13:1E-5.3 Landfills banned on college property.

1. a. Notwithstanding the provisions of any law, rule or regulation to the contrary, the Commissioner of the Department of Environmental Protection shall not approve a registration statement and engineering design which authorizes a sanitary land-

fill facility located on the property of any State college whose charter was filed prior to 1920, to receive municipal waste, as defined by the Department of Environmental Protection pursuant to rule or regulation. For the purposes of this act, "sanitary landfill facility" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or storage for a period exceeding six months, but shall not include a facility engaged in composting vegetative waste.

b. Any existing contract right or regulatory approval to operate a sanitary landfill facility on the property of a State college not otherwise terminated in accordance with law shall, upon the effective date of this act, be void and the State Treasurer, after review of all records and documents in the possession of the current holder of the approved registration statement and engineering design, which the treasurer deems necessary for making his determination, and upon the advice and consent of the Department of Environmental Protection and the Board of Public Utilities, shall, within 60 days of the effective date of this act, determine an amount which would fairly and properly reimburse the current holder of the certificate of approved registration statement and engineering design for all verifiable and reasonable expenses directly related to the maintenance of the certificate of approved registration statement and engineering design and its rescission, plus interest on the amount of these expenses. The interest shall be calculated from the date upon which payment of these expenses was made. The rate of interest shall be at the rates provided by the Rules Governing the Courts of the State of New Jersey for the applicable period of time.

c. The amount determined fair and properly payable by the treasurer shall be paid to the current holder of the certificate of approved registration statement and engineering design, upon an appropriation in that amount and for that purpose being made by the Legislature to the State college on whose property the sanitary landfill is located. However, by this action the State college and the State shall in no way incur liability for third party obligations which are or shall become the responsibility of the current holder of the cerificate of approved registration statement and engineering design.

d. If the current holder of the certificate of approved registration statement and engineering design does not agree that the amount determined by the treasurer constitutes full reimbursement for all these expenses and files with the treasurer a letter

containing the reasons therefor within 10 days of the treasurer's determination, the treasurer, within five days of the receipt of that letter, shall submit all records and documents relevant to the matter to the Office of Administrative Law, which, within 30 days of receiving these records and documents, shall commence a hearing to be conducted as a contested case pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), and P. L. 1978, c. 67 (C. 52:14F–1 et seq.).

e. Notwithstanding the provisions of section 10 of P. L. 1968, c. 410 (C. 52:14B–10) to the contrary, within 15 days of the receipt of the recommendations of the administrative law judge, the treasurer shall adopt, reject, or modify the recommendations. The final decision of the treasurer is considered the final agency action thereon for the purposes of the "Administrative Procedure Act" and is subject only to judicial review as provided in the Rules of Court.

2. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 222

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, 1985, and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated by P. L. 1984, c. 58, the following amount is appropriated from the General Fund for the following purpose:

DIRECT STATE SERVICES
DEPARTMENT OF HIGHER EDUCATION
Educational, Cultural and Intellectual Development
36 Higher Educational Services
5400 Office of the Chancellor

99-5400	Management and Administrative Services..	$141,000

Special Purpose:
Governor's Commission on Science and
Technology: Administration ..... ($141,000)

2. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 223

AN ACT concerning the purchase of credit for temporary service by certain employees of a county hospital and supplementing P. L. 1954, c. 84 (C. 43:15A–1 et seq.).

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

1. Notwithstanding any other law to the contrary, a member of the Public Employees' Retirement System, who is employed as a registered professional nurse or a licensed practical nurse by a county hospital in a county of the second class with a population of more than 575,000, but less than 600,000, according to the latest federal decennial census, may purchase credit for temporary service which resulted, without interruption, in permanent employment, by agreeing, within one year of the effective date of this act, to make contributions covering the service. The employer shall not be liable for payment to the retirement system by reason of the member's purchase of service credit under this section, and all contributions required with respect to the liability created by the purchase shall be made by the member. The member may purchase service credit under this section by making payments to the retirement system either in a lump sum or in regular monthly installments, pursuant to formulas, rules and regulations as the Division of Pensions may establish.

Notwithstanding any other provision of this act to the contrary, if, upon retirement, the member's payment for the purchase of temporary service credit is insufficient to provide for the additional retirement benefit attributable to this service, the difference may be assessed to the member, or a pro rata benefit may be granted based on the member's payment for the purchase prior to the date of retirement, at the election of the member.

If a member elects to purchase credit for temporary service and retires prior to completing payment therefor, the member shall receive a pro rata credit for the service purchased prior to the date of retirement, but if the member elects at the time of retirement, the member may make an additional lump sum payment at that time as will be necessary to provide full credit.

2. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 224

AN ACT appropriating $19,007,500.00 from the "1983 New Jersey Green Acres Fund" and $20,500,000.00 from the "Green Trust Fund" to enable the State and local units of government to acquire and develop land for recreation and conservation purposes.

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

1. There is appropriated to the Department of Environmental Protection from the "1983 New Jersey Green Acres Fund," established pursuant to section 15 of the "New Jersey Green Acres Bond Act of 1983" (P. L. 1983, c. 354), the sum of $19,007,500.00 for the purposes of public acquisition and development of lands by the State for recreation and conservation purposes. This sum shall include administrative costs and shall be allocated as follows:

a. For the State development of the following projects, $9,807,500.00:

STATE FACILITY	*COUNTY*	*PROJECT*
Allaire State Park	Monmouth	Allaire Fire Engine Museum; construction
Allaire State Park	Monmouth	Allaire Village Bakery restoration; construction
Allaire State Park	Monmouth	Campground washhouse heating conversion; construction

STATE FACILITY	*COUNTY*	*PROJECT*
Allaire State Park	Monmouth	Nature center bridge and parking; design and construction
Allamuchy State Park	Sussex Warren	Allamuchy Pond dam; construction
Allamuchy State Park	Sussex Warren	Cranberry Lake dam; construction
Allamuchy State Park	Sussex Warren	Deer Park Pond dam; construction
Allamuchy State Park	Sussex Warren	Waterloo dam; construction
Barnegat Lighthouse State Park	Ocean	Bulkhead replacement; planning
Belleplain State Forest	Cape May Cumberland	Administrative facility; design
Cape May Point State Park	Cape May	Parking lot expansion; construction
Delaware and Raritan Canal State Park	Hunterdon Mercer Middlesex Somerset	Historic structures upkeep; design and construction
Delaware and Raritan Canal State Park	Hunterdon Mercer Middlesex Somerset	Maintenance facility improvements; design
Double Trouble State Park	Ocean	Office utilities and park; parking design
Heislerville fishermen access	Cumberland	Site development; access design and construction
High Point State Park	Sussex	New group cabin; design
Historic villages program	Statewide	Restoration and reconstruction; design and construction
Kingwood fishermen access	Hunterdon	Parking lot expansion; design
Lebanon State Forest	Burlington Ocean	Pakim Pond dam; design and construction

STATE FACILITY	*COUNTY*	*PROJECT*
Leonardo State Marina	Monmouth	Boat ramp parking; construction
Leonardo State Marina	Monmouth	Bulkhead replacement; construction
Leonardo State Marina	Monmouth	Dredging; construction
Liberty State Park	Hudson	Ferry slips and concourse restoration; design and construction
Liberty State Park	Hudson	Interpark road extension; construction
Morris Canal and Banking	Morris Passaic	Pompton dam; construction
Morven historic site	Mercer	Olde Quarters rehabilitation; planning
Old Barracks historic site	Mercer	Officers' Quarters interior and exterior restoration; design and construction
Olden House historic site	Mercer	Stabilization and improvements; design
Palisades Interstate Park	Bergen	Safety fencing along the Palisades cliffs; design and construction
Palisades Interstate Park	Bergen	Sanitary facility improvement; design and construction
Parvin State Park	Salem Cumberland	Bathhouse renovation; design
Prospertown Lake fish and wildlife management area	Ocean	Prospertown Lake dam repair; planning, design and construction
Prospertown Lake recreation area	Ocean	Prospertown Lake renovation; design and construction
Ramapo Mountain State Forest	Bergen	Ramapo dam; construction
Ringwood State Park	Passaic	Green Turtle Pond dam repair; design
Ringwood State Park	Passaic	Sally's Pond dam stabilization; construction

STATE FACILITY	*COUNTY*	*PROJECT*
Ringwood State Park	Passaic	Shepherd Lake entrance road repair; construction
Ringwood State Park	Passaic	Shepherd Lake maintenance complex; design
Round Valley recreation area	Hunterdon	Roof replacement maintenance shop; design and construction
Round Valley recreation area	Hunterdon	Wading pool replacement; design and construction
Round Valley recreation area	Hunterdon	Walkway and patio restoration; construction
Round Valley recreation area	Hunterdon	Wilderness camping area; sanitary facilities; construction
Spring Meadow golf course	Monmouth	Parking and course expansion; construction
Spruce Run recreation area	Hunterdon	Beach sand replacement; construction
Spruce Run recreation area	Hunterdon	Sewerage facility renovation; construction
Stokes State Forest	Sussex	Shotwell area sanitary facilities; construction
Stokes State Forest	Sussex	Skellinger, Stony Lake and Ocquittunk dam improvements; construction
Swartswood State Park	Sussex	New office; design
Union Lake wildlife area	Cumberland	Dam repair; management, planning and design
Voorhees State Park	Hunterdon	Sanitary facilities; construction
Washington Crossing State Park	Mercer	New office; design
Washington Crossing State Park	Mercer	Walkway to visitor center; design and construction
Wawayanda State Park	Sussex Passaic	Day-use facility development; design

STATE FACILITY	*COUNTY*	*PROJECT*
Wharton State Forest	Burlington Camden Atlantic	Atsion office and maintenance complex; construction
Wharton State Forest	Burlington Camden Atlantic	Green Bank security; design and construction
Worthington State Forest	Warren	River Road reconstruction; planning

b. For State acquisition of the following projects, $9,200,000.00:

PROJECT	*COUNTY*
Allamuchy State Park	Sussex, Warren
Bear Swamp and Eaglelands	Cumberland
Berkshire Valley	Morris
Higbee Beach	Cape May
Hillsborough	Somerset
Jenny Jump State Forest	Warren
Johnsburg natural area	Warren
Kittatinny	Sussex
Monksville	Passaic
Mount Hope	Morris
Pinelands	Burlington, Ocean, Atlantic
Sparta-Jefferson	Morris, Sussex
Troy Meadows	Morris
Condemnation awards	Statewide
Marine and freshwater access sites	Statewide
Opportunities and contingencies	Statewide
Trail corridors	Statewide

2. There is appropriated to the Department of Environmental Protection from the "Green Trust Fund," established pursuant to section 16 of the "New Jersey Green Acres Bond Act of 1983" (P. L. 1983, c. 354), the sum of $20,500,000.00 to provide loans to assist local units of government to acquire and develop land for recreation and conservation purposes, which sum shall include administrative costs. The following projects shall be eligible for funding with the monies appropriated pursuant to this section:

Local Government Unit	*County*	*Project*
Buena Borough	Atlantic	Blackwater Pond and park acquisition
Hammonton Town	Atlantic	Hammonton Lake Park
Atlantic City	Atlantic	Virginia and Mediterranean Avenue playfield rehabilitation
Franklin Lakes Borough	Bergen	Indian Trail Drive wetlands acquisition
Oakland Borough	Bergen	Recreation improvement and development
Paramus Borough	Bergen	Boys' Club acquisition
Fort Lee Borough	Bergen	Municipal recreation site (Lewis Street)
Bogota Borough	Bergen	Olsen, Mill's, Pagano parks
Closter Borough	Bergen	Ver Valen Street
Closter Borough	Bergen	Tenakill Brook Tract
Rutherford Borough	Bergen	Memorial Park Phase II
Oradell Borough	Bergen	Multi-park
Garfield City	Bergen	Multi-park rehabilitation
Cresskill Borough	Bergen	Third Street Park
Rutherford Borough	Bergen	Rutherford Canoe, Yacht Club restoration
Hillsdale Borough	Bergen	Stonybrook recreation complex improvement
Washington Township	Bergen	Multi-park
Cliffside Park Borough	Bergen	Athletic facility Phase II
Demarest Borough	Bergen	Wakelee Field recreation improvement
East Rutherford Borough	Bergen	Marina waterfront park acquisition
Saddle Brook Township	Bergen	Multi-park rehabilitation
North Arlington Borough	Bergen	Riverview Playground
Bergen County	Bergen	Hackensack River County Park
Carlstadt Borough	Bergen	Zimmermann Park
Carlstadt Borough	Bergen	Lindbergh Field
North Arlington Borough	Bergen	Danny Morris Park

Local Government Unit	*County*	*Project*
Burlington Township	Burlington	Assiscunk Creek Park Phase III
Willingboro Township	Burlington	Mill Creek recreation area
Willingboro Township	Burlington	Smithville Park, water-based recreation facility
Pemberton Township	Burlington	West End improvement project
Pemberton Township	Burlington	Country lakes neighborhood recreation area
Pemberton Township	Burlington	Central Park South
Pemberton Township	Burlington	Presidential Lakes neighborhood recreation area
Pemberton Township	Burlington	Central Park East
Pemberton Township	Burlington	Central Park West
Bordentown City	Burlington	City Beach boat ramp
Delran Township	Burlington	Tenby, Chase, Princeton parks
Burlington City	Burlington	Riverfront West
Burlington City	Burlington	Clark Street, Sixth Street parks
Burlington City	Burlington	Columbus Park
Burlington City	Burlington	Riverfront West
Burlington City	Burlington	Farness Avenue, Logan Field
Waterford Township	Camden	Municipal Park
Winslow Township	Camden	New Brooklyn Park field lighting
Camden County Park Commission	Camden	Camden Waterfront Park Phase III
Lindenwold Borough	Camden	Kirkwood Lake Park Phase I
Camden City	Camden	Rutgers athletic facility
Camden City	Camden	Northgate Park
Somerdale Borough	Camden	Nature Trail Park
Berlin Township	Camden	Day Avenue recreation area
Berlin Township	Camden	Cooper Road recreation and open space area
Gloucester Township	Camden	Sherwood Day Camp
Gloucester Township	Camden	Veterans' Memorial Park
Gloucester Township	Camden	Jarvis Road complex

Local Government Unit	*County*	*Project*
Sea Isle City	Cape May	Townsend's Inlet Waterfront Park
North Wildwood City	Cape May	Hereford Lighthouse Park
Ocean City	Cape May	Sixth Street and Atlantic Avenue athletic site
Ocean City	Cape May	Memorial Park
Vineland City	Cumberland	Cunningham Park
Lawrence Township	Cumberland	Cedar Lake acquisition project
Bridgeton City	Cumberland	Cohansey River development project Phase II
Millville City	Cumberland	Maurice River waterfront recreation Phase II
Irvington Town	Essex	Revitalization of Chancellor Park
Cedar Grove Township	Essex	Community Park
South Orange Township Village	Essex	Village Square Urban Park development project
North Caldwell Township	Essex	Hilltop recreation site
North Caldwell Township	Essex	Recreation complex improvement
West Caldwell Township	Essex	Richard Park improvement
Nutley Town	Essex	Louden Park
West Orange Township	Essex	Frank O'Connor Memorial Park athletic field light
Belleville Township	Essex	Williams Street playground
Belleville Township	Essex	Belleville Stadium
Essex County	Essex	Multi-park 3
Newark City	Essex	Newark-Passaic riverfront project
Essex County	Essex	Multi-park 4
West Deptford Township	Gloucester	Mid-Atlantic sports complex
Woodbury City	Gloucester	Woodbury Lake restoration project
National Park Borough	Gloucester	JFK Field lighting
Logan Township	Gloucester	Beckett area park
Logan Township	Gloucester	Bridgeport area park

Local Government Unit	*County*	*Project*
Monroe Township	Gloucester	Earl E. Owens Memorial Park
Washington Township	Gloucester	Township Park
Hudson County	Hudson	Lincoln Park West development
Jersey City	Hudson	Caven Point recreational facility
North Bergen Township	Hudson	James T. Braddock Athletic Field
Union City	Hudson	Rehabilitation 45th and 46th Street Parks
Harrison Town	Hudson	Harrison riverfront recreation park
Bayonne City	Hudson	Waterfront improvement—16th Street Park
Bayonne City	Hudson	Waterfront improvement—Bayonne Bridge Park
Delaware Township	Hunterdon	Wickecheokee Creek
Hunterdon County	Hunterdon	Devil's Tea Table
Hunterdon County	Hunterdon	South Branch Reservoir
Hunterdon County	Hunterdon	Nature preserve project
Hunterdon County	Hunterdon	Washington Rock
Readington Township	Hunterdon	Pleasant Run Conservation recreation acquisition
East Windsor Township	Mercer	Etra Lake restoration project
Hightstown Borough	Mercer	Peddie Lake restoration
Pennington Borough	Mercer	Curlis Lake—Beach Woods
Highland Park Borough	Middlesex	Waterfront Park, Riverside Park
Old Bridge Township	Middlesex	East Old Bridge—Geick Park
Monroe Township	Middlesex	Middlesex Downs Phase III
New Brunswick City	Middlesex	Baker Park renovation
East Brunswick Township	Middlesex	Main Street Park
South Brunswick Township	Middlesex	Kingston RR Branch—Heathcote Brook
Woodbridge Township	Middlesex	Clyde Avenue playground
Woodbridge Township	Middlesex	Kennedy Park lighting
Woodbridge Township	Middlesex	Prospect Park

Local Government Unit	*County*	*Project*
Woodbridge Township	Middlesex	Boynton Park
South Amboy City	Middlesex	Conover Street playground development
South Belmar Borough	Monmouth	Como Lake shorefront improvement
Long Branch City	Monmouth	Ocean Place promenade
Monmouth County	Monmouth	Twitchell, Marlue property
Bradley Beach Borough	Monmouth	Recreation, expansion of the Fitness Park
Shrewsbury Township	Monmouth	Shrewsbury Township recreational field
Monmouth Beach Borough	Monmouth	Griffin Park
Middletown Township	Monmouth	Improvement and restoration of Ideal Beach
Red Bank Borough	Monmouth	Maple Avenue boat ramp
Red Bank Borough	Monmouth	Mohawk Pond rehabilitation
Englishtown Borough	Monmouth	Sanford Memorial Park
Neptune Township	Monmouth	Jumping Brook and Sunshine Village Park
Howell Township	Monmouth	Aldrich Lake Park and conservation area
Holmdel Township	Monmouth	The Mohrbutter Tract
Middletown Township	Monmouth	Bicentennial Park
Spring Lake Borough	Monmouth	Rehabilitation of Divine Park
Aberdeen Township	Monmouth	Midland Park
Millstone Township	Monmouth	Millstone Park
Manasquan Borough	Monmouth	Mac's Pond
Montville Township	Morris	John Street Neighborhood Park
Mine Hill Township	Morris	Mine Hill Recreation Center
Jefferson Township	Morris	Liffy Island
Lincoln Park Borough	Morris	Beavertown Park
Wharton Borough	Morris	Columbia Street and Robert Street Park
East Hanover Township	Morris	Lurker Park
Randolph Township	Morris	Randolph Park development
Rockaway Borough	Morris	Farview Park development
Randolph Township	Morris	Brundage Park Phase III

Local Government Unit	*County*	*Project*
Parsippany-Troy Hills Township	Morris	Volunteer's, Lake Parsippany, Smith Field Lake Park
Dover Town	Morris	Bowlby Park
Passaic Township	Morris	Clover Hill recreational facility
Morris County Park Commission	Morris	Clover Hill addition to Passaic River Park
Butler Borough	Morris	Stonybrook land acquisition
East Hanover Township	Morris	Lurker Park extension
Rockaway Township	Morris	Mount Hope Pond
Morris County Park Commission	Morris	Hedden Park addition 1984
Morris County Park Commission	Morris	Saffin addition to Mahlon Dickerson Reservoir
Chatham Township	Morris	Mount Vernon Park
Mendham Township	Morris	Buttermilk Falls natural area
Point Pleasant Borough	Ocean	Bridge Avenue extension acquisition
Ocean County	Ocean	Wells Mills County Park
Point Pleasant Beach Borough	Ocean	Pleasure Park
Point Pleasant Beach Borough	Ocean	Boardwalk deck construction
Lacey Township	Ocean	Municipal Park
Manchester Township	Ocean	Harry Wright Park golf course
Stafford Township	Ocean	Ocean Acres Park at Holiday Lake
Lakewood Township	Ocean	Downtown development
Lakewood Township	Ocean	Green Garden Swim Club
Little Egg Harbor Township	Ocean	Multi-park
Barnegat Township	Ocean	Barnegat recreation dock area
Barnegat Township	Ocean	Barnegat Township recreation baseball and soccer

Local Government Unit	*County*	*Project*
Jackson Township	Ocean	Johnson Park development project
Brick Township	Ocean	Ocean Beach III development project
West Milford Township	Passaic	Mount Laurel Park
Paterson City	Passaic	Westside Park rehabilitation
Passaic City	Passaic	MacDonald's Brook renovation
Wayne Township	Passaic	Barbour's Pond Park
Wanaque Borough	Passaic	Back Beach Park improvement project
Wanaque Borough	Passaic	Lakeside Avenue Park acquisition
Totowa Borough	Passaic	Recreation facility acquisition
Salem City	Salem	Fenwick Park
Salem County	Salem	Salem City Fairgrounds recreation area
Bedminster Township	Somerset	River Road Park
Franklin Township	Somerset	Nassau Park
North Plainfield Borough	Somerset	Stony Brook Field
Raritan Borough	Somerset	Raritan River Park
Franklin Township	Somerset	Six-Mile Run surplus acquisition
Franklin Township	Somerset	Van Wyckle development
Bridgewater Township	Somerset	Kazanjian tract
Bernardsville Borough	Somerset	Green Acres Trust proposal
Hopatcong Borough	Sussex	Municipal Park
Stanhope Borough	Sussex	Furnace Pond Park acquisition
Franklin Borough	Sussex	Franklin Pond recreation facilities
Green Township	Sussex	Scenic Drive and Heddon Road recreation facility
Elizabeth City	Union	Arthur Kill Water Park Phase II
Clark Township	Union	Brewer Municipal Complex
Cranford Township	Union	Bloomingdale recreation site
Cranford Township	Union	Memorial Park

Local Government Unit	*County*	*Project*
Rahway City	Union	Essex Street Riverfront Park
Harmony Township	Warren	Harmony Township ballfields and recreation site
Hackettstown	Warren	25-Meter and 8-lane pool project
Pohatcong Township	Warren	Pohatcong Township Green Acres

3. Pursuant to the provisions of subsection d. of section 4 of the "New Jersey Green Acres Bond Act of 1983" (P. L. 1983, c. 354), all loans made to local government units with monies appropriated pursuant to section 2 of this act shall bear interest of not more than 2% per year, and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be approved by the State Treasurer.

4. In order to provide flexibility in administering this act, the Commissioner of the Department of Environmental Protection may request the Director of the Division of Budget and Accounting in the Department of the Treasury to authorize the transfer of a part of any item to any other item of appropriation, within the limitations imposed under sections 3 and 4 of P. L. 1983, c. 354, and upon the written authorization of the transfer by the director and the Subcommittee on Transfers of the Joint Appropriations Committee or its designated successor, the commissioner shall make the transfer.

5. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1983, c. 354.

6. This act shall take effect immediately.

Approved December 20, 1984.

CHAPTER 225

AN ACT concerning fee and credit limitations on advance loan contracts and amending P. L. 1959, c. 91.

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

1. Section 6 of P. L. 1959, c. 91 (C. 17:9A–59.6) is amended to read as follows:

C. 17:9A-59.6 Advance loan interest rates; annual fees.

6. A. Notwithstanding the provisions of R. S. 31:1–1 or any other law to the contrary, the rate or rates on advance loans shall be as agreed to by the bank and the borrower. Interest may be reckoned according to any method authorized by R. S. 31:1–1.

The contract may provide that the interest rate may be increased, or may be decreased, or both, from time to time; provided, however, that no increase in interest shall be effective unless: (a) at least 90 days prior to the effective date of the first such increase, or 30 days prior to the effective date of any subsequent increase, a written notice has been mailed or delivered to the borrower that clearly and conspicuously describes such change and the indebtedness to which it applies and states that the incurrence by the borrower or another person authorized by him of any further indebtedness under the plan to which the agreement relates on or after the effective date of the increase specified in the notice shall constitute acceptance of the increase and (b) either the borrower agrees in writing to the increase or the borrower or another person authorized by him incurs such further indebtedness on or after the effective date of the increase stated in the notice. The provisions of this paragraph permitting an increase in a rate of interest shall not apply in the case of an agreement which expressly prohibits changing of interest rates or which provides limitations on changing of interest rates which are more restrictive than the requirements of this paragraph. If the contract provides for the possibility of an increase or decrease, or both, in the rate, that fact shall be clearly described in plain language, in at least 8-point boldface type on the face of the contract.

B. For the purposes of this section, charges for premiums advanced by the bank for credit life insurance, or credit accident and health insurance, or both, shall be treated as part of the principal

balance owing on an advance loan, but no such charge shall be included in determining the maximum permissible indebtedness as limited by section 11 of this act.

C. Notwithstanding the provisions of any other law to the contrary, a bank which issues a credit card in connection with an advance loan contract in effect between the bank and the borrower as authorized by this act may charge the borrower a fee not exceeding $15.00 per annum on an annual or monthly basis; except that, if under the advance loan contract, the bank may lend the borrower an amount of $5,000.00 or more, the bank may charge the borrower a fee not exceeding $50.00 per annum on an annual or monthly basis. The charge so made (1) may be collected in advance, (2) shall be in addition to and not in substitution for any other fee or charge authorized by this act, and (3) shall not be deemed to be an interest charge.

2. Section 11 of P. L. 1959, c. 91 (C. 17:9A–59.11) is amended to read as follows:

C. 17:9A-59.11 $25,000 limit.

11. No bank shall make any advance loan for the payment of which any person shall be liable in any capacity to the bank, if the making of such loan would cause the liability in any capacity of such person to the bank on all advance loans to exceed $25,000.00, exclusive of interest, insurance premiums and other charges.

3. This act shall take effect immediately.

Approved December 26, 1984.

CHAPTER 226

AN ACT providing for State aid for the purpose of replacing hazardous asbestos materials in school buildings and making an appropriation.

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

C. 18A:58-68 Short title.

1. This act shall be known and may be cited as the "State School Aid Act for Asbestos."

C. 18A:58-69 Findings.

2. The Legislature finds:

a. There are many school districts in the State which should immediately renovate or replace materials containing asbestos, which present current or potential health hazards in occupied areas of schools.

b. State school aid is needed to provide financial assistance which would permit school districts to immediately begin necessary removal or encapsulation under certain conditions, as specified by the State Department of Health, in order to protect the health and safety of students and other users of school buildings.

C. 18A:58-70 Application for State aid.

3. a. Whenever the board of education of a local school district shall determine the existence of materials containing asbestos in its school buildings, it shall contact the State Department of Health, Asbestos Control Office, regarding appropriate testing services and the conduct of a correct hazard evaluation. If a current or potential hazard exists, the district may make application to the Commissioner of Education for State school aid under this act. Upon receipt of the application, the Commissioner of Education, together with the Commissioner of Health, shall review the conditions in the district, taking into consideration (1) the Statewide standards adopted by the Governor's Asbestos Policy Committee, (2) the square feet of surface covered with material containing asbestos, (3) the district plan for continued use of buildings affected by this act, (4) the technical plan of the district and cost estimates to remove or renovate the surface, and (5) all other factors which the State Board of Education may deem necessary for the purpose of this act.

b. All approved buildings operated by a board of education for direct education and educational support purposes shall be included under this act, except that the following shall be exempt: (1) buildings rented by a district to operate its programs, and (2) substandard facilities, (3) the repair of roofs, (4) the repair of exterior walls, and (5) the repair of windows and window frames. These repairs shall be made prior to asbestos renovations.

C. 18A:58-71 Determination of eligibility.

4. If the Commissioners of Education and Health shall find that any school district has a current or potential health hazard because of asbestos materials described hereinabove, the State Board of Education shall by resolution determine that the school district is entitled to receive State school aid pursuant to this act.

C. 18A:58-72 Application for reimbursement.

5. Any local board of education that expended local funds for asbestos removal or encapsulation prior to the effective date of this act may file an application for reimbursement of a portion of unaided approved expenditures. A district that is currently planning or undertaking asbestos removal or encapsulation projects may file an application for reimbursement of a portion of the approved expenditures that are ineligble for State aid under any other act. A district determined to be entitled to reimbursement pursuant to this act shall receive State aid equal to 75% of its approved local expenditures, after deducting State aid paid or payable on account of those expenditures under any other act.

Any district expending funds for asbestos removal or encapsulation shall maintain separate accounting records for all expenditures, for submission on the reimbursement application.

C. 18A:58-73 Previously authorized renovations.

6. The Commissioner of Education and the State Board of Education are each authorized to consider any application of any school district with respect to State school aid under this act in connection with the renovation of any educational facilities authorized to be undertaken pursuant to Title 18A of the New Jersey Statutes, notwithstanding that the facilities were authorized or approved prior to the taking effect of this act.

C. 18A:58-74 Priority.

7. Within the limits of available appropriations, a district qualifying for State aid pursuant to this act shall receive its State aid allocation in the order that its application is received by the Commissioner or Education, except that the applications of districts currently planning or undertaking asbestos removal or encapsulation projects shall be granted priority over applications of districts that have completed or substantially completed projects and have already received State aid for projects under any other act.

C. 18A:58-75 Inclusion in budget.

8. As provided in this act, every school district which shall be entitled thereto shall receive aid and the State Board of Education shall include the amount thereof in its annual budget for State aid for these school districts.

C. 18A:58-76 Regulations.

9. The State Board of Education shall adopt regulations in accordance with the "Administrative Procedure Act," P. L. 1968,

c. 410 (C. 52:14B–1 et seq.), establishing standards for construction progress and practices, fiscal controls, accounting procedures and auditing of funds, and any other matters as it shall deem necessary.

The commissioner shall determine each district's compliance with the regulations adopted pursuant to this section. When he determines that a district is not in compliance with the regulations, the commissioner is authorized to take appropriate action to insure the proper use of the funds and completion of the project.

10. There is appropriated to the Department of Education from the General Fund the sum of $10,000,000.00 to effectuate the purposes of this act. The Departments of Education and Health together may expend such sums necessary for the administrative expenses incurred in this program, in the amount to be determined by the Director of Budget and Accounting in the Department of Treasury.

11. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 227

AN ACT concerning certain appropriations by counties and supplementing 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:*

C. 40A:4-45.24 Budget "cap" exemption.

1. a. Notwithstanding the provisions of section 4 of P. L. 1976, c. 68 (C. 40A:4–45.4) to the contrary, a county which incurs increased costs due to an increase in the number of beds provided and occupied in county nursing homes may expend funds as may be necessary to defray those costs, as an exception to the spending limitations imposed by P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.) in the year in which such costs are first realized.

b. Notwithstanding the provisions of section 2 of P. L. 1976, c. 68 (C. 40A:4–45.2) to the contrary, in the year following the year in which an exception is taken pursuant to subsection a. of this section, the amount excepted in that year, minus any amount received in that year from federal, State or other sources as reimbursement for expenses incurred for the care and treatment of resi-

dents of county nursing homes, shall be added by the county to its final appropriations for the current year for the purpose of calculating its permissible increase in the county tax levy for the current budget year.

2. This act shall take effect immediately and shall apply to the 1984 local budget year and thereafter.

Approved December 28, 1984.

CHAPTER 228

AN ACT concerning missing children 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:36-24 Findings, declarations.

1. The Legislature finds and declares:

a. That there is a growing recognition of the prevalence and consequences of child abuse.

b. That the removal of children from school constitutes a deprivation in itself and may be an indicator of even more grievous abuses.

c. That the public schools can and should provide an early warning to the appropriate authorities when a child appears to be missing from the educational system.

C. 18A:36-25 Policy establishment mandated.

2. All school districts shall be required to establish policies designed to provide for the early detection of missing and abused children. These policies shall include provisions for the notification of the appropriate law enforcement and child welfare authorities when a potential missing or abused child situation is detected. This provision shall be complied with no later than March 1, 1985.

C. 18A:36-26 Department responsibility.

3. The Department of Education, pursuant to its authority under P. L. 1975, c. 212 (C. 18A:7A–1 et seq.), shall ensure compliance with this act.

4. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 229

AN ACT concerning awards to members and officers of police departments and amending N. J. S. 40A:14–153.

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

1. N. J. S. 40A:14–153 is amended to read as follows:

Police awards.

40A:14–153. Whenever an award shall be made to a member or officer of the police department or force for heroic or meritorious service by a national or Statewide police service organization or a governmental or voluntary agency, a record of such award shall be made by the chief or other person in charge of the department or force of which the recipient is a member or officer, and it shall constitute part of his service record. If the recipient receives a bar, medal or other similar device representing said award, which conveniently can be worn; upon authorization, it shall be worn above or opposite the police badge, whichever is appropriate. Medals awarded by the Fraternal Order of Police Grand Lodge, the Fraternal Order of Police New Jersey State Lodge or the New Jersey State Policemen's Benevolent Association shall not require authorization to be worn. Unauthorized persons shall not wear any such bar or device or imitation thereof.

2. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 230

AN ACT concerning county budgets and amending P. L. 1984, c. 22.

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

1. Section 1 of P. L. 1984, c. 22 is amended to read as follows:

1. Notwithstanding the provisions of subsection g. of section 4 of P. L. 1976, c. 68 (C. 40A:4–45.4), each county is authorized, for the purpose of determining its expenditure limitations and

expenditure exceptions, to appropriate that portion of the county tax levy which represents funding to participate in any federal or State aid program, the amounts received or to be received from federal, State or other funds in reimbursement for local expenditures, and that expenditure of local funds made to support those aid programs and those programs which are supported by such reimbursement, even though those funds were not expended for the purpose of providing matching funds under a statutory formula, as an exception to the limits imposed on increases in the county tax levy by the provisions of P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.).

2. Section 2 of P. L. 1984, c. 22 is amended to read as follows:

2. This act shall take effect immediately and shall expire on December 31, 1986.

3. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 231

A SUPPLEMENT to "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:*

C. 40A:4-45.2a Garbage collection.

1. Whenever a municipality determines to provide garbage collection for its residents in the local budget year immediately succeeding the year in which the State ordered the closure of its municipal landfill, which theretofore had been available to its residents for garbage disposal, and the amount of monies required in the municipal budget to fund the garbage collection services exceeds the budget appropriation made for the landfill operation in the last year of its operation, the municipality shall add the difference between the amount required to fund the garbage collection services in the first year in which they are provided and the amount last appropriated for the municipal landfill operation to the final

appropriations for the current budget year upon which its permissible expenditures are calculated.

2. This act shall take effect immediately and shall apply to the 1984 local budget year and each local budget year thereafter.

Approved December 28, 1984.

CHAPTER 232

AN ACT concerning certain charges imposed by the Atlantic City Convention Center Authority, and repealing section 11 of P. L. 1981, c. 459 (C. 52:27H–39).

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

Repealer.

1. Section 11 of P. L. 1981, c. 459 (C. 52:27H–39) is repealed.

2. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 233

AN ACT concerning the importation of alcoholic beverages and amending R. S. 33:1–2.

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

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

Transportation of alcoholic beverages; brand registration schedule.

33:1–2. a. It shall be unlawful to manufacture, sell, possess with intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix, process, bottle or distribute alcoholic beverages in this State, except pursuant to and within the terms of a license, or as otherwise expressly authorized under this chapter; but any drink actually intended for immediate personal consumption may be mixed by any person; and alcoholic beverages intended in good faith to

be used solely for personal consumption may be transported in any vehicle from a point within this State to the extent of, not exceeding one-half barrel or two cases, containing not in excess of 24 quarts in all, of beer, ale or porter, and five gallons of wine and 12 quarts of other alcoholic beverages within any consecutive period of 24 hours, and, by the owner thereof, in a vehicle other than that of the holder of a transportation license, from a point outside this State to the extent of, not exceeding one-quarter barrel or one case, containing not in excess of 12 quarts in all, of beer, ale or porter, and one gallon of wine and two quarts of other alcoholic beverages within any consecutive period of 24 hours; provided, however, that except pursuant to and within the terms of a license or permit issued by the director, no person shall transport into this State or receive from without this State into this State alcoholic beverages, where the alcoholic beverages are transported or received from a state which prohibits the transportation into that state of alcoholic beverages purchased or otherwise obtained in the State of New Jersey. If any person or persons desire to transport alcoholic beverages intended only for personal consumption in quantities in excess of those above-mentioned, an application may be made to the director, who may, upon being satisfied of the good faith of the applicant and upon payment of a fee of $5.00, issue a special permit, limited by such conditions as the director may impose, authorizing the transportation of alcoholic beverages in quantities in excess of those above-mentioned.

b. A holder of a Class B license under R. S. 33:1–11 shall not sell or deliver for sale in New Jersey any brand of alcoholic beverage for resale in this State unless the alcoholic beverage is acquired from the brand owner, or his authorized agent, or a wholesale licensee designated as the registered distributor by the brand owner, or his authorized agent.

c. No licensee shall knowingly sell, offer for sale, deliver, receive or purchase, for resale in this State, any alcoholic beverage, including private label brands owned by a retailer and exclusive brands, owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer or affiliated retailer, unless the brand owner or his authorized agent files with the Director of the Division of Alcoholic Beverage Control a brand registration schedule containing such information as the director shall by rule or regulation require.

d. Each person who files a brand registration schedule and amendments thereto shall pay a filing fee to cover the reasonable costs incurred by the director in connection with the filing, but not in excess of $10.00 per filing. Any registration may be suspended or revoked in the same manner as an alcoholic beverage license for any violation of Title 33 of the Revised Statutes and the rules and regulations promulgated thereto.

e. Nothing contained in this section shall be deemed to limit or modify the prohibition against discrimination in the sale of any nationally advertised brand of alcoholic beverages to currently authorized wholesalers, as set forth in P. L. 1966, c. 59 (C. 33:1–93.6 et seq.), nor shall this section be deemed to require the sale to anyone other than authorized retailers of private label brands which are owned by a retailer or exclusive brands, which are owned by a manufacturer or wholesaler and offered for sale or sold by the manufacturer or wholesaler exclusively to one retailer or affiliated retailer in this State.

2. This act shall take effect on the 30th day after enactment

Approved December 28, 1984.

CHAPTER 234

AN ACT to repeal "An act concerning counties," approved April 7, 1945 (P. L. 1945, c. 111).

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

Repealer.

1. P. L. 1945, c. 111 (C. 40:25–4.1 to C. 40:25–4.4 inclusive) is repealed.

2. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 235

AN ACT concerning the composition of the Superior Court and amending N. J. S. 2A:2–1 and section 11 of P. L. 1983, c. 405.

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

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

At least 331 judges.

2A:2–1. a. The Superior Court shall consist of not less than 331 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. (1) The Superior Court shall at all times consist of the following number of judges of each county who at the time of their appointment and reappointment were residents of that county:

Atlantic	7
Bergen	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	26
Gloucester	8
Hudson	16
Hunterdon	2
Mercer	8
Middlesex	18
Monmouth	12
Morris	11
Ocean	10
Passaic	14
Salem	2
Somerset	5
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the

counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. Section 11 of P. L. 1983, c. 405 (C. 2A:2–1.3) is amended to read as follows:

C. 2A:2-1.3 Responsibility for salaries.

11. a. Each county shall be responsible for 50% of the cost of the salary of the judges of the juvenile and domestic relations courts or family court and county district courts transferred pursuant to this act until December 31, 1984.

b. In any county where the required number of judges set forth in N. J. S. 2A:2–1b. is increased after December 28, 1984, and the number of judges assigned to the Superior Court to that county is thereby increased, the county shall be responsible for funding 100% of the cost of the salary of any judge who has been assigned in the first year following the date of increase; 75% in the second year; 50% in the third year; 25% in the fourth year; and in the fifth year, the State shall be responsible for the entire cost of the salary of any judge so assigned.

c. In any county where the required number of judges set forth in N. J. S. 2A:2–1b. is increased after December 31, 1983 but before December 29, 1984, and the number of judges assigned to the Superior Court to that county is thereby increased, the county shall be responsible for funding 50% of the cost of the salary of any judge so assigned until December 31, 1984.

3. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 236

AN ACT concerning the distribution and disposition of the parimutuel pool at certain horse race meetings.

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

C. 5:5-64.1 Distribution of parimutuel pools.

1. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–64) or any other law to the contrary, a holder of a permit to conduct harness race meetings, who operates a racetrack

at which harness race meetings were conducted during calendar year 1984, but which were suspended for 30 days or more during that calendar year because of fire, and a holder of a permit to conduct harness race meetings, who conducted harness race meetings at the aforementioned racetrack during 1984 and who continues to conduct harness race meetings at that racetrack, shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of the permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, the holder of the permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits, plus the breaks. The permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding $0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of $0.10, calculated on the basis of $1.00 otherwise payable to a patron. The permitholder shall retain for his own uses and purposes 50% of the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided, and shall distribute as purse money the remaining 50%. The permitholder shall submit to the commission every seventh day of any and every race meeting a report under oath showing the daily and total amount of the breaks, together with such other information as the commission may require. All sums held by the permitholder for payment of outstanding parimutuel tickets, not claimed by the persons entitled thereto within six months from the time such tickets are issued, shall be paid to the commission upon the expiration of such six-month holding period.

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of the tickets within the confines

and control of the parimutuel department of the permitholder, and it is further shown to the satisfaction of the commission that the parimutuel tickets have been cashed by the parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets.

All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

C. 5:5-66.1 Undistributed deposits.

2. Notwithstanding the provisions of section 46 of P. L. 1940, c. 17 (C. 5:5–66) or any other law to the contrary, a holder of a permit to conduct harness race meetings, who operates a racetrack at which harness race meetings were conducted during calendar year 1984, but which were suspended for 30 days or more during that calendar year because of fire, and a holder of a permit to conduct harness race meetings, who conducted harness race meetings at the aforementioned racetrack during 1984 and who continues to conduct harness race meetings at that racetrack, shall make disposition of the deposits remaining undistributed pursuant to section 1 of this act as follows:

a. Pay to the commission 50% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on the horse racetrack granted a permit under P. L. 1940, c. 17 (C. 5:5–22 et seq.).

Payment on account of the sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

b. Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools, to be used

and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(1) 37% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(2) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(3) 5% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses, which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(4) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

c. Retain 7.70% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 8.70% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 11.70% of the total contributions. The permitholder shall contribute out of its 11.70% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

d. Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.65% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agree-

ment between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 8.65% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 11.65% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the permitholder shall retain out of the 11.65% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

3. This act shall take effect January 1, 1986 and shall expire December 31, 1993.

Approved December 28, 1984.

CHAPTER 237

AN ACT concerning the New Jersey State Commission on Cancer Research and amending P. L. 1983, c. 6.

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

1. Section 3 of P. L. 1983, c. 6 (C. 52:9U–3) is amended to read as follows:

C. 52:9U-3 Definitions.

3. As used in this act:

a. "Approved research project" means a scientific research project, which is approved by the commission and which focuses on the genetic, biochemical, viral, microbiological and environmental causes of cancer, and may include but is not limited to behavioral, socioeconomic, demographic and psychosocial research or research into methods of clinical treatment.

b. "Commission" means the New Jersey State Commission on Cancer Research established pursuant to this act.

c. "Institutional support services" means all services, facilities, equipment, personnel and expenditures associated with the creation and maintenance of approved research projects.

d. "Qualifying research institution" means the Institute for Medical Research in Camden, New Jersey, the University of Medicine and Dentistry of New Jersey, Rutgers—The State University, Princeton University and any other institution approved by the commission, which is conducting an approved research project.

2. Section 5 of P. L. 1983, c. 6 (C. 52:9U–5) is amended to read as follows:

C. 52:9U-5 Duties.

5. The commission shall:

a. Review and authorize approved research projects;

b. Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;

c. Ensure that funds appropriated to approved research projects are not diverted to any other use;

d. Take steps necessary to encourage the development within the State of research projects on the causes of cancer;

e. Compile a directory of all cancer research projects being conducted in the State; and

f. Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

3. Section 6 of P. L. 1983, c. 6 (C. 52:9U–6) is amended to read as follows:

C. 52:9U-6 Powers.

6. The commission is authorized to:

a. Adopt rules and regulations concerning the operation of the commission, the functions and responsibilities of its officers and employees and other matters as may be necessary to carry out the purposes of this act;

b. Maintain offices at such places within the State as it may designate;

c. Employ an executive director and other personnel as may be necessary, whose employment shall be in the unclassified service of the State, except that employees performing stenographic or clerical duties shall be appointed pursuant to Title 11 (Civil Service) of the Revised Statutes;

d. Design a fair and equitable system for the solicitation, evaluation and approval of proposals for cancer research projects;

e. Apply for and accept any grant of money from the federal government, which may be available for programs relating to research on the causes of cancer;

f. Enter into contracts with individuals, organizations and institutions necessary or incidental to the performance of its duties and the execution of its powers under this act; and

g. Accept gifts, grants and bequests of funds from individuals, foundations, corporations, governmental agencies and other organizations and institutions.

4. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 238

AN ACT concerning the sale of certain highway lands and supplementing chapter 12 of Title 27 of the Revised Statutes.

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

1. Notwithstanding any other provision of chapter 12 of Title 27 of the Revised Statutes or other law to the contrary, whenever the commissioner has taken in the name of the State for the use of the State a dwelling house or building and the land on which it is situated, owned by a duly incorporated fraternal organization, and has subsequently abandoned the project for which that property was taken without having substantially improved that property, the commissioner shall not dispose of all or any portion of that property for private use without first offering to the owner of record at the time of the taking a right of first refusal to purchase that property at the price paid to that owner by the commissioner.

A notice of the offer shall be sent to the last known address of the former owner by registered or certified mail, return receipt requested. The former owner shall have 60 days after receipt of the offer to send a written acceptance to the commissioner.

2. This act shall take effect immediately and shall expire one year from the effective date of this act.

Approved December 28, 1984.

CHAPTER 239

AN ACT concerning the bid threshold for State college contracts and agreements and supplementing chapter 64 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:64-6.8 Bid threshold.

1. Notwithstanding the provisions of section 2 of P. L. 1954, c. 48 (C. 52:34–7) to the contrary, any State college purchase, contract or agreement may be made, negotiated or awarded by the Director of the Division of Purchase and Property or the Director of the Division of Building and Construction in the Department of the Treasury, as the case may be, without advertising, in any manner which he may deem effective to promote full and free competition, whenever competition is practicable, if: a. the aggregate amount involved does not exceed $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to section 2 of this act; or b. the aggregate amount involved does not exceed $10,000.00 or, commencing January 1, 1985, the amount determined pursuant to section 2 of this act, in the case of contracts or agreements for the erection, construction, alteration or repair of any State college building or facility.

When the aggregate amount involved does not exceed $10,000.00 or, commencing January 1, 1985, the amount determined pursuant to section 2 of this act, in the case of contracts or agreements for the erection, construction, alteration or repair of a State college building or facility, the Director of the Division of Building and Construction may delegate to the board of trustees of the State college the authority to make, negotiate or award a contract or agreement without advertising.

The Director of the Division of Purchase and Property or the Director of the Division of Building and Construction, as the case may be, shall establish rules and regulations, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), concerning procedural requirements for the making, negotiating or awarding of purchases, contracts or agreements pursuant to this act.

C. 18A:64-6.9 Adjustments.

2. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amounts set forth in section 1 of this act, in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of the year in which it is determined.

3. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 240

AN ACT concerning the forfeiture of conveyances for violations of certain environmental laws, and amending P. L. 1970, c. 39, P. L. 1976, c. 141 and P. L. 1977, c. 74.

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

1. Section 9 of P. L. 1970, c. 39 (C. 13:1E–9) is amended to read as follows:

C. 13:1E-9 Enforcement of solid waste regulations.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and by every local board of health, or county health department, as the case may be.

The department and the local board of health, or the county health department, as the case may be, shall have the right to enter a solid waste facility at any time in order to determine compliance with the registration statement and engineering design, and with the provisions of all applicable laws or rules and regulations adopted pursuant thereto.

The municipal attorney or an attorney retained by a municipality in which a violation of such laws or rules and regulations adopted

pursuant thereto is alleged to have occurred shall act as counsel to a local board of health.

The county counsel or an attorney retained by a county in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to the county health department.

Any county health department may charge and collect from the owner or operator of any sanitary landfill facility within its jurisdiction such fees for enforcement activities as may be established by ordinance or resolution adopted by the governing body of any such county. Such fees shall be established in accordance with a fee schedule regulation to be adopted by the department, pursuant to law, within 60 days of the effective date of this amendatory act and shall be utilized exclusively to fund such enforcement activities.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P. L. 1977, c. 443 (C. 26:3A2–28).

b. The commissioner, a local board of health or county health department may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any solid waste collection or disposal facility or operation, which is established or operated in violation of this act, or of any code, rule or regulation promulgated pursuant to this act and said court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief, notwithstanding the provisions of R. S. 48:2–24.

Such relief may include, singly or in combination:

(1) A temporary or permanent injunction;

(2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;

(3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality resulting from any violation of any provision of this act or any rule, regulation or condition of approval for which the action under this subsection may have been brought;

(4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by any violation of this act or any rule, regulation or condition of approval established pursuant to this act for which the action under this subsection may have been brought. Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

If a proceeding is instituted by a local board of health or county health department, notice thereof shall be served upon the commissioner in the same manner as if the commissioner were a named party to the action or proceeding. The department may intervene as a matter of right in any proceeding brought by a local board of health or county health department.

c. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than $25,000.00 per day, to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) in the Superior Court or a municipal court, all of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

d. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including a rebate of any such penalty paid up to 90% thereof, where such person satisfies the department within one year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be.

e. Any person who knowingly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N. J. S. 2C:43–3, shall be subject to a fine of not more than $25,000.00 for the first offense and not more than $50,000.00 for the second and each subsequent offense and restitution, in addition to any other appropriate disposition authorized by subsection b. of N. J. S. 2C:43–2.

f. Any person who recklessly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department, shall, upon conviction, be guilty of a crime of the fourth degree.

g. Any person who, regardless of intent, generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of this act or any rule or regulation adopted

pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

h. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P. L. 1970, c. 39 (C. 13:1E–1 et seq.), of any solid waste, or hazardous waste as defined in P. L. 1976, c. 99 (C. 13:1E–38 et seq.) are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K–1 et seq.).

2. Section 22 of P. L. 1976, c. 141 (C. 58:10–23.11u) is amended to read as follows:

C. 58:10-23.11u Violations; penalties.

22. a. Any person who knowingly gives or causes to be given any false information as a part of, or in response to, any claim made pursuant to this act for cleanup costs, removal costs, direct damages or indirect damages resulting from a discharge, or who otherwise violates any of the provisions of this act or any rule promulgated thereunder shall be liable to a penalty of not more than $25,000.00 for each offense, to be collected in a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) or in a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

b. If any person violates any of the provisions of this act, the department may institute civil action in the Superior Court for injunctive relief to prohibit and prevent the continuation of the violation or violations and said court may proceed in a summary manner.

c. All conveyances used or intended for use in the willful discharge of any hazardous substance are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K–1 et seq.).

3. Section 10 of P. L. 1977, c. 74 (C. 58:10A–10) is amended to read as follows:

C. 58:10A-10 Powers of commissioner.

10. a. Whenever, on the basis of any information available to him, the commissioner finds that any person is in violation of any provision of this act, or any rule, regulation, water quality stan-

dard, effluent limitation, or permit issued pursuant to this act he shall:

(1) Issue an order requiring any such person to comply in accordance with subsection b. of this section; or

(2) Bring a civil action in accordance with subsection c. of this section; or

(3) Levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) Bring an action for a civil penalty in accordance with subsection e. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection f. of this section.

Use of any of the remedies specified under this section shall not preclude use of any other remedy specified.

b. Whenever, on the basis of any information available to him, the commissioner finds that any person is in violation of any provision of this act, or of any rule, regulation, water quality standard, effluent limitation or permit issued pursuant to this act, he may issue an order (1) specifying the provision or provisions of this act, or the rule, regulation, water quality standard, effluent limitation, or permit of which he is in violation, (2) citing the action which caused such violation, (3) requiring compliance with such provision or provisions, and (4) giving notice to the person of his right to a hearing on the matters contained in the order.

c. The commissioner is authorized to commence a civil action in Superior Court for appropriate relief for any violation of this act or of a permit issued hereunder. Such relief may include, singly or in combination:

(1) A temporary or permanent injunction;

(2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;

(3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;

(4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for

any other actual damages caused by an unauthorized discharge. Assessments under this subsection shall be paid to the State Treasurer, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the unauthorized discharge.

d. The commissioner is authorized to assess a civil penalty of not more than $5,000.00 for each violation and additional penalties of not more than $500.00 for each day during which such violation continues after receipt of an order from the department. Any amount assessed under this subsection shall fall within a range established by regulation by the commissioner for violations of similar type, seriousness, and duration. No assessment shall be levied pursuant to this section until after the discharger has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, regulation, order or permit condition violated; a concise statement of the facts alleged to constitute a violation; a statement of the amount of the civil penalties to be imposed; and a statement of the party's right to a hearing. The ordered party shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, then the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy an administrative order is in addition to all other enforcement provisions in this act, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Any civil penalty assessed under this section may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon such terms and conditions as the commissioner may establish by regulation.

e. Any person who violates this act or an administrative order issued pursuant to subsection b. or a court order issued pursuant to subsection c., or who fails to pay an administrative assessment in full pursuant to subsection d. shall be subject upon order of a court to a civil penalty not to exceed $10,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this sub-

section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.). The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with this act.

f. Any person who willfully or negligently violates this act shall, upon conviction, be guilty of a crime of the fourth degree and shall be punished by fine of not less than $2,500.00 nor more than $25,000.00 per day of violation, or by imprisonment for not more than one year, or by both. Punishment for a second offense under this subsection shall be a fine of not less than $5,000.00 nor more than $50,000.00 per day of violation, or by imprisonment for not more than two years, or both. Any person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this act shall, upon conviction, be subject to a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both.

g. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P. L. 1977, c. 74 (C. 58:10A–1 et seq.), of any pollutant or toxic pollutant are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K–1 et seq.).

4. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 241

AN ACT to amend the "County College Contracts Law," approved December 1, 1982 (P. L. 1982, c. 189).

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

1. Section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3) is amended to read as follows

C. 18A:64A-25.3 Purchases, contracts and agreements not requiring advertising.

3. Purchases, contracts and agreements not requiring advertising. a. Any purchase, contract or agreement for the performance

of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of this section, in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the county college, without public advertising for bids and bidding therefor.

b. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in subsection a. of this section, in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of the year in which it is reported.

c. Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 12 consecutive months, notwithstanding that such 12-month period does not coincide with the fiscal year. The Department of Higher Education shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. Section 4 of P. L. 1982, c. 189 (C. 18A:64A–25.4) is amended to read as follows:

C. 18A:64A-25.4 Contracts and agreements requiring advertising.

4. Contracts and agreements requiring advertising. Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price of which is to be paid with or out of college funds, not included within the terms of section 3 hereof, shall be made and awarded only by the county college after public advertising for bids and bidding therefor, except as provided otherwise in this article or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), except by written contract or agreement.

3. Section 5 of P. L. 1982, c. 189 (C. 18A:64A–25.5) is amended to read as follows:

C. 18A:64A-25.5 Exceptions to requirement for advertising.

5. Exceptions to requirement for advertising. Any purchase, contract or agreement of the character described in section 4 may be made, negotiated or awarded by the county college by resolution at a public meeting of its board of trustees, without public advertising for bids or bidding therefor if:

a. The subject matter thereof consists of:

(1) Professional services; or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specifications, subject however, to the rules and regulations of the Board of Higher Education consistent with open public bidding whenever possible; or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted; or

(4) The doing of any work by employees of the county college; or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the county college may be a party; or

(6) Textbooks, copyrighted materials, student produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials and specialized library services; or

(7) Food supplies and services including food supplies and management contracts for student centers, dining rooms and cafeterias, pursuant to rules and regulations of the Board of Higher Education; or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with said board; or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services; or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest; or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services; or

(12) Publishing of legal notices in newspapers, as required by law; or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character; or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America; or

(15) Professional consulting services; or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audiovisual productions; or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students, not under the direct control of the college and expended by student organizations; or

(18) Printing, including without limitation catalogs, yearbooks and course announcements; or

(19) Data processing, software programs, systems and service and the rental or lease of data processing equipment; or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment; or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a county college bookstore, or by a service or management company under contract with a county college to operate a county college bookstore for resale to college students and employees; or

(22) Purchase or rental of graduation caps and gowns and award certificates or plaques.

b. It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or

any board, body, or officer, agency or authority or any other state or subdivision thereof.

c. The county college has advertised for bids pursuant to section 4 on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected such bids on two occasions because the county college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the county college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence; any such contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing such contract or agreement; provided, however, that:

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the county college is located, or any municipality in close proximity to the county college;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement; provided, further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the county college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each such bidder a reasonable opportunity to negotiate, but the county college shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such work, materials, supplies or services.

Whenever a county college shall determine that a bid was not arrived at independently in open competition pursuant to sub-

section c. (ii) of section 5, it shall thereupon notify the county prosecutor of the county in which the county college is located and the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

4. Section 6 of P. L. 1982, c. 189 (C. 18A:64A–25.6) is amended to read as follows:

C. 18A:64A-25.6 Emergency purchases and contracts.

6. Emergency purchases and contracts. Any purchase, contract, or agreement may be made, negotiated or awarded by a county college without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), when an emergency affecting the health, safety or welfare of occupants of college property requires the immediate delivery of the materials or supplies or the performance of the work, provided that such purchases, contracts or agreements are awarded or made in the following manner:

a. A written requisition for the performance of such work or the furnishing of materials or supplies, certified by the employee in charge of the building, facility or equipment where the emergency occurred, is filed with the contracting agent or his deputy in charge, describing the nature of the emergency, the time of its occurrence, and the need for invoking this section. The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work, materials or supplies.

b. Upon the furnishing of such work, materials or supplies in accordance with the terms of the contract or agreement, the contractor furnishing such work, materials or supplies shall be entitled to be paid therefor and the county college shall be obligated for said payment.

c. The board of trustees may prescribe rules and procedures to implement the requirements of this section.

5. Section 16 of P. L. 1982, c. 189 (C. 18A:64A–25.16) is amended to read as follows:

C. 18A:64A-25.16 Guaranty to accompany bids; amount.

16. Guaranty to accompany bids; amount. There may be required from any person bidding on any purchase, contract or agreement, advertised in accordance with law, that the bid be accompanied by a guaranty payable to the county college that, if the purchase, contract or agreement is awarded to him, he will enter into a contract therefor and will furnish any performance bond or other security which may be required pursuant to section 17. The guaranty shall be in the amount of 10% of the bid but not in excess of $20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. For a construction contract the guaranty shall be in the amount of 10% of the bid. In the event that any law or regulation of the United States imposes any condition upon the awarding of a monetary grant to any county college, which condition requires a guaranty in an amount other than 10% of the bid or in excess of $20,000.00, the provisions of this section shall not apply and the requirements of the law or regulation of the United States shall govern.

The college may require a bid guaranty alone without also requiring a performance bond or other security in the contract.

6. Section 19 of P. L. 1982, c. 189 (C. 18A:64A–25.19) is amended to read as follows:

C. 18A:64A-25.19 Award of purchases, contracts or agreements.

19. Award of purchases, contracts or agreements. All purchases, contracts or agreements which require public advertisement for bids shall be awarded by the board of trustees to the lowest responsible bidder.

Prior to the award of any other purchase, contract or agreement the estimated cost of which is 20% or more of the amount set forth in or, commencing January 1, 1985, 20% of the amount determined by the Governor pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), the contracting agent shall, except in the case of professional services, solicit quotations therefor whenever practicable, and the award thereof shall be made, in accordance with section 3, on the basis of the lowest responsible quotation received which is most advantageous to the county college, price and other factors considered; provided, however, if the contracting agent deems it impractical to solicit competitive quotations or having sought such quotations determines that the award should

not be on the basis of the lowest quotation received, the contracting agent shall file a statement of explanation of the reason or reasons therefor, which shall be placed on file with such purchase, contract or agreement.

7. Section 25 of P. L. 1982, c. 189 (C. 18A:64A–25.25) is amended to read as follows:

C. 18A:64A-25.25 Separate plans, specifications.

25. In the preparation of plans and specifications for the construction, alteration or repair of any building by a county college, when the entire cost of the work and materials will exceed $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), separate plans and specifications may be prepared for each of the following to include all work and materials related thereto or to be performed or furnished in connection therewith:

(a) The plumbing and gas fitting work;

(b) The heating and ventilating systems and equipment;

(c) The electrical work, including any electrical power plants;

(d) The structural steel and ornamental iron work;

(e) All other work and materials required for the completion of the project.

The contracting agent shall advertise for and receive in the manner provided by law (1) separate bids for each of the foregoing categories (a) through (e), or (2) bids for all work and materials required to complete the entire project, if awarded as a single contract, or (3) both. All bids submitted shall set forth the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (a) through (e).

Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised in accordance with (3) above, the contract shall be awarded in the following manner: if the sum total of the amounts bid by the lowest responsible bidder for each category (a) through (e) is less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award separate contracts for each of such categories to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each category is not less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award

a single contract to the lowest responsible bidder for all of such work and materials. In every case in which a contract is awarded under (2) above, all payments required to be made under the contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

8. Section 27 of P. L. 1982, c. 189 (C. 18A:64A–25.27) is amended to read as follows:

C. 18A:64A-25.27 Sale of personal property.

27. Any county college may, by resolution of its board of trustees, authorize the sale in the following manner of its personal property not needed for college purposes:

a. If the estimated fair value of the property to be sold exceeds $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), in any one sale and the property does not consist of perishable goods, it shall be sold at public sale to the highest bidder.

b. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale shall be published once in a legal newspaper. Such sales shall be held not less than seven nor more than 14 days after the publication of the notice thereof.

c. Personal property may be sold to the United States, the State of New Jersey, another county college or to any body politic by private sale without advertising for bids.

d. If no bids are received, the property may then be sold at private sale without further publication or notice thereof but in no event at less than the estimated fair value; or the county college may, if it so elects, reoffer the property at public sale. As used herein, "estimated fair value" means the market value of the property if sold by a willing seller to a willing buyer less the cost to the college of continuing to store or maintain such property.

e. A county college may reject all bids if it determines such rejection to be in the public interest. In any case in which the college has rejected all bids, it may readvertise such personal property for a subsequent public sale. If it elects to reject all bids at a second public sale pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at the private sale be less than the amount of the

highest bid rejected at the preceding two public sales, and provided further that in no event shall the terms or conditions of sale be changed or amended.

f. If the estimated fair value of the property to be sold does not exceed $7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of P. L. 1982, c. 189 (C. 18A:64A–25.3), in any one sale or the property consists of perishable goods, it may be sold at private sale without advertising for bids.

9. Section 28 of P. L. 1982, c. 189 (C. 18A:64A–25.28) is amended to read as follows:

C. 18A:64A-25.28 Duration of certain contracts.

28. Duration of certain contracts. A county college may only enter into a contract exceeding 12 consecutive months for the:

a. supplying of:

(1) fuel for heating purposes for any term not exceeding in the aggregate three years; or

(2) fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate three years; or

b. plowing and removal of snow and ice for any term not exceeding in the aggregate three years; or

c. collection and disposal of garbage and refuse for any term not exceeding in the aggregate three years; or

d. data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or

e. insurance for any term of not more than three years; or

f. leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Board of Higher Education; or

g. supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

h. the providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or

i. the performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Energy establishing a methodology for computing energy cost savings; or

j. any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. the management and operation of bookstores for a term not exceeding five years;

l. custodial or janitorial services for any term not exceeding in the aggregate three years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

10. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 242

AN ACT providing for the licensure of podiatric x-ray technologists and amending P. L. 1981, c. 295.

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

1. Section 3 of P. L. 1981, c. 295 (C. 26:2D–26) is amended to read as follows:

C. 26:2D-26 Definitions.

3. As used in this act:

a. "Board" means the Radiologic Technology Board of Examiners created pursuant to section 5 of this act.

b. "License" means a certificate issued by the board authorizing the licensee to use equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes in accordance with the provisions of this act.

c. "Chest x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the chest area for diagnostic purposes only.

d. "Commissioner" means the Commissioner of Environmental Protection.

e. "Dental x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to intraoral radiography for diagnostic purposes only.

f. "Health physicist" means a person who is certified by the American Board of Health Physics or the American Board of Radiology in radiation physics.

g. "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dental hygiene, podiatry, chiropody, osteopathy or chiropractic.

h. "Radiation therapy technologist" means a person, other than a licensed practitioner, whose application of radiation on human beings is for therapeutic purposes.

i. "Diagnostic x-ray technologist" means a person, other than a licensed practitioner, whose application of radiation on human beings is for diagnostic purposes.

j. "Radiologic technologist" means any person who is licensed pursuant to this act.

k. "Radiologic technology" means the use of equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner.

l. "Podiatric x-ray technologist" means a person other than a licensed practitioner, whose practice of radiologic technology is limited to the operation of x-ray machines as used by podiatrists on the lower leg and foot area for diagnostic purposes only.

2. Section 4 of P. L. 1981, c. 295 (C. 26:2D–27) is amended to read as follows:

C. 26:2D-27 Use of titles.

4. a. Except as hereinafter provided, no person other than a licensed practitioner or the holder of a license as provided in this act shall use x-rays on a human being.

b. A person holding a license as a diagnostic x-ray technologist may use the title "licensed radiologic technologist" or the letters (LRT) (R) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed diagnostic x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed diagnostic technologist.

c. A person holding a limited license as a chest x-ray technologist may use the title "licensed chest x-ray technologist" or the letters (LRT) (C) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed chest x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed chest x-ray technologist.

d. A person holding a limited license as a dental x-ray technologist may use the title "licensed dental x-ray technologist" or the letters (LRT) (D) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed dental x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed dental x-ray technologist.

e. A person holding a license as a radiation therapy technologist may use the title "licensed therapy technologist" or (LRT) (T) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed therapy technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed therapy technologist.

f. A person holding a license as provided by this act shall use medical equipment emitting ionizing radiation on human beings only for diagnostic or therapeutic purposes on a case by case basis at the specific direction of a licensed practitioner, and only if the application of the equipment is limited in a manner hereinafter specified.

g. Nothing in the provisions of this act relating to radiologic technologists shall be construed to limit, enlarge or affect, in any respect, the practice of their respective professions by duly licensed practitioners.

h. The requirement of a license shall not apply to a hospital resident specializing in radiology, who is not a licensed practitioner in the State of New Jersey, or a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, dental assistance, chiropractic or radiologic technology, who applies radiation to a human being while under the direct supervision of a licensed practitioner.

i. A person holding a license as a diagnostic x-ray technologist and a license as a radiation therapy technologist may use the letters (LRT) (R) (T) after his name.

j. A person holding a limited license as a podiatric x-ray technologist may use the title "licensed podiatric x-ray technologist" or the letters (LRT) (P) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed podiatric x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed podiatric x-ray technologist.

3. Section 5 of P. L. 1981, c. 295 (C. 26:2D–28) is amended to read as follows:

C. 26:2D-28 Radiologic Technology Board of Examiners.

5. a. There is created a Radiologic Technology Board of Examiners, which shall be an agency of the Commission on Radiation Protection in the Department of Environmental Protection and which shall report to the commission. The board shall consist of two commission members appointed annually to the membership of the board by the chairman of the commission, and 12 additional members appointed by the Governor, with the advice and consent of the Senate. Of the members appointed by the Governor, two shall be radiologists who have practiced not less than five years; one shall be a licensed physician who has actively engaged in the practice of medicine not less than five years; one shall be a licensed dentist who has actively engaged in the practice of dentistry for not less than five years; one shall be a licensed podiatrist who has actively engaged in the practice of podiatry for not less than five years; one shall be an administrator of a general hospital with at least five years' experience; one shall be a health physicist

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who has practiced not less than five years; two shall be practicing radiologic technologists with at least five years of experience in the practice of radiologic technology and holders of current certificates issued pursuant to this act; two shall be members of the general public; and one shall be a representative of the department designated by the Governor pursuant to subsection c. of section 2 of P. L. 1971, c. 60 (C. 45:1–2.2); provided, however, that for the remainder of their prescribed terms the members of the x-ray technicians board created by section 4 of P. L. 1968, c. 291 (C. 45:25–4) shall constitute the membership of the board created by this section.

b. The terms of office of the members appointed by the Governor shall be three years. Vacancies shall be filled for an unexpired term only in the manner provided for the original appointment.

c. Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties.

d. The commissioner shall designate an officer or employee of the department to act as secretary of the board, who shall not be a member of the board.

e. The board, for the purpose of transacting its business, shall meet at least once every four months at times and places fixed by the board. At its first meeting each year it shall organize and elect from its members a chairman. Special meetings also may be held at times as the board may fix, or at the call of the chairman or the commissioner. A written and timely notice of the time, place and purpose of any special meeting shall be mailed by the secretary to all members of the board.

f. A majority of the members of the board shall constitute a quorum for the transaction of business at any meeting.

4. Section 6 of P. L. 1981, c. 295 (C. 26:2D–29) is amended to read as follows:

C. 26:2D-29 Qualifications.

6. a. The board shall admit to examination for licensing any applicant who shall pay to the department a nonrefundable fee established by rule of the commission and submit satisfactory evidence, verified by oath or affirmation, that the applicant:

(1) At the time of application is at least 18 years of age;

(2) Is of good moral character;

(3) Has successfully completed a four-year course of study in a secondary school approved by the State Board of Education, or passed an approved equivalency test.

b. In addition to the requirements of subsection a. hereof, any person seeking to obtain a license in a specific area of radiologic technology must comply with the following requirements:

(1) Each applicant for a license as a diagnostic x-ray technologist (LRT (R)) shall have satisfactorily completed a 24-month course of study in radiologic technology approved by the board or its equivalent, as determined by the board.

(2) Each applicant for a license as a therapy technologist (LRT (T)) shall have satisfactorily completed a 24-month course in radiation therapy technology approved by the board or the equivalent of such, as determined by the board.

(3) Each applicant for a license as a chest x-ray technologist (LRT (C)) shall have satisfactorily completed the basic curriculum for chest radiography as approved by the board or its equivalent, as determined by the board.

(4) Each applicant for a license as a dental x-ray technologist (LRT (D)) shall have satisfactorily completed the curriculum for dental radiography as approved by the board or its equivalent, as determined by the board.

(5) Each applicant for a license as a podiatric x-ray technologist (LRT (P)) shall have satisfactorily completed the basic curriculum for podiatric radiography as approved by the board or its equivalent, as determined by the board.

c. The board shall establish criteria and standards for programs of diagnostic or radiation therapy and approve these programs upon a finding that the standards and criteria have been met.

5. Section 7 of P. L. 1981, c. 295 (C. 26:2D–30) is amended to read as follows:

C. 26:2D-30 Courses; curricula.

7. a. The program of diagnostic x-ray technology shall be at least a 24-month course or its equivalent, as determined by the board. The curriculum for this course may follow the Committee on Allied Health Education and Accreditation (CAHEA) standards; provided that the standards are not in conflict with board policies.

b. The program of radiation therapy technology shall be at least a 24-month course of study or its equivalent, as determined by the

board. The curriculum for the course may follow the Committee on Allied Health Education and Accreditation (CAHEA) standards; provided that the standards are not in conflict with board policies.

c. The board shall establish criteria and standards for programs of chest radiography, podiatric radiography and dental radiography and approve the programs upon a finding that the standards and criteria have been met.

d. An approved program of radiologic technology may be offered by a medical or educational institution or other public or private agency or institution, and, for the purpose of providing the requisite clinical experience, shall be affiliated with one or more hospitals that, in the opinion of the board, are likely to provide the experience.

6. Section 9 of P. L. 1981, c. 295 (C. 26:2D–32) is amended to read as follows:

C. 26:2D-32 Licenses.

9. a. The board shall issue a license to each candidate who has either successfully passed the examination, or who has paid the prescribed fee and has qualified under subsection d., e. or f. of section 8 of this act.

b. The board may, in its discretion, issue a limited license to any applicant who does not qualify, by reason of a restricted area or duration of training and experience, for the issuance of a license under the provisions of section 7 or 9 of this act, but who has demonstrated to the satisfaction of the board by examination that he is capable of performing the functions of a radiologic technologist in chest x-ray technology or of acting as a dental x-ray technologist or podiatric x-ray technologist. A limited license shall specify the activities that its holder may engage in, and shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety.

c. The board may, in its discretion, issue a temporary license to any person whose license or relicense may be pending and in whose case the issuance of a temporary license may be justified by reason of special circumstances. A temporary license shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety. A temporary license shall expire 90 days after the date of the next examination, if the applicant is required to take the same, or, if the applicant does not take the examination, then on

the date of the examination. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license and in no event shall a temporary license be issued for a period longer than 180 days.

d. Every radiologic technologist shall carry his current license on his person at work. The license shall be displayed on request.

7. This act shall take effect immediately.

Approved December 28, 1984.

CHAPTER 243

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs, amending R. S. 39:4–50 and supplementing Title 26 of the Revised Statutes.

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

1. R. S. 39:4–50 is amended to read as follows:

Driving while intoxicated.

39:4–50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or operates a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control or permits another to operate a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood, shall be subject:

(1) For the first offense, to a fine of not less than $250.00 nor more than $400.00 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days and shall forthwith forfeit his right to operate a motor vehicle over

the highways of this State for a period of not less than six months nor more than one year.

(2) For a second violation, a person shall be subject to a fine of not less than $500.00 nor more than $1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall be sentenced to imprisonment for a term of not less than 48 consecutive hours, which shall not be suspended or served on probation, nor more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section.

(3) For a third or subsequent violation, a person shall be subject to a fine of $1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, to an inpatient rehabilitation program or to an Intoxicated Driver Resource Center or other facility approved by the Director of the Division of Alcoholism in the Department of Health; provided that for a third or subsequent offense a person shall not serve a term of imprisonment at an Intoxicated Driver Resource Center as provided in subsection (f).

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to

the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) A person convicted under this section must satisfy the screening, evaluation, referral and program requirements of the Division of Alcoholism's Bureau of Alcohol Countermeasures, and of the Intoxicated Driver Resource Centers and a program of alcohol education and highway safety, as prescribed by the Director of the Division of Motor Vehicles. The sentencing court shall inform the person convicted that failure to satisfy such requirements shall result in a mandatory two day term of imprisonment in a county jail and a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8–2 of the N. J. Court Rules, 1969, or R. S. 39:5–22. Upon sentencing, the court shall forward to the Bureau of Alcohol Countermeasures a copy of a person's conviction record. A fee of $40.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3, P. L. 1983, c. 531 (C. 26:28–32) to support the Bureau of Alcohol Countermeasures, to defray the cost of screening, evaluation and alcohol education programs in the Intoxicated Driver Resource Centers.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. The court shall inform the person convicted that if he is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R. S. 39:3–40. The person convicted shall be informed orally and in writing. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R. S. 39:3–40. In the event that a person convicted under this section is the holder of any out-of-state driver's license, the court shall not collect the license but shall notify forthwith the director, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, how-

ever, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section. Upon conviction of a violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of this section.

(d) The Director of the Division of Motor Vehicles shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) in order to establish a program of alcohol education and highway safety, as prescribed by this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing Criminal Practice, as set forth in the Rules Governing the Courts of the State of New Jersey.

(f) The counties, in cooperation with the Division of Alcoholism and the Division of Motor Vehicles, but subject to the approval of the Division of Alcoholism, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers. These centers shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with the ordered treatment, service alternative or community service. All centers established pursuant to this subsection shall be administered by a certified alcoholism counsellor or other professional with a minimum of five years' experience in treatment of alcoholism. All centers shall be required to develop individualized treatment plans for all persons attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community alcohol education, treatment and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Nothing in this subsection shall bar these centers from developing their own education and treatment programs; provided that they are approved by the Division of Alcoholism.

Upon a person's failure to report to the initial screening or any subsequent ordered referral, the Intoxicated Driver Resource Center shall promptly notify the sentencing court of the person's failure to comply.

Required detention periods at the Intoxicated Driver Resource Centers shall be determined according to the individual treatment classification assigned by the Bureau of Alcohol Countermeasures. Upon attendance at an Intoxicated Driver Resource Center, a person shall be assessed a per diem charge of $25.00 to be collected by the center and used to defray costs.

The centers shall conduct a program of alcohol education and highway safety, as prescribed by the Director of the Division of Motor Vehicles.

The Director of the Division of Alcoholism shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), in order to effectuate the purposes of this subsection.

C. 26:2B-9.1 Bureau transferred.

2. (New section) The Bureau of Alcohol Countermeasures in the Division of Motor Vehicles in the Department of Law and Public Safety is transferred to the Division of Alcoholism in the Department of Health, pursuant to the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

3. This act shall take effect immediately.

Approved January 2, 1985.

CHAPTER 244

AN ACT to amend "An act concerning payment of tax liens on fire damaged properties in certain instances," approved January 8, 1979 (P. L. 1978, c. 184).

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

1. Section 1 of P. L. 1978, c. 184 (C. 17:36–8) is amended to read as follows:

C. 17:36-8 Search for municipal liens.

1. No insurer issuing fire insurance policies in this State shall pay any claims for fire damages 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 and an official certificate, on a form prescribed and certified by the municipality, that demolition is not required or that the costs of demolition have been paid; or the municipality submits a certified copy of a resolution adopted pursuant to section 4 of this act. If the demolition has not yet occurred on the date of receipt by a municipality of a request for execution of the certificate required by this section, the insured shall provide on that certificate an estimate of the anticipated costs of demolition. The insurer on notice to the insured shall pay the anticipated costs of demolition to the municipality, which shall hold the funds in an interest bearing escrow account in a State or federally chartered bank, savings bank or savings and loan association in this State.

Any request, pursuant to this section, for an official certificate of search for municipal liens shall specify that the search concerns fire damaged property.

2. Section 2 of P. L. 1978, c. 184 (C. 17:36–9) is amended to read as follows:

C. 17:36-9 Ordinances authorized.

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 anticipated demolition costs and 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 cause to have published in the New Jersey Register a list of all municipalities which have adopted ordinances pursuant to this section and said list shall designate by asterisk those municipalities which have adopted said ordinances since the previous date of publication of said list.

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.

3. Section 3 of P. L. 1978, c. 184 (C. 17:36–10) is amended to read as follows:

C. 17:36-10 Payment by insurance companies.

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 the amount of the anticipated demolition costs to the municipality in the manner provided by section 1 of this act and 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. 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 issue a draft payable to the court of record, to be held by the court in an interest bearing escrow account in a State or federally chartered bank, savings bank or savings and loan association in the State, in an amount totaling 75% of the full amount of the lien or charge being contested, but not to exceed the proceeds payable under its insurance policy, and the insurance company shall issue a draft payable to the municipality for the remaining 25% of the lien or charge being contested, with the full amount paid by the insurance company to the court and the municipality not to exceed the proceeds payable under its insurance policy, pending termination of all proceedings, at which time such moneys and all interest accruing thereon, at a rate paid on interest bearing accounts in State or federally chartered banks, savings banks or savings and loan associations in the State, shall be disbursed in accordance with the final order or judgment of the court.

4. Section 4 of P. L. 1978, c. 184 (C. 17:36–11) is amended to read as follows:

C. 17:36-11 Installment payments.

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, or for the payment in full of any anticipated costs of demolition by installment, 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 of the claim to the insured person.

5. Section 5 of P. L. 1978, c. 184 (C. 17:36–12) is amended to read as follows:

C. 17:36-12 Municipal claim paramount.

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 the holder of a purchase money mortgage held as a first mortgage or an institutional lender which is 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 the holder of an insurable interest, 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. As used in this paragraph, "institutional lender" means any State or federally chartered bank, savings bank, savings and loan association, or insurance company.

Nothing in this act shall be construed:

a. To obligate an insurance company for any amount in excess of the proceeds payable under its fire insurance policy;

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;

c. To affect the authority of a municipality to enforce a municipal lien under any other law of this State; or

d. To obligate an insurance company for the payment of demolition costs or anticipated costs, as the case may be, if those costs did not appear on an official certificate or a certified change submitted by the bonded official.

6. This act shall take effect immediately.

Approved January 3, 1985.

CHAPTER 245

AN ACT concernnig limited partnerships amending and supplementing P. L. 1983, c. 489.

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

1. (New section) a. For the purposes of P. L. 1983, c. 489 (C. 42:2A–1 et seq.), each limited partnership formed under any statute of this State prior to April 1, 1985 shall provide prior to April 1, 1985 to the Secretary of State the following:

(1) The name of the limited partnership; the address, including the actual location as well as the postal designation, if different, of the registered agent in this State; and the name of the registered agent, being the information required by paragraphs 1, 2 and 3 of subsection a. of section 66 of P. L. 1983, c. 489 (C. 42:2A–69), which may be provided by letter or other writing; and

(2) A copy of the certificate of limited partnership, as amended, if applicable, and a certification by the county clerk of the county in which the certificate is on file.

b. (1) No fee shall be charged by the State for the filing of the information required by subsection a. with the Secretary of State on or before April 1, 1985.

(2) The county clerk may charge a fee not to exceed $5.00 for the certification required by paragraph (2) of subsection a.

c. Failure to comply with the requirements of subsection a. shall be deemed a failure to file the report required by section 66 of P. L. 1983, c. 489 (C. 42:2A–69) for two years and that limited partnership shall be transferred to the inactive list. A limited

partnership whose certificate has been transferred to the inactive list pursuant to this section shall remain a limited partnership under P. L. 1983, c. 489 (C. 42:2A–1 et seq.) or under R. S. 42:2–1 et seq.

A limited partnership which fails to comply with the requirements of subsection a. shall forfeit to the State a penalty of not less than $200.00 nor more than $1,000.00 for each calendar year, or portion thereof. The maximum penalty imposable under this section is $5,000.00. The penalty shall be recovered with costs in an action prosecuted by the Attorney General.

C. 42:2A-6.1 Use of name other than actual limited partnership name.

2. (New section) Use of name other than actual limited partnership name. a. No domestic limited partnership or foreign limited partnership which conducts activities in this State shall conduct any activities in this State using an alternate name, including an abbreviation of its name or an acronym, unless:

(1) It also uses its actual name in the transaction of any of its activities in a manner as not to be deceptive as to its actual identity; or

(2) It has first registered the alternate name as provided in this section.

b. Any limited partnership may adopt and use any alternate name, including any name which would be unavailable as the name of a domestic or foreign limited partnership because of the prohibitions of paragraph (4) of section 6a. of P. L. 1983, c. 489 (C. 42:2A–6), but not including any name prohibited as a limited partnership name by paragraphs (1), (2), (3), (5) of section 6a. of P. L. 1983, c. 489 (C. 42:2A–6), by filing an original and a copy of a certificate of registration of alternate name with the Secretary of State executed on behalf of the limited partnership. The certificate shall set forth:

(1) The name, jurisdiction and date of establishment of the limited partnership;

(2) The alternate name;

(3) A brief statement of the character or nature of the particular activities to be conducted using the alternate name;

(4) That the limited partnership intends to use the alternate name in this State;

(5) That the limited partnership has not previously used the alternate name in this State in violation of this section or, if it has, the month and year in which it commenced the use.

c. The registration shall be effective for five years from the date of filing and may be renewed successively for additional five-year periods by filing an original and a copy of the certificate of renewal executed on behalf of the partnership any time within 90 days prior to, but not later than, the date of expiration of the registration. The certificate of renewal shall set forth the information required in paragraphs (1) through (4) of subsection b. of this section, the date of the certificate of registration then in effect and that the partnership is continuing to use the alternate name.

d. This section shall not:

(1) Grant to the registrant of an alternate name any right in the name as against any prior or subsequent user of the name, regardless of whether used as a trademark, trade name, business name or corporate name; or

(2) Interfere with the power of any court to enjoin the use of the name on the basis of the law of unfair competition or on any other basis except the identity or similarity of the alternate name to any other corporate or limited partnership name.

e. A limited partnership which has used an alternate name in this State contrary to the provisions of this section shall, upon filing a certificate of registration of alternate name or an untimely certificate of renewal, pay to the Secretary of State the filing fee prescribed for the certificate plus an additional filing fee equal to the full amount of the regular filing fee multiplied by the number of years it has been using the alternate name in violation of this section after the operative date of the prohibitions of this section specified in subsection h. of this section. For the purpose of this subsection, any part of a year shall be considered a full year.

f. The failure of a limited partnership to file a certificate of registration or renewal of an alternate name shall not impair the validity of any contract or act of the limited partnership and shall not prevent the limited partnership from defending any action or proceeding in any court of this State, but the limited partnership shall not maintain any action or proceeding in any court of this State arising out of a contract or act in which it used the alternate name until it has filed the certificate.

g. (1) A limited partnership which files a certificate of registration of alternate name which contains a false statement or omission regarding the date it first used an alternate name in this State shall, if the false statement or omission reduces the amount of the additional fee it paid or should have paid as provided in subsection

e. of this section, forfeit to the State a penalty of not less than $200.00 nor more than $500.00.

(2) A limited partnership which should have filed a certificate of registration or renewal of alternate name and fails to do so within 60 days after being notified of its obligation to do so by certified or registered mail by the Secretary of State, by any other governmental officer, or by any person aggrieved by its failure to do so, shall forfeit to the State a penalty of not less than $200.00 nor more than $500.00.

(3) A penalty imposed under this section shall be recovered with costs in an action brought by the Attorney General. The court may proceed on the action in a summary manner.

h. The prohibitions of this section shall not be operative until 90 days after the effective date of this act. Any certificate of registration filed during that 90 day period need not include the information required by paragraph (5) of subsection b. of this section.

3. Section 4 of P. L. 1983, c. 439 (C. 42:2A–4) is amended to read as follows:

C. 42:2A-4 Existing limited partnerships brought under this chapter.

4. Existing limited partnerships brought under this chapter.

A limited partnership formed under any statute of this State prior to the effective date of this chapter shall be governed by the provisions of this chapter, except that the partnership shall be deemed to have complied with the provisions in sections 6 and 13 of this chapter and the partnership shall be deemed to be formed on the date set by the provisions of the statute under which it was formed.

4. Section 6 of P. L. 1983, c. 489 (C. 42:2A–6) is amended to read as follows:

C. 42:2A-6 Name of limited partnership.

6. Name of limited partnership. a. The name of each limited partnership as set forth in its certificate of limited partnership:

(1) Shall contain the words "limited partnership" or the abbreviation " L. P.";

(2) May not contain the name of a limited partner unless it is also the name of a general partner or the corporate name of a corporate general partner, or the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(3) May not contain any word or phrase indicating or implying that it is organized other than for a purpose stated in its certificate of limited partnership;

(4) Shall not be the same as, or confusingly similar to, the name of any domestic limited partnership including a limited partnership name set forth in a certificate of limited partnership filed in the office of the Secretary of State whose effective date is subsequent to the date of filing, as authorized by section 14 of this chapter, or of any foreign limited partnership authorized to transact business in this State or any limited partnership name reserved or registered under this chapter, or the name of any profit or nonprofit corporation on file with the Secretary of State, unless the written consent of the other domestic or foreign limited partnership or holder of a reserved or registered name to the adoption of its name or a confusingly similar name is filed in the office of the Secretary of State with the certificate of limited partnership or with the application for an original or amended certificate of authority to transact business in this State or, in lieu of the consent, there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the limited partnership to the use of the name in this State;

(5) Shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless the restrictions have been complied with.

b. This section shall not require any domestic limited partnership organized prior to the effective date of this chapter to change its name in accordance with this section, if the name is otherwise lawful on the effective date of this chapter, and a limited partnership shall not change its limited partnership name on or after the effective date of this chapter to a name which is not available for limited partnership use under this section.

c. If the name of a foreign limited partnership is not available for use in this State because of paragraph (4) of subsection a., the limited partnership may be authorized to transact business in this State under a fictitious name which is available for a limited partnership use under this section, by filing in the office of the Secretary of State with its application for an original or amended certificate of authority a certificate of its general partner adopting the fictitious name for use in transacting business in this State.

d. The limited partnership name of a domestic limited partnership whose certificate of limited partnership has been cancelled and

any name confusingly similar to the name of a domestic limited partnership which has been terminated shall not be available for limited partnership use for two years after the effective time of cancellation or termination, unless, within the two-year period, the written consent of the dissolved limited partnership to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of limited partnership if another domestic limited partnership or with the application of a foreign limited partnership for an original or amended certificate of authority to transact business in this State.

e. The filing in the office of the Secretary of State of the certificate of limited partnership of a domestic limited partnership or the issuance by the Secretary of State of a certificate to a foreign limited partnership authorizing it to transact business in this State shall not preclude an action by this State to enjoin a violation of this section or an action by any person adversely affected to enjoin the violation or the use of a limited partnership name in violation of the rights of that person, whether on principles of unfair competition or otherwise, and the court may grant any other appropriate relief in the action.

5. Section 12.1 of P. L. 1983, c. 489 (C. 42:2A–13) is amended to read as follows:

C. 42:2A-13 County clerk to transmit documents to Secretary of State.

12.1. County clerk to transmit documents to Secretary of State. No later than January 1, 1985 each county clerk shall transmit to the Secretary of State the name and address of the principal place of business, alphabetized by name as shown on the most recent documents filed in the county of filing, of each limited partnership whose certificate of limited partnership or any amendment thereto was filed on or after January 1, 1950, identifying the county of filing. This obligation may be met by a county clerk having transmitted by October 1, 1984 to the Secretary of State, in the manner prescribed by the Secretary of State, copies of all limited partnership certificates and amendments thereto and all certificates of termination or cancellation of all the limited partnerships filed on or after January 1, 1950 identifying the county of filing. Prior to April 1, 1985 each county clerk shall transmit to the Secretary of State the name and address of the principal place of business, as shown on the most recent documents filed in the county, of each limited partnership or any amendment thereto which was filed after the county clerk's initial transmission and prior to April 1, 1985.

6. Section 13 of P. L. 1983, c. 489 (C. 42:2A–14) is amended to read as follows:

C. 42:2A-14 Certificate of limited partnership.

13. Certificate of limited partnership. Two or more persons desiring to form a limited partnership shall execute a certificate of limited partnership which shall be filed in the office of the Secretary of State and shall set forth:

a. The name of the limited partnership;

b. The general character of its business;

c. The address, including the actual location as well as postal designation, if different, of the registered office and the name and address of the registered agent for service of process required to be maintained by section 8;

d. The name and the business address or place of residence of each general partner;

e. The aggregate amount of cash and a description and statement of the agreed value of the other property or services contributed by all partners and which all partners have agreed to contribute in the future;

f. The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

g. Any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his partnership interest, and the terms and conditions of the power;

h. If agreed upon, the time at which or the events on the happening of which a partner may terminate his membership in the limited partnership and the amount of, or the method of determining, the distribution to which he may be entitled respecting his partnership interest, and the terms and conditions of the termination and distribution;

i. Any right of a partner to receive distributions of property, including cash from the limited partnership;

j. Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution;

k. Any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up;

l. Any right of the remaining general partners to continue the business on the happening of an event of withdrawal of a general partner; and

m. Any other matters the partners determine to include therein.

7. Section 16 of P. L. 1983, c. 489 (C. 42:2A–17) is amended to read as follows:

C. 42:2A-17 When amendment to certificate required.

16. When amendment to certificate required. An amendment to a certificate of limited partnership shall be filed within 30 days when:

a. There is a change in the name of the partnership;

b. There is a decrease in the amount of the contribution of the partners;

c. There is the admission of a new general partner or the withdrawal of a general partner;

d. There is a change in the character of the business of the partnership;

e. There is a continuation of the partnership business under section 50 after the withdrawal of a general partner;

f. There is a change in the time as stated in the certificate for dissolution of the partnership or for the return of a contribution;

g. There is a time fixed for dissolution of the partnership or the return of a contribution, no time therefor having been specified in the certificate;

h. There is a false or erroneous statement in the certificate or that any arrangements or other facts described in the certificate have changed making the certificate inaccurate in any respect; and

i. The general partners determine to amend the partnership agreement for any purpose but only to the extent the general partners may amend the partnership agreement.

A partner shall not incur any liability if an amendment to a certificate of limited partnership reflecting the occurrence of any event referred to in this section is filed within the 30-day period specified herein.

8. Section 28 of P. L. 1983, c. 489 (C. 42:2A–29) is amended to read as follows:

C. 42:2A-29 Right to information.

28. Right to information. A limited partner has the right to:

a. Inspect and copy any of the partnership records required to be maintained by section 9;

b. Obtain from the general partners from time to time upon reasonable demand true and full information regarding the state of the business and financial condition of the limited partnership;

c. Receive promptly after becoming available, a copy of the limited partnership's federal, State and local income tax returns for each year; and

d. Other information regarding the affairs of the limited partnership as is just and reasonable.

Upon the reasonable request of any partner, the records set forth in this section shall be subject to inspection and copying at a reasonable cost by any partner during ordinary business hours.

9. Section 29 of P. L. 1983, c. 489 (C. 42:2A–30) is amended to read as follows:

C. 42:2A-30 Admission of additional general partners.

29. Admission of additional general partners. After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted as provided for in the partnership agreement but in no event by less than two-thirds consent of the number of limited partners.

10. Section 56 of P. L. 1983, c. 489 (C. 42:2A–57) is amended to read as follows:

C. 42:2A-57 Application for certificate of authority to transact business.

56. Application for certificate of authority to transact business. Before transacting business in this State, a foreign limited partnership shall file in the office of the Secretary of State an application signed and sworn to by a general partner setting forth:

a. The name of the foreign limited partnership and, if different, the name under which it proposes to transact business in this State;

b. The name and business address of each general partner;

c. The amount of cash and a description and statement of the agreed value of the other property or services contributed by all partners and which all partners have agreed to contribute in the future;

d. The state and date of its formation;

e. The general character of the business it proposes to transact in this State;

f. The name and address, including the actual location as well as the postal designation, if different, of the agent for service of process on the foreign limited partnership whom the foreign limited partnership designates who must be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this State;

g. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if no agent has been appointed under subsection d. or, if appointed, the agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence; and

h. The address of the office required to be maintained in the state of its organization by the laws of that state or if not so required, of the principal office of the foreign limited partnership.

i. If the Secretary of State finds that the application conforms to law and the requisite fees have been paid, he shall issue to the foreign limited partnership a certificate of authority to transact business in this State.

11. Section 64.1 of P. L. 1983, c. 489 (C. 42:2A–67) is amended to read as follows:

C. 42:2A-67 Indemnification of general partner.

64.1. Indemnification of general partner. a. A domestic limited partnership may indemnify any general partner made a party to an action in the right of a limited partnership to procure a judgment in its favor by reason of his being or having been a general partner in the limited partnership, against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him in connection with the defense of the action, or in connection with an appeal therein if the general partner acted in good faith and in a manner the general partner reasonably believed to be in or not opposed to the best interests of the limited partnership. However, in the proceedings no indemnification shall be provided in respect of any claim, issue or matter as to which the general partner shall have been adjudged to be liable for the negligence or misconduct, unless and only to the extent that the Superior Court or the court in which the proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, the general partner is fairly and reasonably entitled to indemnity for the expenses as the Superior Court or any other court shall deem proper.

b. The indemnification authorized under subsection a. of this section shall in no case include:

(1) Amounts paid in settling or otherwise disposing of a threatened action, or pending action with or without court approval; or

(2) Expenses incurred in defending a threatened action, or pending action which is settled or otherwise disposed of without court approval.

c. No indemnification shall be made under this section in any circumstances where it appears that indemnification would be inconsistent with a provision of the certificate of limited partnership, partnership agreement or other proper partnership action, in effect at the time of accrual of the alleged cause of action asserted in the threatened or pending action in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification.

d. This section is not intended to prevent indemnification of a general partner for expenses and liability in connection with any proceeding, other than an action in the right of the limited partnership, against a general partner, by reason of his being or having been a general partner in the limited partnership as provided for under the limited partnership agreement or as approved by the Superior Court or the court in which the proceeding was brought.

12. Section 65 of P. L. 1983, c. 489 (C. 42:2A–68) is amended to read as follows:

C. 42:2A-68 Filing fees of the Secretary of State.

65. Filing fees of the Secretary of State. On filing any certificate or other papers relative to limited partnerships in the office of the Secretary of State, there shall be paid to the Secretary of State, filing fees, in addition to any applicable recording fees:

a. Filing an application to reserve a specified limited partnership name and issuing a certificate of reservation	$25.00
If application is for the first name available for limited partnership use among not more than three specified names	30.00
b. Filing a notice of transfer of a reserved limited partnership name	25.00
c. Filing original certificate of limited partnership	50.00
d. Filing a certificate of amendment to the certificate of limited partnership, including any number of amendments	50.00
e. Filing certificate of cancellation	35.00
f. Filing order or judgment amending certificate of limited partnership or cancellation	35.00
g. Filing application by a foreign limited partnership to transact business in this State and issuing a certificate of authority	175.00

h. Filing application by a foreign limited partnership for amended certificate to transact business in this State and issuing an amended certificate of authority $50.00
i. Filing annual report 15.00
j. Filing a certificate or registration of an alternate name 30.00
k. Filing a renewal of registration of alternate name 30.00
l. Limited partnership status reports—per name 2.00
m. All other certificates issued or papers filed but not otherwise provided for 15.00

13. Section 70 of P. L. 1983, c. 489 is amended to read as follows:

Effective date.

70. Effective date. This act shall take effect April 1, 1985.

14. This act shall take effect April 1, 1985 except for sections 1, 5 and 13 which shall take effect immediately.

Approved January 3, 1985.

CHAPTER 246

AN ACT concerning the appointment of certain municipal disaster control directors and amending P. L. 1953, c. 438.

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

1. Section 8 of P. L. 1953, c. 438 (C. App. A:9–40.1) is amended to read as follows:

C. App. A:9-40.1 Municipal disaster control directors.

8. In every municipality of this State the mayor or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R. S. 40:70–1 et seq.), the commissioner serving as director of the department to which the responsibility for local disaster control has been assigned, shall appoint a municipal disaster control director from among the residents of the municipality. The municipal disaster control director, subject to fulfilling the requirements of this section, shall serve for a term of

three years. As a condition of his appointment and his right to continue for the full term of his appointment, each municipal disaster control director shall have successfully completed at the time of his appointment or within one year immediately following his appointment or the effective date of this act, whichever is later, the current approved Civil Defense Director-Coordinator Course. The failure of any municipal disaster control director to fulfill such requirement within the period prescribed shall disqualify the director from continuing in the office of director and thereupon a vacancy in said office shall be deemed to have been created.

2. Section 18 of P. L. 1953, c. 438 (C. App. A:9–40.2) is amended to read as follows:

C. App. A:9-40.2 Removal for cause.

18. The Governor may remove any municipal disaster control director at any time for cause. In such event the mayor of the municipality or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R. S. 40:70–1 et seq.), the commissioner serving as director of the department to which the responsibility for local disaster control has been assigned, shall appoint a new municipal disaster control director with the approval of the Governor. If the mayor or commissioner, as appropriate, shall not appoint a municipal disaster control director within 10 days after such office shall become vacant, the Governor may appoint a temporary municipal disaster control director, who shall serve and perform all of the duties of that office until such time as a new municipal disaster control director shall be appointed by the mayor or commissioner, as appropriate, with the approval of the Governor.

3. This act shall take effect immediately.

Approved January 4, 1985.

CHAPTER 247

AN ACT concerning racing and amending and supplementing P. L. 1940, c. 17.

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

1. Section 2 of P. L. 1940, c. 17 (C. 5:5–23) is amended to read as follows:

C. 5:5-23 Membership of commission; terms.

2. The commission shall consist of seven members, all of whom shall be appointed by the Govenor, by and with the advice and consent of the Senate, and not more than four of whom shall be of the same political party, and one of whom of the first to be appointed hereunder shall be designated by the Governor to be the chairman of the commission; said chairman thereafter shall be annually elected by the members of said commission. Each commissioner, at the time of his appointment and qualification, shall be a resident of the State of New Jersey, and shall have resided in said State for a period of at least seven years next preceding his appointment and qualification and he shall also be a qualified voter therein and not less than 30 years of age. At least three of the members shall be residents of South Jersey, which, for the purposes of this section, shall consist of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem. The term of office of each member of the first commission shall commence on confirmation after appointment. One of said commissioners shall hold office for two years from the beginning of his term of office and until his successor shall qualify; one of said commissioners shall hold office for four years from the beginning of his term of office and until his successor shall qualify; and two of said commissioners shall hold office for six years from the beginning of their terms of office and until their successors shall qualify; provided, however, that the two members whose terms shall expire in six years shall not be of the same political party. The Governor, at the time of making and announcing the appointment of said four commissioners, shall designate which of said commissioners shall serve for the term of two years, which of said commissioners shall serve for the term of four years, and which of said commissioners shall serve for the term of six years, as afore-

said, and also who shall be the chairman of said commission. Upon the expiration of the terms of such respective commissioners, the Governor, by and with the advice and consent of the Senate, shall appoint their successors, each to hold office for a term of six years and until his successor has been appointed and qualified. Any vacancy in the commission shall be filled for the unexpired term. Each commissioner shall be eligible for reappointment in the discretion of the Governor.

Of the three additional members appointed pursuant to this 1984 amendatory and supplementary act, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and all shall serve until their successors have been appointed and qualified. Each of the successors of these additional members shall be appointed for a term of six years, and shall serve until his successor is appointed and qualified.

C. 5:5-43.1 Allotment of racing days.

2. (New section) If a holder of a permit to conduct harness or thoroughbred race meetings at a New Jersey racetrack purchases, leases, or otherwise acquires another existing racetrack facility located in this State, and is thereafter granted another permit by the commission to conduct racing days at the acquired racetrack, the racing days allotted for the acquired racetrack shall be limited, in type of racing and in amount of days, to those allotted to the prior permitholder of the acquired racetrack facility for the year 1985, as of December 13, 1984.

In the event that as a result of a fire or another act of God an existing racetrack facility is precluded from conducting the number and types of racing days allotted to it in a particular year, the commission may, upon application by the permitholder, waive the above limitation with respect to another racing facility owned, leased or otherwise acquired by the permitholder.

3. This act shall take effect immediately but shall remain inoperative until Assembly Bill No. 3028 or Senate Bill No. 2516 is enacted into law.

Approved January 7, 1985.

CHAPTER 248

AN ACT concerning the regulation of and the imposition of a tax on boxing, wrestling and sparring exhibitions or performances and amending R. S. 5:2–11, R. S. 5:2–12 and P. L. 1947, c. 71.

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

1. R. S. 5:2–11 is amended to read as follows:

Boxing, wrestling, sparring exhibitions.

5:2–11. a. No boxing, wrestling or sparring exhibition or performance shall be held by any person unless such person shall have, at least two weeks before the holding of the same, notified the commissioner, in such form, with such detailed information and at such place as the commissioner may prescribe, of the proposed holding of the same, and shall, in addition to having a license as provided by R. S. 5:2–8, have obtained from the commissioner at least 10 days prior to the date of the proposed exhibition or performance, a permit in writing to hold the same. No permit shall be granted to any person who has been delinquent in paying a tax which has been assessed pursuant to this act, unless good cause is shown.

b. The commissioner shall be notified, at least one week in advance, in such form and with such detailed information as the commission may prescribe, that a boxing, wrestling or sparring exhibition or performance is to be telecast, televised or broadcast in any manner, including but not limited to television, radio, any transmission via a cable television system, as defined in section 3 of P. L. 1972, c. 186 (C. 48:5A–3), or any transmission via microwave, closed circuit, satellite, fiber optic link or any other method of limited distribution.

2. R. S. 5:2–12 is amended to read as follows:

Tax on gross receipts; TV, movie, radio rights.

5:2–12. a. Every person who shall hold any boxing, wrestling or sparring exhibition or performance shall, within seven days, exclusive of Saturdays, Sundays and legal holidays, after the conclusion thereof, pay to the commissioner a tax:

(1) On the total gross receipts from the sale of tickets and on the face value of all tickets issued as complimentary tickets, as follows: 3% of the first $25,000.00 derived from such tickets; 4%

of the next $50,000.00 derived from such tickets; 5% of the next $125,000.00 derived from such tickets; and 6% of any amount derived from such tickets exceeding $200,000.00; except that in no event shall any tax assessed under the provisions of this paragraph exceed $100,000.00; and

(2) On any monies received by reason of the lease or sale of television, including cable television and closed circuit television; moving pictures or radio rights in connection with any such exhibition or performance a tax of 5% of the first $50,000.00 derived from the lease or sale of television, moving pictures or radio rights; 3% of the next $100,000.00 derived from the lease or sale of such rights; 2% of the next $100,000.00 derived from the lease or sale of such rights; and 1% of any amount in excess of $250,000.00 derived from the lease or sale of such rights; except that in no event shall any tax assessed under the provisions of this paragraph exceed $100,000.00.

For the purposes of paragraphs (1) and (2) of this subsection, the total gross receipts from the sale of tickets or from the lease or sale of television, moving pictures or radio rights shall not be subject to any reduction or allowance of any kind whatsoever.

b. The total amount of gross receipts from any such exhibition or performance, including those derived from the sale or lease of television, moving picture and radio rights, and the total amount of tax due hereunder shall be provided to the commissioner for review and determination. For this purpose the commissioner may examine, or cause to be examined, the books and records of any person and hold hearings as provided by R. S. 5:2–6. The finding and determination of the commissioner as to the amount of such tax shall be deemed prima facie to be correct in all matters and proceedings in which the same may be called into question.

Should any person being liable for the tax hereby imposed fail to pay the same, an action therefor may be maintained in any court of competent jurisdiction, in the name of the commissioner, to be prosecuted by the Attorney General, in addition to any remedies given by the bond filed in accordance with R. S. 5:2–9, which actions and remedies may be pursued simultaneously or in any other order which the commissioner may see fit.

3. Section 2 of P. L. 1947, c. 71 (C. 40:48–8.16) is amended to read as follows:

C. 40:48-8.16 Definitions.

2. As used in this act:

"Retail sale" or "sale at retail" means and includes:

(1) Any sale in the ordinary course of business for consumption of whiskey, beer or other alcoholic beverages by the drink in restaurants, cafes, bars, hotels and other similar establishments;

(2) Any cover charge, minimum charge, entertainment, or other similar charge made to any patron of any restaurant, cafe, bar, hotel or other similar establishment;

(3) The hiring, with or without service, of any room in any hotel, inn, rooming or boarding house;

(4) The hiring of any rolling chair, beach chair or cabana; and

(5) The granting or sale of any ticket, license or permit for admission to any theatre, moving picture exhibition or show, pier, exhibition, or place of amusement, except charges for admission to boxing, wrestling, or sparring exhibitions and performances, which charges are taxed as provided in R. S. 5:2–12.

"Vendor" means any person selling or hiring property or services to another person upon the receipts from which a tax is imposed.

"Purchaser" means any person purchasing or hiring property or services from another person, the receipts from which are taxable.

4. This act shall take effect immediately.

Approved January 7, 1985.

JOINT RESOLUTIONS

(1267)

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating the week of January 29 to February 5, 1984, as Catholic Schools Week.

WHEREAS, The Catholic schools in the State of New Jersey, in keeping true to the theme "Catholic Schools, Beacon of Hope," will be celebrating Catholic Schools Week in the State during the period January 29 to February 5, 1984; and

WHEREAS, The Catholic schools in the State of New Jersey have had over a century of service educating millions of New Jerseyans from every ethnic, cultural, and racial background 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 455 elementary and the 92 secondary Catholic schools in the State currently provide over 185,000 students with a well-rounded educational program which incorporates "The Common School Ideal" and has provided for an invaluable source of intellectual, moral and patriotic values; 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 right to choose nonpublic education for their children, parents who support this 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 5, 1984 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; and

2. The Governor and the Legislature of the State of New Jersey call on all 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 1, 1984.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION designating the month of February 1984 as "American History Month".

WHEREAS, During the month of February in each year Americans honor venerable historical figures such as Abraham Lincoln and George Washington; and

WHEREAS, The many sacrifices and contributions of people who worked so hard to make America the great country which it is should be revered and commemorated by all of our citizens so that our children will have an accurate sense of our history; and

WHEREAS, It is altogether fitting and proper that this State act to promote public understanding of and pride in the accomplishments of our forefathers and the value and importance of their contributions to the historical development of this State and nation; now, therefore,

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

1. The month of February 1984 is formally designated as "American History Month" in the State of New Jersey.

2. This joint resolution shall take effect immediately.

Approved February 24, 1984.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION designating the month of February, 1984 as "Black History Month" in New Jersey.

WHEREAS, The history of black Americans is the story of brave men and women, such as the courageous Harriet Tubman, who led others from slavery to freedom, the brilliant Frederick Douglass, who claimed the constitutional birthright of liberty for his enslaved brethren, and the great Paul Robeson, a proud and gifted son of New Jersey, who sang the song of freedom. The history of black Americans is also the story of the many who were nameless, but who yet endured; and

WHEREAS, The history of black Americans is the story of the many nameless heroes brought to our shores in bondage for whom even freedom in the formal sense would not be freedom until a perilous passage through a long night of repression. Yet they endured, and the darkness was broken when Martin Luther King dreamed that one day all Americans would live in the promised land and he worked to make that dream a reality; and

WHEREAS, The history of black Americans is the story of the many nameless heroes divested of their history, culture, and language. Yet they endured, and the splendor of a rich heritage reverberates in the music of Stevie Wonder, whose theme of peace and brotherhood is truly universal; and

WHEREAS, The history of black Americans is the story of the many nameless heroes who were blessed with abundant athletic talent, but whose skills were wasted in obscurity and segregation. Yet Jackie Robinson endured, and from his time to the present, sports in America have been enriched through the many marvelous contributions of black athletes; and

WHEREAS, The history of black Americans is a history of pain, a history of struggle, but ultimately a history of which the most glorious chapters have yet to be written, for it will be the story of all of us as Americans, no longer nameless, contributing our full measure to the fulfillment of the American promise. And we shall endure and we shall overcome; now, therefore,

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

1. The month of February 1984 is declared "Black History Month" in New Jersey, and all citizens are urged to appropriately observe the month of February accordingly.

2. A duly authenticated copy of this joint resolution, signed by the Speaker and attested by the Clerk thereof, and signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the New Jersey State Conference of the NAACP.

3. This joint resolution shall take effect immediately.

Approved February 29, 1984.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION extending the period of time within which the Property Tax Assessment Study Commission, created by Joint Resolution No. 3 of 1983, shall report its findings and recommendations.

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

1. The period of time within which the Property Tax Assessment Study Commission, created by Joint Resolution No. 3 of 1983, shall report its findings and recommendations is extended to two years from the date of adoption of this joint resolution.

2. This joint resolution shall take effect immediately and be retroactive to January 26, 1983.

Approved March 19, 1984.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION concerning the commission to study the statutes and regulations relating to the alcoholic beverage industry and amending Joint Resolution No. 4 of 1982.

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

1. Section 1 of Joint Resolution No. 4 of 1982 is amended to read as follows:

1. There is established an Alcoholic Beverage Control Study Commission to consist of 18 members to be appointed as follows:

a. Two from among the members of the Senate, by the President of the Senate, and shall not be of the same political party;

b. Two from among the members of the General Assembly, by the Speaker of the General Assembly, and shall not be of the same political party;

c. Nine citizens of the State, to be appointed jointly by the President of the Senate and the Speaker of the General Assembly, seven of whom shall be representatives of the alcoholic beverage industry, two of whom shall be representatives of the general public and no more than five of whom shall be of the same political party;

d. Three citizens of the State, to be appointed by the Governor, including a representative of a local law enforcement agency, the casino industry and the general public, and no more than two of whom shall be of the same political party; and

e. The Director of the Division of Alcoholic Beverage Control, ex officio, or his designee and the Superintendent of the New Jersey Division of State Police, ex officio, or his designee. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. This joint resolution shall take effect immediately but shall remain inoperative until either one of the joint resolutions now pending before the Legislature as Assembly Joint Resolution No. 23 of 1984 and Senate Joint Resolution No. 13 of 1984 is enacted into law.

Approved March 19, 1984.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION in honor of the memory of Abraham Lincoln designating 1984 as the "Abraham Lincoln 175th Anniversary Year."

WHEREAS, The 16th President of the United States of America, Abraham Lincoln, was born on February 12, 1809; and

WHEREAS, February 12, 1984 will mark the 175th anniversary of his birth; and

WHEREAS, Abraham Lincoln, as President of the United States, was principally responsible for the preservation of the United States of America from political disintegration; and

WHEREAS, The State of New Jersey commemorates Abraham Lincoln's birthday by a State holiday each year; and

WHEREAS, The Lincoln Association of Jersey City is the oldest continuous organization in the United States dedicated to the memory of Abraham Lincoln; and

WHEREAS, The Lincoln Association of Jersey City has been commemorating the birth of Abraham Lincoln continuously since the year 1866; and

WHEREAS, By these continuous annual events, the Lincoln Association of Jersey City has perpetuated the ideals and principles of Abraham Lincoln; now, therefore,

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

1. The year 1984 is designated the "Abraham Lincoln 175th Anniversary Year," for the purpose of honoring the memory of Abraham Lincoln.

2. The Lincoln Association of Jersey City is to be commended and congratulated for its continuous remembrance and perpetuation of the ideals and high principles of Abraham Lincoln.

3. This joint resolution shall take effect immediately.

Approved March 19, 1984.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION to reconstitute the commission created to study the statutes and regulations concerning the alcoholic beverage industry.

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

1. The commission to study the statutes and regulations concerning the alcoholic beverage industry, created by Joint Resolution No. 4 of 1982, is reconstituted with the same membership, powers and duties as heretofore provided.

2. The commission shall make recommendations which it deems proper and shall prepare and submit to the Legislature and the Governor reports which it deems necessary, accompanying its recommendations and reports with any legislative bills which it may desire to recommend for adoption by the Legislature.

In addition to the recommendations and reports made by the commission during the course of its term until its expiration on December 31, 1987, the commission shall submit an annual report, no later than December 31 of each year, to the President of the Senate, the Speaker of the General Assembly, and the Governor, describing the activities and accomplishments of the commission.

If the commission determines in 1987 that the termination date of December 31, 1987 should be extended, a recommendation to that effect may be submitted to the President of the Senate, Speaker of the General Assembly and the Governor. The recommendation shall be submitted by September 1, 1987 and shall state the reasons for the commission's decision to make the recommendation.

3. This joint resolution shall take effect immediately and shall expire on December 31, 1987.

Approved March 19, 1984.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION creating a permanent State Commission on Drunk Driving.

WHEREAS, It is estimated that nationwide, drunken drivers kill approximately 25,000 people per year, injure more than 650,000 and cause approximately $28 billion in economic losses; and

WHEREAS, The roadways of New Jersey are among the most heavily traveled in the country and the State is especially vulnerable to the peril posed by inebriated drivers; and

WHEREAS, The laws concerning drunk driving in New Jersey are currently in a process of complete revision in an attempt to increase the penalties for the offense and to heighten public awareness of the seriousness of the drunk driving problem; now, therefore,

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

1. There is established a permanent State Commission on Drunk Driving.

2. The commission shall consist of:

a. The Attorney General or his designee, as chairman, and representatives of the following departments and organizations: the Department of Health, the Department of Education, the Department of the Public Advocate, the Division of Motor Vehicles, the Division of Alcoholic Beverage Control, the Division of State Police, and the New Jersey Advisory Council on Alcoholism.

b. Two members of the Senate, to be appointed by the President of the Senate, who shall not be of the same political party, and two members of the General Assembly, appointed by the Speaker of the General Assembly, who shall not be of the same political party.

c. (1) Three public members, appointed by the Governor with the advice and consent of the Senate, each to serve for a term of three years and until the appointment and qualification of his successor.

(2) In order to stagger the terms of the public members, the three who are originally appointed shall serve for terms of one year, two years, and three years, respectively.

d. The president of the New Jersey State Policemen's Benevolent Association, Inc. or his designee and the president of the New Jersey State Association of Chiefs of Police or his designee.

Vacancies in the commission shall be filled in the same manner as the original appointments were made.

3. It shall be the duty of the commission to assist in the effective implementation of the recently enacted drunk driving legislation, to review its impact on drunk driving, to review the efforts of all departments and organizations in this area, to provide a mechanism to bring together governmental officials and nongovernmental leaders in an effort to increase the public awareness of the drunk driving problem and to develop a coordinated and effective plan to deter drunk driving.

4. The commission shall organize as soon as possible after the appointment of its members and the chairman shall appoint a vice-chairman from among its members. The commission may appoint a secretary, who need not be a member of the commission.

5. The commission shall be entitled to call to its assistance and avail itself of the services of the 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 its purposes, and to employ counsel, stenographic and clerical assistants and incur 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 its purposes.

6. The commission may meet and hold hearings at any place or places as it shall designate during the sessions or recesses of the Legislature and shall report one year from its organization its findings and recommendations to the Legislature. The commission shall submit yearly reports thereafter.

7. This joint resolution shall take effect immediately.

Approved April 11, 1984.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION designating May 25, 1984 as "Missing Children's Day" in New Jersey.

WHEREAS, More than 1.8 million children throughout the United States are missing for a period of at least 24 hours during each year, and some 50,000 children are still missing at the end of each year; and

WHEREAS, It is estimated that a large majority of children who are missing from their homes and are not living in a family environment are victims of some form of sexual or physical abuse; and

WHEREAS, The case of Eton Patz, who disappeared from his home in New York City on May 25, 1979, and is still missing, graphically illustrates the tragic nature of this growing problem, which traumatizes so many families today; and

WHEREAS, Most law enforcement agencies frequently accord a low priority to efforts to locate missing children, while attempts at cooperation on the part of federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and inefficient; and

WHEREAS, The issue of the missing child has been plagued by misinformation, and the need to increase public awareness of this problem throughout the United States has stirred interest among members of the United States Congress, who are promoting a "National Missing Children's Day"; now, therefore,

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

1. May 25, 1984 is formally designated as "Missing Children's Day" in the State of New Jersey.

2. The Governor, by appropriate proclamation, shall so proclaim May 25, 1984 as "Missing Children's Day" in New Jersey.

3. This joint resolution shall take effect immediately.

Approved May 25, 1984.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION designating the Department of Transportation Technical Services Building in Ewing Township, New Jersey as the "Arthur F. Foran Technical Services Building."

WHEREAS, A technical services building is under construction as part of the Department of Transportation Headquarters Complex in Ewing Township, New Jersey; and

WHEREAS, It is appropriate that this building should bear the name of an outstanding citizen of New Jersey who has made a contribution to the State in the transportation field; and

WHEREAS, Commissioner Arthur F. Foran served as Chairman of the State Highway Commission during the years 1933 to 1935 and provided valuable leadership during difficult Depression years; and

WHEREAS, Commissioner Foran was also a leader in the business community and a civic leader who served as Mayor of Flemington and served on the staffs of six Governors and two Presidents; now, therefore,

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

1. The New Jersey Department of Transportation Technical Services Building located at the intersection of Parkway and Farrell Avenues in Ewing Township, New Jersey shall be designated the "Arthur F. Foran Technical Services Building."

2. The Commissioner of Transportation is authorized to post appropriate placards bearing the designation "Arthur F. Foran Technical Services Building."

3. This joint resolution shall take effect immediately.

Approved August 2, 1984.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION designating the "Freda Marden Common" of the Delaware and Raritan Canal State Park.

WHEREAS, The State of New Jersey, in concert with the Delaware and Raritan Canal Commission, recently completed the purchase of a parcel of land fronting Easton avenue and the Delaware and Raritan canal, identified as block 259, lots 38-42 and 44-47 on the township of Franklin tax map; and

WHEREAS, This parcel will be included within the Delaware and Raritan Canal State Park, adding to the preservation of the natural beauty of that facility; and

WHEREAS, Residents of Franklin township and the State of New Jersey will benefit from the acquisition through the utilization of the park and its assets for many generations; and

WHEREAS, A resident of Franklin township, Freda Marden, worked diligently to preserve the lands in question for habitation of wildlife, open space preservation, and for sound environmental policies as a member of the Franklin Township Environmental Commission; and

WHEREAS, It is fitting and appropriate that Freda Marden's efforts as an advocate of environmental preservation be recognized and commemorated; now, therefore,

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

1. The parcel of land fronting Easton avenue and the Delaware and Raritan canal, identified as block 259, lots 38-42 and 44-47 on the township of Franklin tax map, is designated the "Freda Marden Common."

2. The Commissioner of the Department of Environmental Protection shall cause to be erected at a prominent location at the entrance of the site suitable tablets and ornamentation to effectuate this resolution.

3. This joint resolution shall take effect immediately.

Approved August 2, 1984.

JOINT RESOLUTION No. 12

A JOINT RESOLUTION declaring the week of October 21 through October 27, 1984, as "Business Women's Week" in the State of New Jersey.

WHEREAS, The Federation of Business and Professional Women's Clubs will declare the week of October 21 through October 27, 1984 as "National Business Women's Week"; and

WHEREAS, The Federation declared the first National Business Women's Week 57 years ago, in 1927, to dramatize women's contributions to the economic, social and political life of the community, state, nation, and the world; and

WHEREAS, The Business and Professional Women's Clubs in New Jersey will be celebrating the week of October 21, 1984 by honoring outstanding business and professional women in the community with the presentation of Woman of the Year Awards, and the conducting of special workshops, seminars and fairs; and

WHEREAS, It is fitting and proper that all the citizens of New Jersey join with the Federation of Business and Professional Women's Clubs in honoring the contributions of women to all aspects of community life within the State; now, therefore,

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

1. The week of October 21 through October 27, 1984 is declared as "Business Women's Week" in the State of New Jersey in celebration of "National Business Women's Week" as designated by the Federation of Business and Professional Women's Clubs.

2. The Governor is requested to issue a proclamation in accordance with this resolution at a public ceremony honoring the business and professional women of this nation, and of the State of New Jersey, in particular.

3. This joint resolution shall take effect immediately.

Approved September 8, 1984.

JOINT RESOLUTION No. 13

A JOINT RESOLUTION commending the joint efforts of the New Jersey State Police and the county and municipal disaster control and emergency management coordinators for their courageous and competent emergency response to the recent devastating storms and floods.

WHEREAS, On March 28 and 29, and April 5 and 6, of 1984, devastating storms and floods ravaged several of the counties of the State; and

WHEREAS, The Office of Emergency Management of the New Jersey State Police offered tireless assistance around the clock to beleaguered citizens of endangered areas, providing needed resources and personnel highly trained in emergency management practices; and

WHEREAS, The county and municipal disaster control and emergency management coordinators in all the affected counties displayed competence, professionalism and composure under the most adverse of circumstances in their efforts to prevent loss of life and minimize property damage; and

WHEREAS, Due to the coordinated efforts of the New Jersey State Police and the county and municipal disaster control and emergency management coordinators, not a single human life was lost during the potentially disastrous shore storms and floods; now, therefore,

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

1. That the New Jersey State Police and the county and municipal disaster control and emergency management coordinators in all the affected counties be commended for their courageous and competent emergency response efforts to the recent devastating storms and floods, efforts which saved human life and minimized property damage.

2. This joint resolution shall take effect immediately.

Approved September 8, 1984.

JOINT RESOLUTION No. 14

A JOINT RESOLUTION designating the month of October, 1984, as "Spina Bifida Month."

WHEREAS, Spina bifida is a congenital birth defect affecting thousands of children born in the United States each year and is this nation's second most common birth defect, resulting in paralysis, loss of sensation in the lower limbs and in bowel and bladder conditions; and

WHEREAS, Spina bifida is considered to be caused by an unknown environmental agent interacting with genetic factors and although until 30 years ago, few babies born with spina bifida survived beyond infancy, recent medical technology now makes it possible for as many as 90% of children born with spina bifida to become healthy and productive adults; and

WHEREAS, A need exists to promote the care, treatment, education, socialization and vocational development of persons born with spina bifida, to train competent professionals dealing with the care of people with spina bifida, to support research into the cause and prevention of this defect and to promote public awareness about spina bifida and related birth defects; now, therefore,

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

1. The month of October, 1984 is declared as "Spina Bifida Month" in New Jersey.

2. The Governor is requested to issue a proclamation in accordance with this resolution urging all citizens and public and private agencies and organizations in this State to recognize "Spina Bifida Month" by promoting awareness of spina bifida and related birth defects among the health profession and the public and encouraging research into the cause and prevention thereof.

3. This joint resolution shall take effect immediately.

Approved September 25, 1984.

JOINT RESOLUTION No. 15

A JOINT RESOLUTION designating October 6, 1984, as "Paralegal Day" in New Jersey and providing a proclamation thereof by the Governor.

WHEREAS, The Paralegal Association of New Jersey was recently formed in order to recognize the State's paralegals, who are at work today in law firms, corporations, and the public sector, and to develop an understanding among attorneys and the general public of the paralegal profession; and

WHEREAS, The association has stated as one of its most important goals the establishment of ethical standards for members of the paralegal profession; and

WHEREAS, In order to ensure high standards of performance by paralegals, the association will study the training programs now available to its members, work toward establishing minimum educational requirements for its members, and promote continuing education programs designed to familiarize paralegals with changes in laws, regulations and rules affecting the legal profession; and

WHEREAS, The association plans to act as a liaison between its members and prospective employers so that the legal profession in the State can take advantage of the knowledge and skills of paralegals; and

WHEREAS, The association will sponsor the formation of county chapters in order to promote its goals among paralegals in all parts of the State; and

WHEREAS, Designating October 6, 1984, as "Paralegal Day" will both foster pride and professionalism among paralegals and educate attorneys about the valuable work paralegals can do to improve the public's understanding of the law and facilitate the legal business transacted in this State; now, therefore,

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

1. October 6, 1984, is designated as "Paralegal Day" in the State of New Jersey.

2. The Governor, by appropriate proclamation, is requested to proclaim October 6, 1984, as "Paralegal Day."

3. A duly authenticated copy of this resolution shall be transmitted to the Paralegal Association of New Jersey.

4. This joint resolution shall take effect immediately.

Approved October 5, 1984.

JOINT RESOLUTION No. 16

A JOINT RESOLUTION designating the week of October 1 through October 8, 1984 as "Italian-American History Week" in New Jersey and providing for a proclamation therefor by the Governor.

WHEREAS, The Central Jersey Chapter of the American Italian Historical Association has suggested that the week of October 1 through October 8, 1984, be proclaimed as "Italian-American History Week" in New Jersey; and

WHEREAS, This organization, the New Jersey Historical Commission, the Office of Ethnic Affairs in the New Jersey Department of State and several other organizations in New Jersey concerned with the history and culture of Italian-Americans are jointly urging the citizens of this State to celebrate this week ending on Columbus Day with appropriate historical and cultural programs and activities depicting the heritage and contributions of New Jersey's largest ethnic group, which is comprised of about 2 million residents of whom nearly 650,000 have at least one parent born in Italy; and

WHEREAS, Columbus Day commemorates one of the great exploratory expeditions of world history, the historic sea voyage ending in the discovery of America in 1492; and

WHEREAS, The State of New Jersey, in cooperation with other states in the Union and sister republics in America, is taking

steps to prepare for the celebration of the 500th anniversary of Columbus's discovery of America, to be held on October 12, 1992; and

WHEREAS, P. L. 1983, c. 378 establishes the Christopher Columbus Quincentennial Observance Commission to plan State observances of the quincentennial of Columbus's discovery of America, including festive programs in traditional communities of Italian character in New Jersey; and

WHEREAS, The Central Jersey Chapter of the American Italian Historical Association will be holding a Conference on Columbus Day to discuss and plan the quincentennial celebration in New Jersey; and

WHEREAS, The proclamation of the week of October 1 through October 8, 1984 as "Italian-American History Week" will have the effect of calling public attention to the quincentennial of Columbus's discovery of America and encouraging the citizens of this State to begin planning activities to celebrate this great event in world history; now, therefore,

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

1. That the week of October 1 through October 8, 1984, is formally designated "Italian-American History Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, proclaim the week of October 1 through October 8, 1984, as "Italian-American History Week."

3. That the Governor call upon the citizens of this State and interested groups and organizations within New Jersey to observe the week with appropriate ceremonies and activities.

4. This joint resolution shall take effect immediately.

Approved October 5, 1984.

JOINT RESOLUTION No. 17

A JOINT RESOLUTION designating October 22 through October 26, 1984, as "Hungarian-American Heritage Week" in the State of New Jersey.

WHEREAS, A student demonstration in Budapest on October 23, 1956 calling for the withdrawal of Soviet troops, democratization of Hungarian political life and a new government under Imre Nagy prompted a Hungarian revolt to end Russian and Communist domination; and

WHEREAS, The revolt resulted in the appointment of Imre Nagy as prime minister and the temporary abolition of the one-party system and reorganization into democratic parties; and

WHEREAS, Although later seized and executed by Soviet troops, Imre Nagy, and the 1956 Hungarian revolt, had a profound effect upon the United States and the world as a whole; and

WHEREAS, After the 1956 revolt, over 200,000 Hungarian refugees left their land in the pursuit of freedom; and

WHEREAS, Many of these Hungarian refugees and, prior to that, many Hungarian immigrants and their families settled in New Jersey, where they contributed to local communities in all walks of life; and

WHEREAS, Some of the internationally and nationally famous New Jerseyans of Hungarian background include: Theodore Puskas, who collaborated with Thomas Edison; Nobel laureate and physicist Dr. Eugene P. Wigner of Princeton; Dr. John von Neumann, the mathematician of the computer age, for whom a building is named at Princeton University; Joe Medwick of baseball fame, who grew up in Carteret; Ernie Kovacs, film and television comedian, born in Trenton; Charles Tolnay, the Michelangelo scholar; and the twin brothers who were architects, Aladar and Victor Olgyay; and

WHEREAS, Both these renowned Hungarian-Americans and the more anonymous New Jerseyans of this ethnic group have enhanced the quality of life in the Garden State; and

WHEREAS, The drama of their history, the inspiration of their tragic political struggles, the example of their determination and hard work, the color and joy evident in their culture—all have flavored the life of New Jersey and made the State a better place in which to live; now, therefore,

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

1. October 22 through October 26, 1984 is designated as "Hungarian-American Heritage Week" in the State.

2. The Governor is requested to issue a proclamation in accordance with this joint resolution honoring Hungarian-Americans in this State.

3. This joint resolution shall take effect immediately.

Approved October 25, 1984.

JOINT RESOLUTION No. 18

A JOINT RESOLUTION providing for the designation of a "New Jersey Retired Teachers Day" in New Jersey by the Governor.

WHEREAS, Education is the soundest foundation for the preservation of freedom, justice, and happiness in America; and

WHEREAS, Education transmits not only knowledge, but also the fundamental values of our society, preparing our youth for intelligent participation in the democratic process as well as for later professional training; and

WHEREAS, America has always placed its major hope for the future on education as a means of improving and developing the potentials of the individual and society; and

WHEREAS, As Henry Adams said, "A teacher affects eternity; no one can tell where his influence stops"; and

WHEREAS, The retired teachers of New Jersey chose what should be recognized as the most important profession in the world, dedicat-

ing their working lives to the battle against prejudice, greed, and ignorance and receiving in return very little material remuneration for their dedication; and

WHEREAS, They have established a tradition of excellence and unswerving commitment to the ideals of their profession, which continues to inspire those who succeed them; and

WHEREAS, It is fitting to acknowledge our debt of gratitude to these former teachers, who gave this State the most valuable gift of all, the instruction of its youth, and to set aside a day of observance for that purpose; now, therefore,

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

C. 36:2-9 Retired Teachers' Day.

1. The Governor shall designate the first Sunday in November of each year as "New Jersey Retired Teachers' Day," a day on which the people of New Jersey can pay tribute to the retired teachers of the State in grateful recognition of the instruction and guidance they have provided, and the example they have set, for the youth of New Jersey.

2. The Governor shall issue a proclamation making a declaration to that effect and urging the appropriate observance thereof.

3. This joint resolution shall take effect immediately.

Approved October 30, 1984.

JOINT RESOLUTION No. 19

A JOINT RESOLUTION declaring the week beginning December 9, 1984, 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, That 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 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 9, 1984, is declared 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 observance thereof.

2. This joint resolution shall take effect immediately.

Approved November 28, 1984.

AMENDMENTS ADOPTED IN 1984 TO THE 1947 CONSTITUTION

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, Section VII, paragraph 2, of the Constitution 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 association 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, five 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, senior citizen associations or 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, and in the case of senior citizen associations or clubs to the support of such organizations, 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;

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; and

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 funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of, eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, 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.

Adopted November 6, 1984.

Effective December 6, 1984.

ARTICLE VIII, SECTION I, PARAGRAPH 4

Amend Article VIII, Section I, paragraph 4, of the Constitution to read as follows:

4. The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years, or any citizen and resident of this State less than 65 years of age who is permanently and totally disabled according to the provisions of the Federal Social Security Act, residing in a dwelling house owned by him which is a constituent part of such real property or residing in a dwelling house owned by him which is assessed as real property but which is situated on land owned by another or others, but no such deduction shall be in excess of $160.00 with respect to any year prior to 1981, $200.00 per year in 1981, $225.00 per year in 1982, and $250.00 per year in 1983 and any year thereafter and such deduction shall be restricted to owners having an income not in excess of $5,000.00 per year with respect to any year prior to 1981, $8,000.00 per year in 1981, $9,000.00 per year in 1982, and $10,000.00 per year in 1983 and any year thereafter, exclusive of benefits under any one of the following:

a. The Federal Social Security Act and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under, a. hereof including but not limited to the Federal Railroad Retirement Act and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under a. hereof; provided, however, that the total amount of benefits to be allowed exclusion by any owner under b. or c. hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under a. hereof.

The surviving spouse of a deceased citizen and resident of this State who during his or her life received a real property tax deduction pursuant to this paragraph shall be entitled, so long as he or she shall remain unmarried and a resident in the same dwelling house situated on the same land with respect to which said deduc-

tion was granted, to the same deduction, upon the same conditions, with respect to the same real property or with respect to the same dwelling house which is situated on land owned by another or others, notwithstanding that said surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older.

Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption, except a deduction granted under authority of paragraph 3 of this section, to which the said citizen and resident may be entitled, but said citizen and resident may receive in addition any homestead rebate or credit provided by law. The State shall annually reimburse each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

Adopted November 6, 1984.

Effective December 6, 1984.

ARTICLE VIII, SECTION I, PARAGRAPH 7

Amend Article VIII, Section I, paragraph 7, of the Constitution to read as follows:

7. No tax shall be levied on personal incomes of individuals, estates and trusts of this State unless the entire net receipts therefrom shall be received into the treasury, placed in a perpetual fund and be annually appropriated, pursuant to formulas established from time to time by the Legislature, to the several counties, municipalities and school districts of this State exclusively for the purpose of reducing or offsetting property taxes. In no event, however, shall a tax so levied on personal incomes be levied on payments received under the federal Social Security Act, the federal Railroad Retirement Act, or any federal law which substantially reenacts the provisions of either of those laws.

Adopted November 6, 1984.

Effective December 6, 1984.

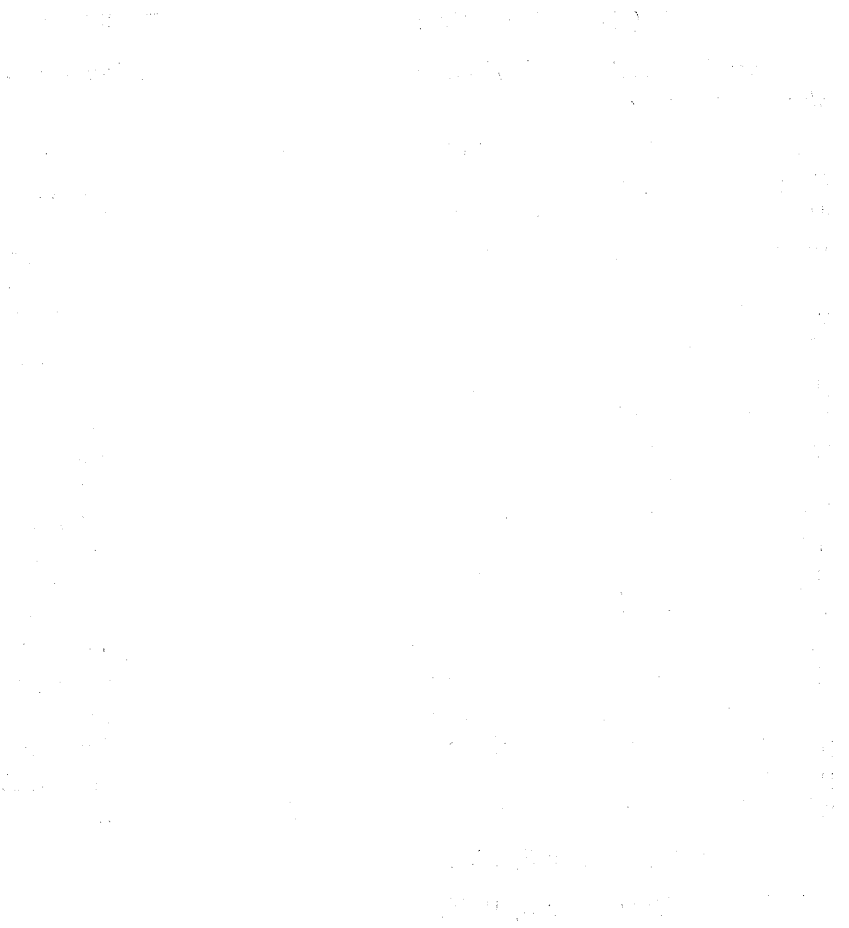
ARTICLE VIII, SECTION II, PARAGRAPH 4

Amend Article VIII, Section II, of the Constitution by adding the following paragraph:

4. There shall be credited annually to a special account in the General Fund an amount equivalent to the revenue derived from $0.025 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes provided, however, the dedication and use of such revenues as provided in this paragraph shall be subject and subordinate to (a) all appropriations of revenues from such taxes made by laws previously enacted in accordance with Article VIII, Section II, paragraph 3 of the State Constitution in order to provide the ways and means to pay the principal and interest on bonds of the State presently outstanding or authorized to be issued under such laws or (b) any other use of those revenues previously enacted into law. This amount shall be appropriated from time to time by the Legislature, only for the purposes of paying or financing the cost of planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the transportation system in this State and it shall not be competent for the Legislature to borrow, appropriate or use this amount or any part thereof for any other purpose, under any pretense whatever. The provisions of this paragraph shall be of no effect after 17 years from the date on which this amendment becomes part of the Constitution.

Adopted November 6, 1984.

Effective December 6, 1984.



EXECUTIVE ORDERS

Executive Orders

EXECUTIVE ORDER No. 59

WHEREAS, There is currently considerable public concern over exposure to asbestos in schools and other public buildings; and

WHEREAS, This State has been a national leader in investigation of hazards to the public health presented by asbestos exposure and in instituting asbestos hazard abatement measures; and

WHEREAS, The serious consequences of inhalation of airborne asbestos fibers for the health of asbestos workers and members of their households have been clearly established; and

WHEREAS, Levels of exposure to asbestos may be such as to constitute a hazard to health in non-occupational circumstances and such exposures require assessment and management in a reasonable and scientific manner; and

WHEREAS, The State's present position regarding asbestos and health must be clearly stated, and means must be established to identify future asbestos issues, to make recommendations for their resolution, and to coordinate the development and implementation of a State asbestos policy;

NOW, THEREFORE, I, Thomas H. Kean, 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. An Asbestos Policy Committee shall be established and shall:

a. Develop and recommend a State asbestos policy for implementation;

b. Receive and review reports of the operational activities of the departments;

c. Be a forum for the resolution of interdepartmental problems;

d. Review and distribute new scientific and management information; and

e. Evaluate and coordinate the distribution of information regarding the status of federal regulation.

2. Membership of the Asbestos Policy Committee shall be comprised of representatives of the Department of Health, the Department of Environmental Protection, the Department of Education, the Department of Higher Education, the Department of Labor, the Department of the Treasury, the Department of Commerce, the Department of Corrections, and the Office of the Attorney General. The department commissioners and the Attorney General shall designate the members from their respective agencies. Membership may be augmented by representatives of other departments when issues related to their jurisdictions are to be discussed. Other persons with appropriate interests and resources may be invited to serve by the Chairperson.

3. The Chairperson of the Asbestos Policy Committee shall be the Commissioner of Health, or his designee.

4. The Chairperson shall keep the Governor's Office informed about the proceedings of the Asbestos Policy Committee through regular reports to the Director of Policy and Planning.

5. This Order shall take effect immediately.

Issued January 20, 1984.

EXECUTIVE ORDER No. 60

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 43 (Kean) of July 15, 1983 expires January 20, 1984; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, 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 declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, and No. 43 (Kean) of July 15, 1983 shall remain in effect until July 20, 1984, notwithstanding any sections in them stating otherwise.

2. This order shall take effect immediately.

Issued January 20, 1984.

EXECUTIVE ORDER No. 61

WHEREAS, On March 14, 1983, I created by Executive Order No. 36 a Governor's Advisory Committee on Capital Expenditures for Health Care Facilities, a body consisting of the Commissioner of Health and various other concerned citizens with diversified backgrounds, to develop guidelines for the controlled growth of capital expenditures for health care facilities construction in New Jersey, and to make recommendations as to how these guidelines should be implemented within the State; and

WHEREAS, The amount of hospital debt financing has increased annually in New Jersey as it has throughout the country; and

WHEREAS, The impact of this heavy debt burden is reflected through increases in health care costs that are paid by the citizens of New Jersey; and

WHEREAS, It is imperative that New Jersey develop a policy that will promote effective yet affordable health care facilities in our State;

NOW, THEREFORE, I, Thomas H. Kean, 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. The Governor's Advisory Committee shall continue in existence until September of 1984.

2. The Committee shall submit a report to the Governor at the conclusion of its deliberations, specifying its findings and recommendations. The Committee shall expire upon the submission of the report.

3. This Order shall take effect immediately.

Issued February 29, 1984.

EXECUTIVE ORDER No. 62

WHEREAS, The Skylands Botanical Gardens, an area of approximately 80 acres located in the Skylands Section of Ringwood State Park, contain a unique collection of woody and herbaceous plants, flowers and shrubs; and

WHEREAS, The Skylands Botanical Gardens represent the finest collection of native and international plants, flowers and shrubs found in any State park or State-owned botanical area in New Jersey; and

WHEREAS, The Skylands Botanical Gardens are a major attraction to thousands of visitors to Ringwood State Park and hold a treasure of rare and exotic specimens for scores of plant collectors and botanists; and

WHEREAS, These gardens are integrated into a magnificant Tudor landscape of fountains, stone masonry, and the natural beauty of New Jersey's Ramapo Mountains; and

WHEREAS, Special emphasis placed upon these outstanding botanical gardens would serve to further enhance the image of New Jersey and would encourage the preservation, protection, documentation and display of the gardens as a symbol of our State's natural and man-made heritage;

NOW, THEREFORE, I, Thomas H. Kean, 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. The Skylands Botanical Gardens are designated as the New Jersey State Botanical Gardens.

2. The care, protection and future of this rich heritage, a task of concern and importance to the people of this State, is continued as a responsibility of the New Jersey State Park Service.

3. This Order shall take effect immediately.

Issued March 6, 1984.

EXECUTIVE ORDER No. 63

WHEREAS, One of my chief goals as Governor has been to foster greater participation by New Jersey's minority communities in the economic and political development of our State; and

WHEREAS, For too long the special needs of one of those minority communities—our Hispanic community—have gone unmet; and

WHEREAS, The Hispanic community is the fastest growing ethnic population not only in New Jersey, but across the nation; and

WHEREAS, We must encourage Hispanics to get more involved in New Jersey's government and political process while improving the economic standing of the Hispanic community; and

WHEREAS, I believe that it is time we recognize the importance of our Hispanic community and make more of an effort to meet its needs and foster its economic growth;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby created an Advisory Committee on Hispanic Affairs. It will be the purpose of this Committee to make recommendations to the Governor for encouraging the economic development of the Hispanic community, for involving more Hispanics in the political process, and for addressing special needs of Hispanics in New Jersey.

2. The Committee shall consist of no more than 20 public members appointed by the Governor. The Governor shall designate the chairperson of the Committee from among the members, who shall serve at the pleasure of the Governor. The Committee members shall choose a vice-chairperson from among their membership.

3. The Committee will be divided into four subcommittees: personnel, communications, issues and political action, each having the following responsibilities:

a. The personnel subcommittee will identify key departments which interact with Hispanics and work with government officials to explore ways to improve and expand services through greater participation of qualified Hispanics in policymaking positions.

b. The communications subcommittee will be responsible for establishing a communications network to increase communication between the Governor, members of his administration and the Hispanic community, by utilizing available resources more effectively.

c. The subcommittee on issues will identify and analyze important issues and recommend strategies for responding to them in ways that encourage and support the continued development of New Jersey's Hispanics.

d. The subcommittee on political action will develop ways to stress the necessity for Hispanics to become more involved in the political process.

4. Each department, office, division or agency of the State is authorized and directed to cooperate with the Committee to the extent not inconsistent with law, to make available to them such professional, technical and administrative assistance and such

other information and resources as may be necessary for the Committee to carry out their assigned responsibilities.

5. The Committee shall render a report of its findings and recommendations to the Governor during the first week of September, 1984.

6. This Order shall take effect immediately.

Issued March 8, 1984.

EXECUTIVE ORDER No. 64

WHEREAS, Executive Order No. 38 created a Governor's Committee on the Office of Administrative Law; and

WHEREAS, The purpose of the Governor's Committee on the Office of Administrative Law is to undertake a comprehensive evaluation of the performance of the Office of Administrative Law with regard to how it meets its legislative mandates; and

WHEREAS, The proper adjudication by the Office of Administrative Law of many diverse issues of important consequence to members of the general public is of vital importance to the promotion of due process, the just conclusion of contested cases, and the general improvement in the quality of administrative justice in the State; and

WHEREAS, It is imperative that the Committee be given adequate time to thoroughly and completely perform its designated responsibilities;

NOW, THEREFORE, I, Thomas H. Kean, 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. Section 5 of Executive Order No. 38 is hereby amended as follows:

5. The Committee shall submit a report of its findings to the Governor on or before July 7, 1984, accompanying the report

with any recommendations it deems appropriate. The Committee may make interim reports concerning its study as it shall determine.

Issued March 22, 1984.

EXECUTIVE ORDER No. 65

WHEREAS, The development of Liberty State Park presents an opportunity for New Jersey to create a unique urban, environmental, recreational and commercial resource for the citizens of New Jersey and the nation; and

WHEREAS, The development of Liberty State Park should include a forum for public participation; and

WHEREAS, Executive Order No. 74 signed by Governor Brendan Byrne in 1979 provided for the establishment of the Liberty State Park Public Advisory Commission;

NOW, THEREFORE, I, Thomas H. Kean, 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. The commission known as the Liberty State Park Public Advisory Commission (hereinafter referred to as the "Commission") is hereby continued, to consist of 11 members to be appointed by and serve at the pleasure of the Governor. Of the 11 members, six shall be residents of counties in the State other than Hudson County, two shall be residents of Hudson County municipalities other than Jersey City, two shall be residents of Jersey City, and one shall be the mayor of Jersey City, ex officio. The terms of office will be for three years or until their successors are appointed. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. The Governor shall designate a chairman and vice-chairman of the Commission from among the members of the Commission.

The chairman shall preside over the meetings and affairs of the Commission and shall create such subcommittees as he deems appropriate to carry out the functions of the Commission. The chairman shall have such further powers and duties as may be conferred upon him by the Governor. In the absence of the chairman, the vice-chairman shall have all the powers and duties of the chairman.

3. The Commission shall be empowered to:

a. Request from the Commissioner of Environmental Protection (hereinafter referred to as the "Commissioner") such information concerning Liberty State Park as it may deem necessary;

b. Consider any matter relating to Liberty State Park and advise the Commissioner thereon;

c. From time to time submit to the Commissioner any recommendations which it deems necessary for the proper development of Liberty State Park;

d. Make recommendations to the Commissioner concerning implementation of the Master Plan or subsequent plans;

e. Review and evaluate public and private proposals for facilities and programs in Liberty State Park to determine the consistency of such facilities and programs with such plans and to make recommendations thereon to the Commissioner.

4. (a) In order to carry out its functions, the Commission shall develop and implement a comprehensive public participation program which shall make available to public citizens significant and meaningful opportunity to make their views known on the development of Liberty State Park.

(b) As part of the public participation program, the Commission may conduct public meetings and hearings and may solicit information from, and consult with, relevant public and private agencies and groups, including county and local governing bodies, planning boards, environmental, business, housing and transportation groups. Notice of public hearings shall be given in such manner as the chairman may direct, to provide full opportunity for interested members of the public to be heard.

5. In carrying out its responsibilities under this Order, the Commission shall give due consideration to the local, State, regional and national significance of Liberty State Park.

6. The Department of Environmental Protection is authorized and directed, to the extent not inconsistent with law, to cooperate

with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. Executive Order No. 74 signed by Governor Byrne on May 14, 1979 is hereby rescinded.

8. This Order shall take effect immediately.

Issued March 27, 1984.

EXECUTIVE ORDER No. 66

Proclamation

Whereas, Severe weather conditions, including heavy rains, winds, high tides and snow, have created flooding, power outages, hazardous road conditions, and threatened homes and other structures; and

Whereas, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled in its entirety by the normal municipal operating services; and

Whereas, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A: 9–33 et seq.) and the Laws of 1979, chapter 240 (C. 38A:3–6.1) and N. J. S. 38A:2–4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

Therefore, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited state of emergency has and presently exists in Monmouth, Atlantic, Ocean, Cape May, Burlington, Salem and Cumberland counties;

Now, THEREFORE, In accordance with N. J. S. 38A:2–4, I hereby authorize the Chief of Staff of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

FURTHERMORE, In accordance with the Laws of 1942, chapter 251, as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated or maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

FURTHERMORE, The Superintendent of the Division of State Police is hereby authorized to order the evacuation of all persons, except for those emergency and governmental personnel whose presence he deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

This proclamation shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Issued March 29, 1984.

EXECUTIVE ORDER No. 67

WHEREAS, Executive Order No. 66, declaring a limited state of emergency was issued on March 29, 1984 because of severe weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a limited state of emergency have eased;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the limited state of emergency is hereby terminated effective at 4 p.m. on March 30, 1984.

I wish to express my appreciation to the people of New Jersey for the manner in which they cooperated during this emergency and to the law enforcement and other emergency response personnel of the State for their untiring efforts.

Issued March 30, 1984.

EXECUTIVE ORDER No. 68

WHEREAS, Severe weather conditions, including heavy rains, winds, and high tides, have created both flooding and the potential for serious and substantial flooding, hazardous road conditions, and threaten homes and other structures; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A: 9–33 et seq.), and the Laws of 1979, chapter 240 (C. 38A:3–6.1) and N. J. S. 38A:2–4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, Irwin I. Kimmelman, Attorney General, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do DECLARE and PROCLAIM that a limited state of emergency presently exists in Bergen, Morris, Passaic, Somerset and Sussex counties.

1. In accordance with N. J. S. 38A:2–4 and the Laws of 1979, chapter 240 (C. 38A:3–6.1), I hereby authorize the Chief of Staff of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

2. In accordance with the Laws of 1942, chapter 251, as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated or maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

3. This proclamation shall remain in effect until such time as it is determined by the Governor that an emergency no longer exists.

Issued April 5, 1984.

EXECUTIVE ORDER No. 69

WHEREAS, The history of the people of Eastern Europe, of various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union is an integral part of our public school curriculum; and

WHEREAS, Representatives of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union have indicated that their history as presented in public school curriculums is often inaccurate and misleading; and

WHEREAS, It is desirous and beneficial to educate our children about the true and accurate historical events concerning the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union; and

WHEREAS, A comprehensive study of the history of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union, conducted by knowledgeable members of these ethnic groups, could ensure that this history is presented accurately in public school curriculums;

NOW, THEREFORE, I, Thomas H. Kean, 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 that:

1. There is hereby created a Governor's Commission on Eastern European and Captive Nation History.

2. The Commission shall consist of no more than 20 members. The members of the Commission shall be the Commissioner of Education or his designee; the Director of the Office of Ethnic Affairs within the Department of State or his designee and 18 public members to be appointed by the Governor. The public members to be appointed shall be representatives of the various ethnic groups of Eastern Europe, nationalities existing within the Soviet Union, and other captive nations existing under the

oppression of the Soviet Union, as well as eminent historians and educators who have distinguished records of knowledge and involvement concerning the history and culture of their respective ethnic group.

3. The Governor shall designate a Chairperson and Vice Chairperson of the Commission from among the public members of the Commission. The Chairperson, Vice Chairperson and public members shall serve at the pleasure of the Governor.

4. Commission vacancies shall be filled by the Governor for the remainders of the unexpired terms.

5. It shall be the duty of the Governor's Commission on Eastern European and Captive Nation History to conduct a thorough study of public school curriculum, including textbooks and all other pertinent materials, dealing with the history of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union, and to examine such materials for veracity and historical accuracy. In the course of its study, the Commission shall determine whether the history of these people is fairly and accurately presented in our public schools and their curriculums.

6. The Commission is authorized to call upon the Department of Education to supply such data, program reports, and other information as it deems necessary to discharge its responsibilities under this Order. The Department of Education is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purpose of this Order and the Commission.

7. The Commission shall submit a report of its findings to the Governor and to the State Board of Education on or before January 1, 1986, accompanying the report with any recommendations it deems appropriate. The Commission may issue interim reports concerning its study as it shall determine.

8. The report of the Commission shall be made available to all disseminators of educational materials.

9. This Order shall take effect immediately.

Issued April 10, 1984.

EXECUTIVE ORDER No. 70

WHEREAS, Executive Order No. 53 created a Hudson River Waterfront Development Committee; and

WHEREAS, The purpose of this Committee is to develop a program to promote and encourage waterfront development along the Hudson River and to undertake various activities necessary to accomplish the goal of developing the Hudson River waterfront; and

WHEREAS, An increase in the public membership of this Committee will facilitate the Committee's work by allowing a broader range of interests to be represented on the Committee;

NOW, THEREFORE, I, Thomas H. Kean, 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. Section 1 of Executive Order No. 53 is hereby amended as follows:

1. There is hereby created a Hudson River Waterfront Development Committee composed of 12 members as follows:

a. The Director of the Governor's Office of Policy and Planning, who shall act as Chairman of the Committee;

b. The Commissioner of Transportation or his designee;

c. The Commissioner of Commerce and Economic Development or his designee;

d. The Commissioner of Environmental Protection or his designee;

e. A representative of the Port Authority of New York and New Jersey; and

f. Seven other members to be appointed by the Governor.

2. Sections 2 through 8 of Executive Order No. 53 are to remain in effect as originally issued.

3. This order shall take effect immediately.

Issued April 25, 1984.

EXECUTIVE ORDER No. 71

WHEREAS, The protection, use and development of the resources of New Jersey's coastal zone is the subject of a public trust administered by government for the benefit of all the people of this State; and

WHEREAS, Government must not only regulate but must also provide an example for the wise and proper use of the coastal zone; and

WHEREAS, The design and location of State facilities may have a significant and lasting effect on the coastal zone; and

WHEREAS, The wise and proper use of the coastal zone will be fostered by the proper location and design of State facilities;

Now, THEREFORE, I, Thomas H. Kean, 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 as follows:

1. All departments and agencies of the State proposing to undertake the development of or construction on or adjacent to any navigable water or stream of this State, or in any wetlands regulated pursuant to the "Wetlands Act of 1970" (P. L. 1970, c. 272; C. 13:9A–1 et seq.), shall first comply with the requirements of R. S. 12:5–3 or C. 13:9A–1, as applicable, by obtaining a Waterfront Development or Wetlands permit from the Department of Environmental Protection.

2. Executive Order No. 53 of 1973 is hereby superseded to the extent that it is inconsistent with the provisions of this Order.

3. This Order shall not apply to projects now beyond the preliminary engineering stage, but shall otherwise take effect immediately.

Issued May 15, 1984.

EXECUTIVE ORDER No. 72

WHEREAS, The incidence of mental retardation is a critical public concern; and

WHEREAS, The President's Committee on Mental Retardation has identified mental retardation as America's number one health problem affecting children today; and

WHEREAS, The "Proposal for the Prevention of Mental Retardation in New Jersey," prepared by the New Jersey Association for Retarded Citizens in conjunction with the Department of Human Services, recommends a cabinet-level task force to address the issue of prevention;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby created in the Governor's Office a Governor's Council on the Prevention of Mental Retardation, which will serve until January 1, 1986.

a. The Council shall consist of no more than 25 public members appointed by the Governor. The members shall be appointed from among persons representing consumers, professionals in mental retardation, and persons representing the private sector.

b. The Commissioners of the Departments of Human Services, Education, Health, Environmental Protection and/or their designees, shall also serve on the council.

c. Council vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms.

d. The Governor shall designate the Chairperson of the Council from among the members of the Council, who shall serve at the pleasure of the Governor.

e. The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Governor's Council on the Prevention of Mental Retardation shall:

a. Study the issue of the prevention of mental retardation and draft a report, which shall be submitted to the Governor on or before June 30, 1985, which should include recommendations for action;

b. Mobilize citizens and community agencies in a strong, prevention-oriented, aggressive effort to address the issue of prevention;

c. Develop mechanisms to facilitate early detection;

d. Foster cooperative working relationships among responsible agencies; and

e. Provide other information on prevention as the Governor may request.

3. The Council, in performing its charge, shall consult with existing agencies for planning, coordination and delivery of prevention services to families at the State, county and local levels.

4. The Departments of Human Services, Education, Health, Environmental Protection are authorized and directed, to the extent consistent with the law, to cooperate with the Council and to furnish it with such staff, office space and supplies as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued May 24, 1984.

EXECUTIVE ORDER No. 73

WHEREAS, The New Jersey Pinelands, a million-acre expanse located in the midst of the country's most densely populated region, has been recognized as a national environmental treasure; and

WHEREAS, The Pinelands Protection Act was formulated in order to preserve and protect this environmentally sensitive region; and

WHEREAS, Pursuant to the Pinelands Protection Act, a Comprehensive Management Plan was adopted by the Pinelands Commission, which sets forth a strategy for protecting the unique natural qualities of the Pinelands; and

WHEREAS, The preservation and enhancement of agricultural land located within the Pinelands is an important element in the overall purpose and goals of the Pinelands Protection Act and the Comprehensive Management Plan; and

WHEREAS, In order to fully realize this element of the goals of the Pinelands Protection Act and Comprehensive Management Plan, the economic and fiscal impacts of the Pinelands Comprehensive Management Plan on farmland located within the Pinelands must be thoroughly evaluated;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby created a commission to be known as the Pinelands Agriculture Study Commission (hereinafter referred to as the "Commission").

2. The members of the Commission shall include the Secretary of Agriculture as Chairman, and eight other members to be appointed by the Governor.

3. The Commission shall conduct a comprehensive study of the economic effects of the Comprehensive Management Plan on farmers and the agricultural community of the Pinelands. More specifically, the Commission will address the following issues:

a. The Comprehensive Management Plan's effect, both short and long-term, on farmland values and on farmers' ability to utilize their land as collateral for borrowing purposes.

b. The effectiveness of the Pinelands Development Credit Program with respect to the usefulness of such credits and their value to farmers.

c. The Comprehensive Management Plan's effect on the ability of Pinelands farmers to participate in the State Agriculture Retention and Development Program.

d. The effects that development restrictions imposed pursuant to the Comprehensive Management Plan have had on the municipal tax liability of Pinelands farmers.

4. Upon the completion of its study and investigation, the Commission shall, as soon as practicable, render to the Governor a report of its findings and recommendations.

5. In order to carry out its functions, the Commission may conduct public meetings and hearings and solicit information from the public and any other source it deems appropriate. Notice of public hearings shall be given in such a manner as the Chairman may direct, to provide an opportunity for interested members of the public to be heard.

6. (a) In order to carry out its functions, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports, or other information it deems necessary.

(b) Each department, office, division, or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of this Order.

7. This Order shall become effective immediately.

Issued June 15, 1984.

EXECUTIVE ORDER No. 74

WHEREAS, An estimated 400,000 New Jersey residents have diabetes mellitus, including 200,000 diabetics who are unaware of having the disease; and

WHEREAS, Diabetes mellitus is a frequently devastating condition affecting a growing number of residents of the State of New Jersey; and

WHEREAS, Diabetic complications such as blindness, cardiovascular problems, kidney disease, pregnancy complications, infant mortality, amputations, and nervous system disorders are increasing in New Jersey; and

WHEREAS, Persons with diabetes encounter discrimination in the work force and other social problems; and

WHEREAS, The estimated annual cost of health care per diabetic in New Jersey exceeds $2,000; and

WHEREAS, Recent medical and technological progress will permit more efficient and economical delivery of health services to persons with diabetes; and

WHEREAS, The State of New Jersey currently expends substantial State finances and resources for the detection, care and education of diabetics;

Now, THEREFORE, I, Thomas H. Kean, 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. There is hereby created a Governor's Advisory Commission on Diabetes within the Executive Branch of State government. It will be the purpose of this Commission to assess the incidence and prevalence of diabetes in New Jersey, assess the economic impact of diabetes, examine the effectiveness of health facilities providing treatment for this disease, assess the medical and social needs of the diabetic population in New Jersey, calculate the insurance requirements of diabetics in New Jersey, actively encourage cooperation among federal, State and local agencies, and recommend to the Governor appropriate programs and legislation to curb the adverse effects of diabetes mellitus.

2. The Commission shall consist of 22 members appointed by the Governor. The Governor shall designate the chairperson of this Commission from among the members, who shall serve at the pleasure of the Governor. The Commission shall include the following:

a. A representative of the Governor's Office;

b. The Commissioner of the Department of Health or his/her representative;

c. The Commissioner of the Department of Human Services or his/her representative;

d. The Commissioner of the Department of Insurance or his/her representative;

e. The Commissioner of the Department of Labor or his/her representative;

f. The Treasurer or his/her representative;

g. Three physicians who specialize in diabetes;

h. Two allied health professionals in the field of diabetes;

i. An attorney experienced in legal matters related to diabetes;
j. Ten (10) public members.

3. Each department, office, division or agency of State government is authorized and directed to cooperate with this Commission to the extent possible and to make available to them professional, technical and administrative assistance and such other information and resources as may be necessary for the Commission to carry out its designated responsibilities.

4. The Commission shall render a report of its findings and recommendations to the Governor during the first week of July, 1985.

5. Members of this Commission shall receive no compensation for their services except that such members may be reimbursed for actual travel and related expenses.

6. This Order shall take effect immediately.

Issued June 28, 1984.

EXECUTIVE ORDER No. 75

WHEREAS, The commercial fisheries industry has great potential for growth in New Jersey and is presently underdeveloped and underutilized; and

WHEREAS, It is in the interest of this State to stimulate potential growth in the commercial fisheries industry into a valuable, self-sustaining economic resource; and

WHEREAS, The development of the commercial fisheries industry requires cooperation and coordination with various existing State and federal management agencies and private industry, to insure that economic growth and development are maximized while insuring the protection and maintenance of this significant natural resource;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby established a New Jersey Fisheries Development Commission, which shall be comprised of the State Treasurer, Department of the Treasury, who shall be Chairman of the agency; Commissioner, Department of Environmental Protection; Commissioner, Department of Commerce and Economic Development; Secretary, Department of Agriculture; Director, Division of International Trade, Department of Commerce and Economic Development, and one representative appointed by the Governor from the commercial fishing industry, aquacultural interests, the commercial/recreational fishing industry, the recreational fishing community, and the banking community in the State.

2. The New Jersey Fisheries Development Commission shall have the following powers and duties in addition to others set forth herein:

a. To receive and evaluate financing proposals from the private sector for the development of commercial fisheries in the State;

b. To receive and evaluate infrastructure proposals from the public sector for the development of commercial fisheries in the State;

c. To provide consulting assistance to industry and local government concerning commercial fisheries industry development;

d. To recommend and coordinate development projects with industry and local governments;

e. To seek and evaluate additional funding sources for commercial fisheries development;

f. To conduct studies concerning commercial fisheries development;

g. To coordinate commercial fisheries development and management functions among the various agencies of State government;

h. To request cooperation and assistance from State agencies in the performance of its powers and duties set forth above;

i. To cooperate with regional and national commercial fisheries development efforts; and

j. To establish advisory committees.

3. The Commission is authorized to call upon any department, office, division or agency of the State to supply data, reports and other program information, personnel or materials deemed necessary to perform the Commission's responsibilities under this Order.

4. The Commission is authorized to solicit and receive funds from federal, State, and bistate agencies in furtherance of its purposes and to expend same in carrying out its duties pursuant to this Executive Order.

5. The Commission, within the limits of such funds made available to it pursuant to this Executive Order, may select and retain any agents, assistants and employees deemed necessary to enable it to carry out its duties and exercise its powers as set forth in this Executive Order.

6. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish such information and assistance as it may find necessary in the discharge of the Commission's responsibilities under this Order.

7. The Commission shall render to the Governor such interim reports as it may deem appropriate or as the Governor may request, and upon the completion of its work, the Commission shall render a full report of its findings and recommendations, as it deems appropriate.

This Order shall take effect immediately.

Issued June 28, 1984.

EXECUTIVE ORDER No. 76

WHEREAS, A work stoppage of employees of certain solid waste contractors has occurred which may substantially affect garbage hauling services in numerous municipalities and counties in New Jersey; and

WHEREAS, A potential public health threat may arise if adequate disposition of such waste is not made;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby created a Solid Waste Emergency Task Force for the purpose of coordinating State actions in response to this work stoppage.

2. The members of the Task Force shall be the Attorney General, the Commissioner of Environmental Protection, the Commissioner of Health, the Commissioner of Community Affairs, and the President of the Board of Public Utilities.

3. The Attorney General, as the chief official for public safety, shall take the appropriate action consistent with public health and safety.

4. The Commissioner of Health shall make an immediate survey of the potential health effects; the Departments of Health and Environmental Protection shall issue public advisories concerning steps to be taken; the Department of Environmental Protection and the Board of Public Utilities shall exercise their jurisdictions to deal with emergent health needs and the Department of Community Affairs shall mobilize an informational program to assist municipal agencies.

5. This Order shall take effect immediately.

Issued July 2, 1984.

EXECUTIVE ORDER No. 77

WHEREAS, On March 14, 1983, I created by Executive Order No. 35 a Governor's Committee on Children's Services Planning, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of children's services, to review the findings of the Commission on Children's Services and make recommendations to improve the quality of services for the children and youth of this State; and

WHEREAS, The coming together of these talented people has presented an excellent opportunity for focusing attention on the problems of children and youth in New Jersey; and

WHEREAS, Better communication and coordination of activities among public and private organizations serving children and youth have been established by this Committee; and

WHEREAS, Through the efforts and dedication of the Committee members, the Governor's Committee on Children's Services Planning has been successful in achieving its goals;

Now, THEREFORE, I, Thomas H. Kean, 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. The Governor's Committee on Children's Services Planning shall continue in existence until September 30, 1984.

2. The Committee shall submit its final recommendations to the Governor for the improvement of current programs and the initiation of new programs for the children and youth of this State, on September 17, 1984.

3. The current members of this State Committee shall continue to serve in their capacity until September 30, 1984.

4. This Order shall take effect immediately.

Issued July 2, 1984.

EXECUTIVE ORDER No. 78

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 60 (Kean) of January 20, 1984 expires July 20, 1984; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster;

Now, THEREFORE, I, Thomas H. Kean, 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 declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Bryne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, No. 43 (Kean) of July 15, 1983, and No. 60 (Kean) of January 20, 1984 shall remain in effect until January 20, 1985, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued July 20, 1984.

EXECUTIVE ORDER No. 79

WHEREAS, Executive Order No. 74 created a Governor's Advisory Commission on Diabetes, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of diabetes mellitus; and

WHEREAS, The purpose of this Commission was to assess the incidence and prevalence of diabetes in New Jersey and make recommendations to improve the quality of life for those individuals of this State who have diabetes mellitus; and

WHEREAS, The coming together of these talented people will present an excellent opportunity for focusing attention on the problems of individuals of this State who have diabetes mellitus; and

WHEREAS, An increase in the public membership will result in a broader range of knowledge and expertise being represented on the Commission;

Now, THEREFORE, I, Thomas H. Kean, 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. Section 2 of Executive Order No. 74 is hereby amended as follows:

2. The Commission shall consist of 23 members appointed by the Governor. The Governor shall designate the chairperson of this Commission from among the members, who shall serve at the pleasure of the Governor.

2. This Order shall take effect immediately.

Issued August 3, 1984.

EXECUTIVE ORDER No. 80

WHEREAS, It is the public policy of this State to seek to improve public procurement and contracting functions and to ensure the most efficient spending of public funds; and

WHEREAS, There are numerous statutes and regulations related to public procurement, and each statute pertains to a different type of governmental unit purchase or element of the procurement process; and

WHEREAS, Some of these statutory and regulatory schemes may be confusing, inconsistent, excessively rigid or overly permissive, and may discourage potential bidders and providers from participating in the competitive bidding and negotiated contract process, thereby limiting the ability of public contracting agencies to make cost-effective decisions and depriving them from obtaining the best price and quality available; and

WHEREAS, Considerable controversy exists in the field of public procurement with respect to the degree of uniformity and centrality necessary or desirable to promote efficiency and to protect against abuses; and

WHEREAS, The Legislature has not addressed the public procurement systems throughout the State in a comprehensive fashion; and

WHEREAS, The various governmental units have developed substantial expertise in the procurement process which, together

with the expertise of non-governmental bodies, would prove useful in improving the public procurement systems; and

WHEREAS, It is in the public interest to study and evaluate the public procurement situation in this State under existing legislation and to consider proposals for reform;

Now, THEREFORE, I, Thomas H. Kean, 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. There is hereby created the Executive Study Commission on Public Procurement Law, hereinafter referred to as the "Commission."

2. The Commission shall consist of 17 members, as follows: one member of the New Jersey State Bar Association, four members of trade organizations representing contractors and providers typically engaged in the public procurement process, three members of organizations representing local government interests, two representatives from the Department of the Treasury's General Services Administration, and one representative from each of the following: the Department of Community Affairs' Division of Local Government Services, the Department of Transportation's Bureau of Contract Administration, the New Jersey Interagency Coordinating Committee, the Office of the Attorney General, the Department of Education, the Department of Higher Education, and the Governor's Interagency Committee on Procurement.

3. The Commission shall organize soon after the appointment of its members. A chairman shall be appointed by the Governor; a vice chairman shall be selected from among the members of the Commission. The members shall serve without compensation. In the absence of the chairman, the vice chairman shall have all the powers and duties of the chairman. The Commission shall meet periodically and conduct its affairs in a timely manner.

4. The Commission shall investigate problems with the public procurement procedures in New Jersey and shall recommend solutions to those problems. The Commission shall make informal progress reports and a final report to me on its findings and recommendations. In its deliberations, the Commission shall study the following issues:

a. Methods of improving the efficiency, cost-effectiveness and responsiveness of the public procurement systems throughout this State, including those involving the State, State agencies, school districts, counties, municipalities and other units of local government;

b. The particular difficulties that contractors, suppliers, and providers of professional and specialized services have in any phase of the public procurement process;

c. The concerns and interests of the governmental units involved in public procurement, considering any necessary differences between State, local, and independent units with respect to their procurement requirements and resources; and

d. The efficacy of existing statutory and regulatory provisions to determine which require reform and whether any reform would be most effectively implemented by amending existing legislation or by adopting a new State code.

In reaching its conclusions, the Commission shall evaluate relevant provisions of: existing New Jersey statutes, exemplary out-of-state procurement laws, federal procurement laws, the recommendations contained in the American Bar Association's Model Procurement Code, and any proposed legislation before this State's Legislature during the term of the Commission.

5. The Commission's recommendations shall indicate, in particular:

a. What changes, if any, in the public procurement laws are desirable;

b. What combination of uniformity and decentralization of public procurement laws will provide greater savings to governmental bodies while allowing for flexibility in satisfying their divergent needs;

c. Which types of public procurement, if any, should be centralized;

(In considering b. and c. above, the Commission may decide to treat *construction* separately from *purchasing*.)

d. Whether public procurement would be improved by establishing standardized training programs for procurement officers to qualify them as professionals;

e. Suggested methods for preventing abuse and waste, for ensuring competition in public bidding, and for improving the cost and quality of publicly purchased goods, services, and construction projects; and

f. What additional costs or what savings are likely to result from the Commission's recommendations.

6. The Commission is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with law, to cooperate with the Commission to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order. The commission is also authorized to call upon any private entity or party willing to provide assistance on a pro bono basis.

7. This Order shall take effect immediately and shall expire 18 months after its effective date.

Issued August 28, 1984.

EXECUTIVE ORDER No. 81

WHEREAS, Public Law 97–300, known as the Job Training Partnership Act (hereinafter referred to as the Act), establishing a nationwide job training system has been enacted by the Congress of the United States and was signed by the President on October 13, 1982; and

WHEREAS, Executive Order No. 22, signed by Governor Thomas H. Kean on December 8, 1982, grants the Commissioner of Labor the authority to function on behalf of the Governor in applying for and administering funds coming to the Governor under the Act; and

WHEREAS, Section 125 of the Act requires the Governor to designate an organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system in order for the State to be eligible for federal financial assistance for State labor market information programs under this Act;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the

Constitution and statutes of this State and the provisions of the Act, do hereby ORDER and DIRECT:

1. Executive Order No. 22 is hereby amended to add section 8, which shall read as follows:

8. In accordance with section 125 of the Act, the Division of Planning and Research in the Department of Labor is hereby assigned the role of organizational unit to be responsible for oversight and management of New Jersey's management labor market information system.

2. Sections 1 through 7 of Executive Order No. 22 are to remain in effect as originally intended.

3. This Order shall take effect immediately.

Issued September 5, 1984.

EXECUTIVE ORDER No. 82

WHEREAS, Executive Order No. 19 created a Governor's Council on Physical Fitness, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the areas of physical fitness, sports medicine, sports, public health, athletic competition, education, labor, business, management and nutrition; and

WHEREAS, The purpose of this Council was to afford New Jerseyans the opportunity to develop to their fullest potential, through a planned regular program of physical activity which will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, The Council has become affiliated with the President's Council on Physical Fitness and Sports; and

WHEREAS, An increase in the public membership will result in a broader range of knowledge and expertise being represented on the Council;

Now, THEREFORE, I, Thomas H. Kean, 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. Section 1 of Executive Order No. 19 is hereby amended as follows:

1. There is hereby created in the Governor's Office a Governor's Council on Physical Fitness and Sports.

2. Section 1 (a) of Executive Order No. 19 is hereby amended as follows:

1. (a) The Council shall consist of no more than 60 public members appointed by the Governor to serve for a term of four years, except that of the members initially appointed, one-third shall be appointed for a term of two years, one-third for a term of three years and one-third for a term of four years.

3. This Order shall take effect immediately.

Issued September 24, 1984.

EXECUTIVE ORDER No. 83

WHEREAS, New Jersey was among the first states to honor Martin Luther King Jr. in the form of a State holiday; and

WHEREAS, Newark and Atlantic City are among the few cities nationally to observe Martin Luther King Jr.'s birthday; and

WHEREAS, All people should remember the humiliating effects of segregation in the South and unconstitutional treatment of black Americans before Martin Luther King's leadership; and

WHEREAS, Dr. King is the first black honored by establishing his birthday as a national holiday; and

WHEREAS, The spirit of Dr. King, a Nobel Peace Prize winner, is especially important at a time when international peace has become essential to the continued existence of civilization; and

WHEREAS, Dr. King's work transcended racial issues, calling attention to the need for economic reform potentially beneficial to the entire nation; and

WHEREAS, Outstanding political developments in the domestic history of 20th century America evolved out of the Civil Rights Movement of the 1960's; and

WHEREAS, 1986 is the first year Martin Luther King Jr.'s birthday will be recognized as a federal legal holiday;

Now, THEREFORE, I, Thomas H. Kean, 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. There is hereby created a Martin Luther King Jr. Commemorative Commission, hereinafter referred to as the "Commission."

2. The Commission shall consist of 40 members to be appointed by the Governor:

a. A representative from the Martin Luther King Jr. Center for Nonviolent Social Change;

b. A representative of the Governor's Office;

c. Four members of the Legislature, two Senators and two Assemblypersons, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;

d. Thirty-four representatives of the various civic and social organizations, including the clergy, education, the business sector and the arts. The members shall represent all major geographical segments of the State. These members shall be committed to resolving conflict and to the humanitarian philosophy of Dr. King.

3. The Governor shall select two public members to serve as co-chairpersons.

4. All members shall be appointed for a term of two years and shall serve without compensation. Commission vacancies shall be filled by the Governor for the remainders of the unexpired terms.

5. The Commission shall be charged with the following responsibilities:

a. Develop, coordinate and advise the Governor of Statewide activities in 1986 in honor of Martin Luther King Jr.'s birthday, which occurs on January 20, 1986;

b. Draw upon the members' resources and expertise in creating programs designed to educate the people of New Jersey about Martin Luther King Jr. and the Civil Rights Movement;

c. Meet with other interested parties willing to assist with the coordination of events and seek volunteers who are willing to donate their talents;

d. Receive donations, through fund-raising and contributions, from individuals and public and private organizations to assist the Commission in carrying out its responsibilities and to address the needs of the only living memorial, the Martin Luther King Jr. Center for Nonviolent Social Change.

6. All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel, and assistance as may be necessary to accomplish the purpose of this Order.

7. This Order shall take effect immediately.

Issued September 26, 1984.

EXECUTIVE ORDER No. 84

WHEREAS, New Jersey State Government has accelerated its actions in seeking improved methods of administration and promoting efficiency and economy in its operations; and

WHEREAS, The Legislature has passed and I have approved an appropriation designed to commence the consolidation of information processing in the Executive Branch, necessitating implementation as soon as practicable; and

WHEREAS, The coordination of information processing activities of all State Government agencies will effectuate the most practicable consolidation of data installations in a manner that will effectively service the needs of State Government; and

WHEREAS, The coordination of information processing activities of all State Government agencies will provide information processing guidance and systems development assistance to all agencies of State Government; and

WHEREAS, The coordination of information processing activities of all State Government agencies will result in the most effective and efficient use of the State's resources;

NOW, THEREFORE, I, Thomas H. Kean, 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. There shall be established within the Department of the Treasury an Office of Telecommunications and Information Systems (OTIS). In addition to the functions, powers and duties set forth herein, the Office of Telecommunications and Information Systems shall exercise the functions and perform the duties given to the State Treasurer pursuant to P. L. 1984, chapter 34, sections 9–13 (C. 52:18A–186 et seq.).

2. The Office of Telecommunications and Information Systems shall be responsible for establishing information processing policy; effecting the most practical consolidation of information processing facilities in a manner to most effectively serve the needs of State Government on a comprehensive basis; and coordinating the information processing activities of the Executive Branch of State Government.

3. The Office of Telecommunications and Information Systems shall consolidate the operational responsibilities of the existing data centers within the Departments of Human Services, Labor, Law and Public Safety, and Transportation along with their funding, personnel, equipment, powers, duties and functions. The Financial Management and Data Center located within the General Services Administration, Department of the Treasury, will not be transferred to the Office of Telecommunications and Information Systems at this time.

4. The State Treasurer shall prepare, for submission to the Legislature, an Executive Reorganization Plan, drafted in accordance with the "Executive Reorganization Act of 1969," P. L. 1969, c. 203 (C. 52:14C–1 et seq.), that will provide for the transfer of the Financial Management and Data Center from the General Services Administration, Department of the Treasury, to the Office of Telecommunications and Information Systems. The State Treasurer shall seek the assistance of the Office of the Governor and the Office of the Attorney General in drafting this plan.

5. The Office of Telecommunications and Information Systems shall establish a schedule for the orderly transfer of the remaining information processing personnel and equipment from throughout the Executive Branch of State Government to the Office of Telecommunications and Information Systems.

6. The Office of Telecommunications and Information Systems, with each State department or agency receiving federal funding for data processing programs, shall comply with all federal regulations pertaining to State Government Centralized Data Processing Facilities.

7. The Office of Telecommunications and Information Systems shall be coordinated by an administrator who shall be appointed by, and serve at the pleasure of, the State Treasurer.

8. The administrator, subject to the approval of the State Treasurer, shall organize the work in such units as is determined to be necessary for the effective and efficient operation of the Office of Telecommunications and Information Systems and shall assign such employees to those units as may be determined to be necessary for the performance of the functions assigned.

9. All agencies of State Government are directed to cooperate fully with the Office of Telecommunications and Information Systems and with each other to insure the effectiveness of information processing in State Government.

Issued October 17, 1984.

EXECUTIVE ORDER No. 85

WHEREAS, The Deficit Reduction Act of 1984 (the "Act") places a ceiling on the amount of private activity bonds that may be issued by each state; and

WHEREAS, The ceiling amount for the State of New Jersey (the "State ceiling amount") is approximately $1,115,700,000 for calendar years 1984, 1985, and 1986, and $743,800,000 thereafter; and

WHEREAS, The Act provides that the Governor may proclaim a formula for allocating the State ceiling amount among the

various issuing authorities in the State which is different from that imposed pursuant to the Act; and

WHEREAS, The amount of private activity bonds issued by the New Jersey Economic Development Authority (the "Authority") for calendar year 1983 was $943,372,067 and it is presently estimated that this amount could be exceeded in 1984, as well as in future years; and

WHEREAS, Maintaining the allocation formula imposed pursuant to the Act could result in a major decrease in the activity of the Authority, a failure to utilize the entire State ceiling amount, and the use of the State ceiling amount in a manner inconsistent with the economic development objectives of the State; and

WHEREAS, The issuance of private activity bonds by the Authority has been an important economic development tool for the State of New Jersey; and

WHEREAS, It is in the best interests of the State to utilize the issuance of private activity bonds to the fullest extent permitted under the Act;

Now, THEREFORE, I, Thomas H. Kean, 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. One hundred percent of the State ceiling amount for each calendar year is allocated to the Authority, except that portion of the State ceiling amount for 1984 which equals the amount of private activity bonds issued by issuing authorities other than the Authority from January 1, 1984 through the date 14 days subsequent to the date hereof and not otherwise exempted from the limitations imposed by the Act, which portion of the State ceiling amount for 1984 is hereby allocated to such issuing authorities, and except such portion of the State ceiling amount for any year which is reallocated as provided in section 4 hereof. Any public entity which has issued or will issue private activity bonds from January 1, 1984 through the date 14 days subsequent to the date hereof shall, within 21 days of the date hereof, notify

the Authority of the principal amount of bonds issued, the date on which they were issued and the use of the proceeds.

2. Any public entity authorized under State law to issue private activity bonds (the "issuer") may apply to the Authority for a reallocation of a portion of the State ceiling amount. The application for such a reallocation shall contain the following information:

a. The name of the issuer.

b. The name, location and description of the project or purpose for which a reallocation is requested and the name and address of all initial owners or operators of the project.

c. The date of adoption by the issuer of a bond resolution or earlier "similar official action" towards the issuance of bonds within the meaning of Treasury Regulations Section 1.103–8(a)(5) promulgated pursuant to section 103 of the Internal Revenue Code.

d. The portion of the State ceiling amount that the issuer requests be reallocated for the project or purpose, and the amount of all outstanding private activity bonds issued by the issuer within the two years preceding the date of application by the issuer for a reallocation.

e. The anticipated date on which private activity bonds are to be issued by the issuer.

f. Such other information as may be requested by the Authority.

3. Within 40 days of receipt of the application, the Authority shall notify the issuer of the portion of the State ceiling amount reallocated to the issuer pursuant to section 4 hereof, which notification shall contain certification of no consideration for the reallocation in accordance with section 621 of the Act. Such reallocation shall cease to be effective if a substantial portion (as defined by the Authority) of the private activity bonds reallocated to the issuer are not issued (by delivery and payment) within 45 days of the date of notice of reallocation, unless an application for an extension of the reallocation is filed with the Authority no less than five days prior to the expiration of the initial 45-day period and is approved by the Executive Director of the Authority; provided, however, that in the event the reallocation expires, the issuer may resubmit its application for a reallocation. Notwithstanding the foregoing, (i) if the Authority reallocates a portion of the State ceiling amount to an issuer after November

15 of any calendar year, a substantial portion of such private activity bonds must be issued by the issuer within 30 days of the date of notice of reallocation, (ii) if the reallocation is made after December 1 of any calendar year, a substantial portion of such private activity bonds must be issued by the issuer within 15 days of the date of notice of reallocation, and (iii) if the reallocation requested by an issuer in any calendar year is for a "carryforward project" within the meaning of section 621 of the Act, such request shall be acted upon by the Authority in accordance with section 4 hereof and the rules and regulations promulgated by the Authority pursuant to section 6 hereof. On the date of issuance of private activity bonds pursuant to a reallocation by the Authority, the issuer shall give notice thereof to the Authority by telephone, which notice shall be confirmed by certified mail.

4. The Authority may reallocate to an issuer all or a part of the portion of the State ceiling amount requested by the issuer if the Authority determines that (i) the purposes for which the reallocation is requested are consistent with the economic development objectives of the State, as established by the Authority, and (ii) the requested reallocation, if it, together with other existing and anticipated reallocations for the calendar year and issuances or anticipated issuances by the Authority of private activity bonds for the calendar year will exceed the State ceiling amount for such year, should have priority over such other anticipated reallocations or issuances by the Authority because of the number of jobs to be created as a result of the project, the location of the project and the public importance or necessity of the project. All actions taken by the Authority regarding applications for reallocation shall be subject to the Governor's approval pursuant to section 4i. of P. L. 1974, chapter 80 (C. 34:1B–4i.).

5. The Authority shall, on January 1 of each calendar year, determine the State ceiling amount for that year and shall, during each calendar year, maintain accurate records regarding the issuance of private activity bonds in the State.

6. The Authority shall promulgate such rules and regulations as are necessary to carry out the provisions of this Executive Order, including procedures relating to the carryforward provisions of the Act.

7. The failure of any issuer to abide by the provisions of this Executive Order or any rules or regulations promulgated by the Authority pursuant to it may, at the discretion of the Authority, result in the forfeiture of future reallocations to the issuer.

8. This Order shall take effect immediately.

Issued October 22, 1984.

EXECUTIVE ORDER No. 86

I, Thomas H. Kean, 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 that:

1. November 23, 1984, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State government and who are paid from State funds or from federal or other funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 23, 1984.

Issued November 13, 1984.

EXECUTIVE ORDER No. 87

WHEREAS, Executive Order No. 17, signed by Governor Thomas H. Kean on October 5, 1982, creates a New Jersey Advisory Council on Holocaust Education to advise and assist in the implementation of Holocaust education in the State schools; and

WHEREAS, The New Jersey Advisory Council on Holocaust Education is required under Executive Order No. 17 to prepare a report for the Governor regarding their findings and recommendations to facilitate the inclusion of the Holocaust in public education; and

WHEREAS, The New Jersey Advisory Council on Holocaust Education has submitted its report to the Governor but believes that further work is necessary in order to fully complete their task;

NOW, THEREFORE, I, Thomas H. Kean, 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 that:

1. Section 2e of Executive Order No. 17 is hereby amended to read as follows:

e. To prepare reports for the Governor regarding its findings and recommendations to facilitate the inclusion of the Holocaust in public education. The Advisory Council shall submit its final report to the Governor no later than November 30, 1986, at which point the Advisory Council shall terminate.

2. Sections 1 through 2d and sections 3a through 6 of Executive Order No. 17 are to remain in effect as originally intended.

3. This Order shall take effect immediately.

Issued November 28, 1984.

EXECUTIVE ORDER No. 88

WHEREAS, It is necessary to confine in various penal and correctional facilities of this State persons charged or under sentence for serious crimes including murder and other violent acts; and

WHEREAS, Some such persons either may have, or it is reasonable to believe they have, a relationship to or membership in terrorist organizations or other similar groups committed to violence, murder or mayhem as a means to achieve their purposes; and

WHEREAS, Most of the State and county penal and correctional institutions cannot provide by reason of the physical structure of such institutions the degree of maximum security necessary to safeguard such persons and to guard against escape or a prison break perpetrated by other persons; and

WHEREAS, These conditions immediately endanger the safety and welfare of the residents of this State and threaten loss to and destruction of property and interfere with the due administration of justice and are too large in scope or unusual in type to be handled by the penal institutions of the several counties;

Now, THEREFORE, I, Thomas H. Kean, 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 declare a state of emergency and ORDER and DIRECT as follows:

1. I declare that a state of emergency exists in various county penal and correctional facilities by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, chapter 251 (C. App. A:9–33 et seq.) and all amendments and supplements thereto.

3. I hereby direct the Commissioner of Corrections to designate as a place of confinement any available suitable and appropriate institution or facility of the State, including the State Prison, or a county penal or correctional institution, in the event it is determined by him that a specific county correctional or penal facility is not suitable or adequate to properly secure any inmate under sentence or charged with any criminal offense.

4. The Commissioner of Corrections shall have full authority to adopt such rules, regulations, orders or directives as he shall deem necessary to effect the above provisions.

5. It shall be the duty of every official, agent or employee of every governmental body, agency and authority in this State of any nature whatsoever to fully cooperate in carrying out the provisions of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under section 17 of P. L. 1942, chapter 251 (C. App. A:9–49).

7. This Order shall take effect immediately.

Issued December 18, 1984.

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