

LAWS=NEW JERSEY 1992

New Jersey State Library

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



1992

New Jersey State Library

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

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¹ Resigned 12/17/92.

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- 1 Resigned 11/30/92
- 2 Sworn in 12/14/92.
- 3 Resigned 9/21/92.
- 4 Sworn in 10/15/92.
- 5 Resigned 2/24/92.
- 6 Sworn in 3/16/92.

LAWS

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

CHAPTER 1

AN ACT providing for the reconstitution of district commissioners in certain counties, providing a procedure to effect a certification of district boundaries for 1992 and amending 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*:

1. The Legislature finds and declares that:
 - a. It is generally acknowledged that the practice of gerrymandering needs to be eliminated from the redistricting process, whether it occurs during the creation of new Congressional districts or the drawing of freeholder district boundaries;
 - b. The current method of establishing district boundaries in those counties with the district representation system, at present the duty of the county clerk and the members of the county board of elections, can lead to a gerrymander which favors the members of one political party over another;
 - c. Given this, there is a need for a new method of establishing district boundaries which would be fairer and promote the purposes of good government, and which would benefit both the public and county government; and
 - d. Fairness can be strengthened by adopting a method of selecting district commissioners based on the provisions in the New Jersey Constitution for the selection of members of the Apportionment Commission, which establishes legislative districts after each decennial federal census.

2. Section 118 of P.L.1972, c.154 (C.40:41A-118) is amended to read as follows:

C.40:41A-118 District commissioners; certification of boundaries.

118. The district commissioners shall consist of four members, two to be appointed by the chairman of the county committee of each of the two political parties whose candidates for Governor receive the largest number of votes at the most recent gubernatorial election. Each county chairman, in making such appointments, shall give due consideration to the representation of the various geographical areas of the county. Appointments of district commissioners shall be made on or before the third day following the election at which the voters of the county shall have adopted a district representation system and commissioners shall serve until they discharge their duties under sections 119 through 122 of P.L.1972, c.154 (C.40:41A-119 through 122). With respect to section 123 of P.L.1972, c.154 (C.40:41A-123), appointments shall be made on or before the tenth day following the receipt by the Governor of the official decennial census of the United States for New Jersey, and commissioners shall serve until they discharge their duties under that section. If the commissioners fail to certify district boundaries, pursuant to sections 119 through 123 of P.L.1972, c.152 (C.40:41A-119 through 123), on or before the date fixed or if prior thereto they determine that they will be unable to do so, they shall so certify to the Chief Justice of the Supreme Court of New Jersey, who shall appoint as a fifth commissioner a fair-minded and impartial person who shall not have held elected public or party office in this State at any time during the three-year period immediately prior to appointment as a commissioner. The commissioners, by a majority of the whole number thereof, shall within one month after the appointment of such fifth member certify district boundaries.

3. Section 123 of P.L.1972, c.154 (C.40:41A-123) is amended to read as follows:

C.40:41A-123 Adjustments in district boundaries following census.

123. Within three months following the receipt by the Governor of the official decennial census of the United States for New Jersey, the district commissioners shall meet, in the manner heretofore provided in this article for the purpose of making such adjustments in district boundaries as shall be necessary pursuant to section 120 of this act. Within 30 days following such meeting

they shall discharge their duties and report to the county in the same manner as provided in sections 121 and 122 of this act.

4. a. Any report and certification for district boundaries on the basis of the 1990 decennial federal census made by the district commissioners prior to the effective date of this act is void. Except as otherwise provided in subsection b. of this section, within ten days following the effective date of this act, appointments of district commissioners shall be made in accordance with the amendatory provisions of this act, and the district commissioners so appointed shall meet within three months of that effective date and shall, on the basis of the official decennial census of the United States for New Jersey received by the Governor, fix and determine the district boundaries and report and certify, all in accordance with sections 119 through 123 of P.L.1972, c.154 (C.40:41A-119 through 123), as applicable. The districts thus established shall be in effect for any election or appointment to fill the office of freeholder in the year 1993 and shall remain in effect until the establishment of districts following the decennial census in the year 2000 pursuant to sections 117 through 123 of P.L.1972, c.154 (C.40:41A-117 through 123).

b. Notwithstanding any provisions of sections 117 through 123 of P.L.1972, c.154 (C.40:41A-117 through 40:41A-123) to the contrary, if this act takes effect before March 9, 1992:

(1) The Chief Justice of the Supreme Court of New Jersey shall appoint a fifth commissioner and the county chairmen shall make their appointments within three days of the effective date;

(2) The commissioners shall meet, fix and determine the district boundaries and report and certify within ten days of their appointments; and

(3) The notice of district boundaries shall be published as provided in section 122 of P.L.1972, c.154 (C.40:41A-122) at least once within one week immediately next succeeding the filing of the report and certificate.

The districts thus established pursuant to this subsection shall be in effect for any election or appointment to fill the office of freeholder in the year 1992 following the establishment of the districts and shall remain in effect until the establishment of districts following the decennial census in the year 2000 pursuant to sections 117 through 123 of P.L.1972, c.154 (C.40:41A-117 through 123).

5. This act shall take effect immediately.

Approved March 6, 1992.

CHAPTER 2

AN ACT concerning child pornography and amending N.J.S.2C:24-4.

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

1. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children. a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and P.L.1974, c.119, s.1 (C.9:6-8.21) is guilty of a crime of the third degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 16 is guilty of a crime of the fourth degree.

- b. As used in this subsection:

- (1) "Child" shall mean any person under 16 years of age.

- (2) "Prohibited sexual act" means

- (a) Sexual intercourse; or

- (b) Anal intercourse; or

- (c) Masturbation; or

- (d) Bestiality; or

- (e) Sadism; or

- (f) Masochism; or

- (g) Fellatio; or

- (h) Cunnilingus; or

- (i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.

- (3) Any person, including any parent, guardian, or other person legally charged with the care or custody of a child, who causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner or may be part of an exhibition or performance is guilty of a crime of the second degree.

- (4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device to reproduce or reconstruct the image of a child in a pro-

hibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) (a) Any person who knowingly receives for the purpose of selling or who knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer any photograph, film, video tape or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(b) Any person who knowingly possesses or knowingly views any photograph, film, video tape or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the fourth degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 16 in any photograph or film shall be rebuttably presumed to be under the age of 16.

2. This act shall take effect immediately.

Approved April 2, 1992.

CHAPTER 3

AN ACT concerning the use of emergency ballots in counties that use electronic or mechanical voting machines, amending various parts of the statutory law and supplementing Subtitle 15 of Title 19 of the Revised Statutes.

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

1. R.S.19:16-5 is amended to read as follows:

Invalid ballots marked "void," numbering, stringing.

19:16-5. In every case in which a ballot shall be declared invalid, the same shall not be canvassed or counted, but shall be marked "void" on the outside thereof, and shall be numbered consecutively along with valid ballots, and shall be preserved like other ballots and placed in proper order on the string or wire with the valid ballots.

Ballots which shall be declared invalid with respect to a part of the officers to be voted for or public questions to be voted upon shall be canvassed, estimated and numbered with respect to the part which is not invalid and preserved as other ballots and placed in their proper order on the string with the valid ballots.

2. R.S.19:16-7 is amended to read as follows:

Reading, stringing of ballots.

19:16-7. The board in the actual procedure of counting the ballots shall thereupon unlock and open the ballot box; the ballots shall then be taken singly and separately therefrom by the judge of the election, and while each ballot shall remain in his hands, he shall audibly and publicly read the same in full view of the inspector. The inspector shall be satisfied that the ballot is being correctly read by the judge.

After the reading of the ballot, including a ballot determined to be void, and before taking another ballot from the box, the judge shall fold the ballot to a size about five inches square, and shall deliver the same so folded to the inspector, who shall write on the back thereof the number of such ballot from one onward, in the order in which the same shall have been taken from the box; and shall string the ballot as one ticket in the order in which the same shall be taken from the box and numbered, by means of a needle and string to be provided for that purpose.

3. R.S.19:48-1 is amended to read as follows:

Voting machines, requirements.

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;

(n) It shall be equipped with a permanently affixed box or container of sufficient strength, size and security to hold all emergency ballots and pre-punched single-hole envelopes and with a clipboard and a table-top privacy screen.

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.

4. Section 3 of P.L.1940, c.197 (C.19:48-3.2) is amended to read as follows:

C.19:48-3.2 Authorized ballots; emergency ballots.

3. No ballots shall be prepared or used at any election in any election district designated by the superintendent of elections

under the provisions of this act other than such ballots as are required for use in voting machines and emergency ballots for use if a voting machine fails to operate, as provided in this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.).

5. Section 11 of P.L.1944, c.7 (C.19:48-3.13) is amended to read as follows:

C.19:48-3.13 Ballots, type permitted.

11. No ballots other than ballots required for use in voting machines and emergency ballots for use if a voting machine fails to operate shall be prepared or used at any election in any election district in any such county for which voting machines are available, and which has been designated by the superintendent of elections of the county if any there be or by the commissioner of registration of the county if a county of the second class, having any superintendent of elections, under the provisions of this act, as an election district in which voting machines shall be used.

6. R.S.19:48-6 is amended to read as follows:

Duties of officials concerning machines.

19:48-6. The county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting machines, shall have the machine or machines and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening the polls, and the counters set at zero (000), the emergency ballot boxes furnished with the appropriate number of emergency ballots, and otherwise in good and proper order for use at such election. For the purpose of placing ballots in the ballot frames of the machines; putting in order, setting, testing, adjusting and delivering the machines, such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, may employ or appoint one or more fully competent persons to be known as custodian or custodians of voting machines, who shall be thoroughly instructed in their duties by such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, and shall be sworn to perform their duties honestly and faithfully. Such custodians shall be employed or appointed and instructed at least thirty days before the election and shall be considered as officers of elections; provided, however, that for the purpose aforesaid in counties having a superintendent of elec-

tions, the superintendent of elections may employ or appoint, in addition to one or more custodian or custodians, other fully competent persons and may classify them, assign their duties, and fix their compensation according to the particular duties assigned them, which said persons shall also be employed or appointed, and thoroughly instructed and sworn to perform their duties honestly and faithfully, at least thirty days before the election and shall likewise be considered as officers of election.

Before preparing a voting machine for any election, written notice shall be mailed by such board of elections or such superintendent of elections or such municipal clerk, as the case may be, to the chairman of the county committee of at least two of the principal political parties, stating the time and place where the machines will be prepared, at which time one representative of each such political party shall be afforded an opportunity to see that the machines, including the emergency ballot boxes, are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials, but shall not interfere with the custodian or custodians or other persons employed or appointed as aforesaid or assume any of his or their duties. When a machine and the affixed emergency ballot box have been so examined by such representatives, the emergency ballot box shall be sealed with a numbered green seal and the voting machine shall be locked against voting and sealed with a numbered seal. Such representatives shall certify, upon a form to be provided by such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, as to the numbers of the machines and emergency ballot boxes, that all of the counters are set at zero (000) and the ballot boxes are furnished with the emergency ballots, and as to the numbers registered on the protective counter, if one is provided, and on the seals. Such certificate shall be filed by them with such county board of elections or such superintendent of elections or such municipal clerk, as the case may be. After a voting machine and an emergency ballot box have been properly prepared for the election and the machine locked against voting and sealed, the keys for the voting machine shall be delivered to such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, together with a written report made by a custodian stating that the machine and the affixed emergency ballot box are in every way properly prepared for the election.

After the voting machines shall be delivered to the polling places, the governing body of the municipality, wherein such polling places are located, shall provide ample police protection against molestation, or tampering or damage to the machines. Every voting machine shall be furnished with a lantern, or an electric light fixture, which shall give sufficient light to enable voters while voting to read the ballots and be suitable for use by the district board in examining the counters. The lantern or electric light fixture shall be prepared in good order by such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, for use before the opening of the polls.

7. R.S.19:48-7 is amended to read as follows:

Inoperative voting machines; use of emergency ballots; statements.

19:48-7. If any voting machine being used in any election district shall, during the time the polls are open, become damaged so as to render it inoperative in whole or in part, the election officers shall immediately give notice thereof to the county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting machines, and such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, shall cause any person or persons employed or appointed pursuant to section 19:48-6 of this Title to substitute a machine in perfect mechanical order for the damaged machine. At the close of the polls the records of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining and determining the results of the election. During any period when a voting machine is inoperative, emergency ballots made as nearly as possible in the form of the official ballot shall be used in accordance with the provisions of this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.), received by the election officers and placed by them in an emergency ballot box as provided in this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.), and shall be counted with the votes registered on the voting machines. The result shall be declared the same as though there had been no accident to the voting machine. The emergency ballots thus voted shall be preserved and returned with a statement setting forth how and why the same were voted. The original statement shall be filed with the county or municipal clerk, as the case may be; a copy of the statement shall be filed with the commissioner of registration; and an additional copy shall be placed in the

emergency ballot box. The statement for use in all elections except primary elections shall be in the following form:

..... ELECTION

STATEMENT FOR EMERGENCY PAPER BALLOTS VOTED

This statement must be completed by all election district board workers present when a voting machine malfunctions and emergency paper ballots are issued and voted. R.S.19:48-7.

This is to certify that voting machine no. became inoperative at AM, ... PM. We further certify that emergency paper ballots were issued and voted during the time the voting machine assigned to Election District No. in (municipality) was inoperative. The last voting authority given out before the voting machine became inoperative was no. This day of 19

TO BE COMPLETED ONLY IF VOTING MACHINE IS REPLACED

Voting machine no. was replaced by voting machine no..... at AM, ...PM.

The next voting authority given out after the voting machine was replaced was no.

TO BE COMPLETED WHEN VOTING MACHINE HAS BEEN REPAIRED AND IS READY TO RECEIVE VOTES

Voting machine no. was repaired at AM, ...PM.

The next voting authority given out after the voting machine was repaired was no.

Signature of Judge

Signature of Clerk

Signature of Inspector

Signature of Clerk

Municipality

Signature of Voting
Machine Technician

Ward

District

The statement for use in the primary election shall be in the following form:

PRIMARY ELECTION

STATEMENT FOR EMERGENCY PAPER BALLOTS VOTED

This statement must be completed by all election district board workers present when a voting machine malfunctions and emergency paper ballots are issued and voted. R.S.19:48-7.

This is to certify that voting machine no. became inoperative at AM, ... PM. We further certify that emergency paper ballots were issued and voted during the time the voting machine assigned to Election District No. in (municipality) was inoperative. The last voting authorities given out before the voting machine became inoperative were REPUBLICAN NO., DEMOCRATIC NO.

This day of 19

TO BE COMPLETED ONLY IF VOTING MACHINE IS REPLACED

Voting machine no. was replaced by voting machine no..... at AM, ...PM.

The next voting authorities given out after the voting machine was replaced were REPUBLICAN NO....., DEMOCRATIC NO.....

TO BE COMPLETED WHEN VOTING MACHINE HAS BEEN
REPAIRED AND IS READY TO RECEIVE VOTES

Voting machine no. was repaired at AM, ...PM.

The next voting authorities given out after the voting machine was
repaired were REPUBLICAN NO., DEMOCRATIC NO.

Signature of Judge

Signature of Clerk

Signature of Inspector

Signature of Clerk

Municipality

Signature of Voting
Machine Technician

Ward

District

If a voting machine fails to operate on multiple occasions during a single election, a STATEMENT FOR EMERGENCY PAPER BALLOTS VOTED shall be completed on each occasion when the machine fails to operate.

8. R.S.19:52-1 is amended to read as follows:

Preparation of polling places.

19:52-1. The district boards of each election district shall meet at the polling place three-quarters of an hour before the time set for opening of the polls at each election and shall proceed to arrange the furniture, stationery and voting machine or machines for the conduct of the election. The district boards shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election by the officials charged by law with that duty. If not previously done, they shall insert in

their proper place on the voting machine the ballots containing the names of offices to be filled at such election and the names of candidates nominated therefor.

The keys to the voting machine shall be delivered to the district election officers in any manner that the county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting machines, may determine, at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine, the number of the seal with which it is sealed, the number of the green seal with which the emergency ballot box is sealed, and the number registered on the protective counter or device, as reported by the custodian.

The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope all election officers present shall examine the number on the seal on the machine and the number registered on the protective counter, and shall ascertain if they are the same as the numbers written on the envelope; and if they are not the same, the machine must not be opened until such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, after due notice of such discrepancy, shall have caused such machine to be re-examined and properly arranged by any person or persons employed or appointed pursuant to section 19:48-6 of this Title. If the numbers on the voting machine seal and the protective counter are found to agree with the numbers on the envelope, the district election officers shall proceed to open the doors concealing the counters, and each district election officer shall carefully examine every counter and ascertain whether or not it registers zero (000), and the same shall be subject to the inspection of official watchers.

In addition, each district election officer shall carefully examine the emergency ballot box to ascertain whether or not it is properly sealed with a numbered green seal and examine the number to ascertain if it is the same as the number written on the voting machine key envelope. If the numbers are not the same, the county board of elections, the superintendent of elections, or the municipal clerk, as the case may be, shall be notified of the discrepancy.

The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting. If any counter is found not to register zero (000) the district

board shall immediately notify such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, who shall, if practicable, cause such counter to be adjusted at zero (000) by any person or persons employed or appointed pursuant to section 19:48-6 of this Title. If it shall be impracticable for such person or persons to arrive in time to so adjust such counter before the time set for opening the polls, the district election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number registered thereon at the close of the polls.

9. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read as follows:

C.19:52-2.1 Voting authorities; use, stringing.

1. In all counties wherein voting machines are used the county board of elections shall furnish for use in each election district at any election, a sufficient number of voting authorities in substantially the following form:

City of Ward District	City of Ward District
Election Held	Election Held
..... day of 19	 day of 19
Voting Authority	Voting Authority
No.	No.
..... Signature of Voter.	This certificate must be handed to the election officer in charge of the <u>voting machines in order to vote.</u> County Board of Elections Clerk.

The voting authorities shall be numbered consecutively, be bound together in pads and shall be printed in two parts and perforated so that one part may be given to the voter who shall return the same to the district election officials in charge of the operation of the voting machine in order that such official shall be able to place the same in consecutive order on a string or wire. The other part of the voting authority shall be signed by the voter in his own handwriting before he be permitted to vote and shall remain bound in the pad. All pads containing the portions of the voting authorities on which the names of the persons who have voted have been signed, together with that portion of the voting authority which has been placed on a wire or string shall be returned to the commissioner of registration of the county, who shall keep them for a period of at least six months.

At any primary election for the general election each voting authority shall be marked to indicate the party primary in which the voter signing the same voted and the used voting authorities shall be strung in such a manner so that those used in one party primary shall remain separate from those used in the other party primary.

C.19:53B-1 Emergency ballot box packet, packages; preparation.

10. a. The county clerk or the municipal clerk, in the case of a municipal election, shall prepare an emergency ballot box packet which shall include the appropriate number of emergency ballots, the appropriate number of pre-punched single-hole white envelopes, and two tally sheets, each with a carbon duplicate copy attached. The custodian of the voting machines shall prepare and place in each emergency ballot box an emergency ballot box packet and an envelope containing a numbered white seal and a numbered red seal. The envelope shall contain, on its face, the instructions for the use of the seals, the number and the election district location of the voting machine to which the ballot box is attached, and the identification numbers of the white and red seals that were placed in the envelope. The emergency ballot box shall be sealed with a numbered green security seal before being shipped to each election district as provided in R.S.19:48-6.

b. For the primary for the general election, the emergency ballots shall be printed on paper of a color that matches the color of the voting authority, which shall indicate the party primary of the voter. The emergency ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device

or figure on the front or back other than as provided in this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.).

The clerk of the county or municipality having custody of the emergency ballots shall prepare each emergency ballot package with a minimum of 30 emergency ballots for each political party. If the clerk determines, based upon the number of registered voters with party affiliations, that an election district shall require more than 30 emergency ballots per party primary, additional emergency ballots shall be delivered to that election district.

c. For the general election the emergency ballots shall be printed on paper of the color of the voting authority. The emergency ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in this amendatory and supplementary act.

The clerk of the county or municipality shall prepare each emergency ballot package with a minimum of 30 emergency ballots. If the clerk determines that an election district shall require more than 30 emergency ballots based on the number of registered voters, additional emergency ballots shall be delivered to that election district.

C.19:53B-2 Distribution, use of emergency ballots.

11. a. The board shall not permit other emergency ballots to be used at an election except the emergency ballots which are provided for by this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.). It shall confine the distribution and use of the emergency ballots to the polling room and election district in the manner herein directed, and shall not distribute emergency ballots, other than official sample emergency ballots as herein provided, outside the polling place or election district.

b. The board shall not keep emergency ballots or pre-punched single-hole plain white envelopes to enclose emergency ballots cast during the election in a polling booth or, if a polling booth is unusable, in the area designated for voters to mark the emergency ballot.

c. The board shall cause each booth or voting area in a polling place to be kept provided with sufficient lead pencils to enable the voters to mark their emergency ballots.

d. The county board of elections shall prepare complete written instructions regarding the procedures for the use of the emergency ballot boxes for each district board member. The board members shall be orally instructed on the procedures for the use of emergency ballots at the training classes held for the board members.

a cross x, plus + or check √ in the square provided for either the word "Yes" or "No" of each public question.

C.19:53B-8 Personal choice column provided on emergency ballots.

17. Nothing in this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.) shall prevent any voter from writing or pasting within the proper title of office in the column designated personal choice, the name or names of any person or persons for whom the voter desires to vote whose name or names are not printed upon the emergency ballot for the same office. The voter shall mark a cross x, plus + or check √ in the square provided for such name. The writing shall be in black ink or black lead pencil.

C.19:53B-9 Spoiled emergency ballots.

18. If any voter to whom any official emergency ballot has been handed spoils or renders the same unfit for use, the voter shall return the emergency ballot and the pre-punched single-hole plain white envelope to a district board member. The voter shall be furnished with another emergency ballot and envelope. No more than two official emergency ballots shall be furnished to a voter, except at the discretion of the board members.

The district board members shall preserve each spoiled emergency ballot and place that ballot in the pre-punched single-hole plain white envelope and the district board member shall write "SPOILED" across both the front and back of the envelope. On the "SPOILED" white envelope each district board member shall sign and date the signature of the member. Immediately thereafter, the "SPOILED" white envelope shall be sealed and placed in the emergency ballot box.

C.19:53B-10 Voted emergency ballot placed in sealed envelope.

19. After voting the emergency ballot and before leaving the polling booth or the designated voting area, as the case may be, the voter shall place the voted emergency ballot in the pre-punched single-hole plain white envelope. The voter shall seal the envelope and shall retain custody of the envelope until the member of the board having charge of the voting machine at that time is ready to accept the envelope.

C.19:53B-11 Deposit of sealed envelope in emergency ballot box.

20. The voter shall hand the sealed envelope to the member of the election board having charge of the voting machine. The member shall keep the sealed white envelope in full view of the voter, the other district board members and all other persons

present until it is deposited in the ballot box. The voter may also take hold of the envelope, with that member of the board, until the emergency ballot is deposited into the emergency ballot box.

C.19:53B-12 Challenge of voter using emergency ballot.

21. The right to challenge a voter who uses the emergency ballot shall exist until the emergency ballot is deposited in the emergency ballot box. If the right of a person to vote is challenged, the same procedures shall be used as prescribed when the right of a person to cast a vote on an electronic or mechanical voting machine is challenged.

C.19:53B-13 Canvassing emergency ballots.

22. In canvassing the emergency ballots, the district board shall count the votes as follows:

a. If proper marks are made in the squares provided for the names of any candidates in any column and the total number voted for, for each office, does not exceed the number of candidates to be elected to each office, a vote shall be counted for each candidate so marked.

b. If proper marks are made in the squares provided for any names of any candidates in any column, a vote shall be counted for each candidate so marked; but if the district board canvassing the emergency ballots, or the county board, judge of the Superior Court or other judge or officer conducting a recount thereof, shall be satisfied that the placing of the marks to the left and right of the names was intended to identify or distinguish the emergency ballot, then the emergency ballot shall not be counted and shall be declared null and void.

c. If no marks are made in the squares provided for the names of any candidates in any column, but are made to the right of the names, a vote shall not be counted for the candidates so marked, but shall be counted for the other candidates as are properly marked; but if the district board canvassing the emergency ballot, or the county board, judge of the Superior Court or other judge or officer conducting a recount thereof, shall be satisfied that the placing of the marks to the right of the names was intended to identify or distinguish the emergency ballot, the emergency ballot shall be declared null and void.

d. Where the name of any person is written in the column designated personal choice, and a cross x, plus + or check √ appears in the square provided for the name, it shall be counted as a vote for that person.

e. In the case of any public question printed on the emergency ballot where a proper mark is made in the square provided for the word "Yes," it shall be counted as a vote in favor of that public question. If a proper mark is made in the square provided for the word "No," it shall be counted as a vote against same. If no mark is made in the square provided for either the word "Yes" or "No," it shall not be counted as a vote either in favor of or against the public question. If a mark is made in each of the squares provided for both the words "Yes" and "No," it shall not be counted either as a vote in favor of or against the public question nor shall it invalidate the emergency ballot.

f. If a voter marks more names than there are persons to be elected to an office, or writes the name of any person in the column designated personal choice, whose name is printed upon the emergency ballot as a candidate under the same title of office, or the choice of the voter cannot be determined, that emergency ballot shall not be counted for that office, but shall be counted for those other offices as are properly marked.

g. If the mark made for any candidate or public question is substantially a cross x, plus + or check √ and is substantially within the square, it shall be counted for the candidate or for or against the public question, as the case may be. No vote shall be counted for any candidate in any column or for or against any public question unless the mark made is substantially a cross x, plus + or check √ and is substantially within the square.

C.19:53B-14 Void emergency ballots.

23. In counting the emergency ballots, the board shall deem void all emergency ballots which are wholly blank, or on which more names have been marked for every office than there are persons to be elected to the office, and on which both "Yes" and "No" have been marked upon every public question.

No emergency ballot which shall have, either on its face or back, any mark, sign, erasure, designation or device whatsoever, other than that which is permitted by this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.), by which the emergency ballot shall be distinguished from another emergency ballot shall be declared void unless the district board canvassing those emergency ballots, or the county board, judge of the Superior Court or other judge or officer conducting the recount thereof, shall be satisfied that the placing of the mark, sign, erasure, designation or device upon the emergency ballot was intended to identify or distinguish the emergency ballot.

No emergency ballot shall be declared invalid by reason of the fact that the mark made with ink or the mark made with lead pencil appears other than black.

No emergency ballot cast for any candidate shall be invalid by reason of the fact that the name of that candidate may be misprinted, or the Christian name or the initials of the candidate may be omitted.

No emergency ballot cast for any candidate shall be invalid by reason of the use of any label permitted by this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.) on which the title of office may be printed or the name of the candidate may be misprinted or part of the Christian name or surname or the initials of the candidate may be omitted, or because the voter in writing the name of the candidate may misspell the name or omit part of the Christian name or surname or the initials of the candidate.

No emergency ballot shall be declared void or invalid, by reason of having a cross x, plus + or check √ appearing in a square provided for a blank space, or a space wherein no name is printed.

C.19:53B-15 Void emergency ballots not counted.

24. In every case in which an emergency ballot shall be declared invalid, the same, which shall be enclosed in a pre-punched single-hole plain white envelope shall not be canvassed or counted, but shall be marked "VOID" on the outside thereof, and shall be numbered and placed in proper order on the string or wire with the valid ballots as provided in section 26 of this amendatory and supplementary act, P.L.1992, c.3 (C.19:53B-17).

Emergency ballots which shall be declared invalid with respect to a part of the candidates to be voted for or public questions to be voted upon shall be canvassed, estimated and numbered with respect to the part which is not invalid and preserved as other emergency ballots and placed in their proper order on the string or wire with the valid ballots.

C.19:53B-16 Decision of district board final, dissension.

25. The decision of a majority of the district board on any question shall be deemed the decision of the board and final. If any member of the board dissents from any decision and wishes to make the dissension known to avoid any of the consequences which may result from that decision, the member may record the dissent in the signature copy register. The member shall sign the signature copy register to record the dissent. If the member fails to sign the signature copy register, the member shall be deemed to have assented to the decision so made.

C.19:53B-17 Reading of emergency ballots.

26. The district board members, in the actual procedure of counting the emergency ballots, shall break the seal and open the emergency ballot box. The emergency ballots shall be taken singly and separately therefrom by the judge of the election board. Ballot envelopes marked "SPOILED" shall be set aside and remain unopened, and at the conclusion of counting the emergency ballots shall be placed on the string or wire after all other ballots. The outside front of each envelope which contains a voted emergency ballot shall be numbered in consecutive order beginning with the number one. This number shall be circled. While each emergency ballot shall remain in the hands of the judge, the judge shall audibly and publicly read the ballot in full view of the other members of the district board, including the inspector of the district election board. The inspector shall verify that each emergency ballot is being correctly read by the judge. The remaining members of the district election board shall record the votes on the tally sheets, as provided. The district board members shall also record the number of void ballots on the tally sheets, as provided.

After the reading of an emergency ballot, including a ballot determined to be void, and before taking another emergency ballot from the box, the judge shall deliver the ballot to the inspector, who shall write on the back thereof the number of the emergency ballot in consecutive order beginning with the number one, in the order in which the same shall have been taken from the box; and shall string the envelope that contains the emergency ballot as one ticket in the order in which the envelope was taken from the box and numbered, on the string or wire to be provided for that purpose.

The outside front of each envelope that contains a voided emergency ballot shall have the word "VOID" written next to the circled number.

After all the envelopes which contain the emergency ballots cast in one election district have been tallied and strung, the envelopes shall be returned to the ballot box. All unused emergency ballots and pre-punched single-hole plain white envelopes shall also be placed in the emergency ballot box.

C.19:53B-18 Tallying of votes.

27. a. The clerks of the board shall, upon the tally sheets provided for that purpose, make a list of the names of all persons for whom one or more votes shall have been given, designating the office which that person shall be voted for, and of any public questions

voted upon; and as each emergency ballot shall be read, the members shall write the figure "1" opposite the name of each person whose name is contained thereon, as designated for any office, or in the proper column designating the vote upon the public question.

b. When all the votes which were cast have been read, examined, numbered and strung, as directed, the board shall tally the votes given for each person for any office to be filled at the election or any public question and note the same upon the tally sheets. The tally sheets shall be signed by all the members of the district board. One of the tally sheets shall be placed in the emergency ballot box and the emergency ballot box shall be sealed with the remaining numbered red seal. The other tally sheet shall be filed with the county clerk at the same time the statements of results are delivered.

C.19:53B-19 Emergency ballot tally added to machine tally.

28. When the machine tally is completed, the district board members shall record the results of the emergency ballot tally, if any ballots were voted, on the statement of canvass in the section provided and shall add the emergency ballot tally to the machine tally.

C.19:53B-20 Ballots remain sealed in box for 15 days; when removable.

29. When district board members have processed both voted and non-voted emergency ballots, the ballots shall remain sealed within the box for a period of 15 calendar days, which shall begin on the first business day after the day of the election, except that if a judge of the Superior Court issues a court order to open the box within the 15-day period, the box shall be opened.

On the first business day after the 15-day period, the custodian of the voting machines shall break the numbered security seals and the emergency ballot boxes shall be opened. All voted emergency ballots located within an emergency ballot box shall be removed from the box and shall be placed in a container or an envelope and sealed. The front of each container or envelope shall contain the number of the voting machine, the name of the municipality and the ward or district number where the machine was located during the election. The commissioner of registration shall preserve the containers or envelopes and the contents of the containers or envelopes for a period of two years from the date that the election occurred.

30. This act shall take effect immediately and shall be applicable to the first primary for the general election or the first general election which occurs after the 60th day following the enactment of this act.

Approved April 24, 1992.

CHAPTER 4

AN ACT concerning legislative oversight of certain appropriations made for the support of the State Government and regulating the disbursement thereof for the fiscal year ending June 30, 1992, amending P.L.1991, c.185 and P.L.1991, c.476.

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

1. The following general provisions contained within section 1 of P.L.1991, c.185 are amended to read as follows:

STATE OPERATIONS

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

The amount hereinabove for the Reserve: Non-contractual overtime account, or so much of the amount as is necessary, shall be allocated by the Commissioner of Corrections to the various institutional salary accounts according to the Commissioner's determination of overtime needs, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

54 DEPARTMENT OF HUMAN SERVICES

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

Additional federal funds available from the Community Care Waiver program are appropriated for use as a Bridge Fund for community care initiatives, subject to the approval of the Director of the Division of Budget and Accounting and further subject to Joint Budget Oversight Committee approval of an itemized plan for the expenditure of these amounts, as shall be submitted by the Commissioner of Human Services.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

Receipts derived from the "New Jersey Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et al.), are appropriated

for the implementation and administration of the act, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

66 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments within the limits of appropriations made on or before the effective date of P.L.1992, c.4 shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

74 General Government Services

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments within the limits of appropriations made on or before the effective date of P.L.1992, c.4 shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the

programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

2. Section 29 of P.L.1991, c.185 is amended to read as follows:

29. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1991 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative branch of State government shall be exempt from this provision; and, provided further, that for any appropriation account balances that are lapsed that otherwise have reappropriation language pursuant to any other provision of this act, and which are supported by fees or fines, there is hereby appropriated an amount sufficient to re-establish some or all of such lapsed appropriation account balances, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

3. The following general provision contained within section 2 of P.L.1991, c.476 is amended to read as follows:

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

4. This act shall take effect immediately.

Filed April 30, 1992.

CHAPTER 5

AN ACT concerning the review of death sentences by the Supreme Court and amending N.J.S.2C:11-3.

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

1. N.J.S.2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder. a. Except as provided in section 2C:11-4 criminal homicide constitutes murder when:

(1) The actor purposely causes death or serious bodily injury resulting in death; or

(2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping or criminal escape, and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in subsection c. of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole or to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

c. Any person convicted under subsection a. (1) or (2) who committed the homicidal act by his own conduct or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value shall be sentenced as provided hereinafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section.

Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt, except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined the defendant's guilt and before a jury empaneled for the purpose of the proceeding. On motion of the defendant and with consent of the prosecuting attorney the court may conduct a proceeding without a jury. Nothing in this subsection shall be construed to prevent the participation of an alternate juror in the sentencing proceeding if one of the jurors who rendered the guilty verdict becomes ill or is otherwise unable to proceed before or during the sentencing proceeding.

(2) (a) At the proceeding, the State shall have the burden of establishing beyond a reasonable doubt the existence of any aggravating factors set forth in paragraph (4) of this subsection. The defendant shall have the burden of producing evidence of the existence of any mitigating factors set forth in paragraph (5) of this subsection but shall not have a burden with regard to the establishment of a mitigating factor.

(b) The admissibility of evidence offered by the State to establish any of the aggravating factors shall be governed by the rules governing the admission of evidence at criminal trials. The defendant may offer, without regard to the rules governing the admission of evidence at criminal trials, reliable evidence relevant to any of the mitigating factors. If the defendant produces evidence in mitigation which would not be admissible under the rules governing the admission of evidence at criminal trials, the State may rebut that evidence without regard to the rules governing the admission of evidence at criminal trials.

(c) Evidence admitted at the trial, which is relevant to the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection, shall be considered without the necessity of reintroducing that evidence at the sentencing proceeding; provided that the fact finder at the sentencing proceeding was present as either the fact finder or the judge at the trial.

(d) The State and the defendant shall be permitted to rebut any evidence presented by the other party at the sentencing proceeding and to present argument as to the adequacy of the evidence to establish the existence of any aggravating or mitigating factor.

(e) Prior to the commencement of the sentencing proceeding, or at such time as he has knowledge of the existence of an aggravating factor, the prosecuting attorney shall give notice to the defendant of the aggravating factors which he intends to prove in the proceeding.

(f) Evidence offered by the State with regard to the establishment of a prior homicide conviction pursuant to paragraph (4)(a) of this subsection may include the identity and age of the victim, the manner of death and the relationship, if any, of the victim to the defendant.

(3) The jury or, if there is no jury, the court shall return a special verdict setting forth in writing the existence or nonexistence of each of the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection. If any aggravating factor is found to exist, the verdict shall also state whether it outweighs beyond a reasonable doubt any one or more mitigating factors.

(a) If the jury or the court finds that any aggravating factors exist and that all of the aggravating factors outweigh beyond a reasonable doubt all of the mitigating factors, the court shall sentence the defendant to death.

(b) If the jury or the court finds that no aggravating factors exist, or that all of the aggravating factors which exist do not outweigh all of the mitigating factors, the court shall sentence the defendant pursuant to subsection b.

(c) If the jury is unable to reach a unanimous verdict, the court shall sentence the defendant pursuant to subsection b.

(4) The aggravating factors which may be found by the jury or the court are:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The offense was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary or kidnapping; or

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant.

(5) The mitigating factors which may be found by the jury or the court are:

(a) The defendant was under the influence of extreme mental or emotional disturbance insufficient to constitute a defense to prosecution;

(b) The victim solicited, participated in or consented to the conduct which resulted in his death;

(c) The age of the defendant at the time of the murder;

(d) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired as the result of mental disease or defect or intoxication, but not to a degree sufficient to constitute a defense to prosecution;

(e) The defendant was under unusual and substantial duress insufficient to constitute a defense to prosecution;

(f) The defendant has no significant history of prior criminal activity;

(g) The defendant rendered substantial assistance to the State in the prosecution of another person for the crime of murder; or

(h) Any other factor which is relevant to the defendant's character or record or to the circumstances of the offense.

d. The sentencing proceeding set forth in subsection c. of this section shall not be waived by the prosecuting attorney.

e. Every judgment of conviction which results in a sentence of death under this section shall be appealed, pursuant to the Rules of Court, to the Supreme Court. Upon the request of the defendant, the Supreme Court shall also determine whether the sentence is disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant. Proportionality review under this section shall be limited to a comparison of similar cases in which a sentence of death has been imposed under subsection c. of this section. In any instance in which the defendant fails, or refuses to appeal, the appeal shall be taken by the Office of the Public Defender or other counsel appointed by the Supreme Court for that purpose.

f. Prior to the jury's sentencing deliberations, the trial court shall inform the jury of the sentences which may be imposed pursuant to subsection b. of this section on the defendant if the defendant is not sentenced to death. The jury shall also be informed that a failure to reach a unanimous verdict shall result in sentencing by the court pursuant to subsection b.

g. A juvenile who has been tried as an adult and convicted of murder shall not be sentenced pursuant to the provisions of subsection c. but shall be sentenced pursuant to the provisions of subsection b. of this section.

2. This act shall take effect immediately.

Approved May 12, 1992.

CHAPTER 6

AN ACT concerning child welfare and amending N.J.S.2C:24-4.

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

1. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children. a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual con-

duct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and P.L.1974, c.119, s.1 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 16 is guilty of a crime of the third degree.

b. As used in this subsection:

(1) "Child" shall mean any person under 16 years of age.

(2) "Prohibited sexual act" means

(a) Sexual intercourse; or

(b) Anal intercourse; or

(c) Masturbation; or

(d) Bestiality; or

(e) Sadism; or

(f) Masochism; or

(g) Fellatio; or

(h) Cunnilingus; or

(i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.

(3) Any person, including any parent, guardian, or other person legally charged with the care or custody of a child, who causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner or may be part of an exhibition or performance is guilty of a crime of the second degree.

(4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) (a) Any person who knowingly receives for the purpose of selling or who knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer any photograph, film, videotape or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(b) Any person who knowingly possesses or knowingly views any photograph, film, videotape or any other reproduction or reconstruc-

tion which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the fourth degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 16 in any photograph or film shall be rebuttably presumed to be under the age of 16.

2. This act shall take effect immediately.

Approved May 13, 1992.

CHAPTER 7

AN ACT establishing a civil action against persons who sexually exploit children for profit and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:30B-1 Findings, declarations.

1. The Legislature finds and declares that:
 - a. Child pornography is a lucrative business which sexually exploits children and preys on their vulnerability.
 - b. While criminal laws exist to penalize those who sexually exploit children, these laws are sometimes insufficient to protect and indemnify the victim and prevent the perpetrators from accumulating large profits from the making and distribution of "kiddie porn."
 - c. This act is designed to give the victims of child pornography a civil action against those persons who sexually exploit them for profit directly or indirectly which can be brought through a parent or guardian or child advocacy organization or by the victim upon reaching the age of majority. Any director, officer, servant, employee or other person authorized to act on behalf of a corporation may be personally liable if found liable individually or jointly with the corporation under the provisions of this act.
 - d. The act will allow victims to recover three times the financial gains made by those who exploit them and will authorize injunctive relief to halt the making and distribution of films and other materials.

C.2A:30B-2 Definitions.

2. As used in this act:
 - a. "Child" means any person under 18 years of age;
 - b. "Person" means any natural person, association, partnership, corporation or other entity. "Corporation" includes any director, officer, servant, employee or other person authorized to act on behalf of a corporation;
 - c. "Prohibited sexual act" means
 - (1) Sexual intercourse; or
 - (2) Anal intercourse; or
 - (3) Masturbation; or
 - (4) Bestiality; or
 - (5) Sadism; or
 - (6) Masochism; or
 - (7) Fellatio; or
 - (8) Cunnilingus; or
 - (9) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view the depiction.

C.2A:30B-3 Civil actions by child permitted.

3. a. A child, through a parent or guardian or child advocacy organization or personally upon reaching the age of majority, may bring a civil action in the Superior Court, in any county where venue lies, for monetary damages or injunctive relief or both, against a person who:

(1) Permits, entices or coerces the child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner or may be part of an exhibition or performance;

(2) Photographs or films the child in a prohibited sexual act or in the simulation of such an act or who uses any device to reproduce or reconstruct the image of the child in a prohibited sexual act or in the simulation of such an act;

(3) Knowingly receives for the purpose of selling or who knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer any photograph, film, videotape or any other reproduction or reconstruction which depicts the child engaging in a prohibited sexual act or in the simulation of such an act.

b. In any action brought pursuant to this act, the court shall, upon a finding for the plaintiff, award recovery of three times the

amount of damages consisting of financial gains to the defendant resulting from the conduct described in paragraphs (1), (2) and (3) of subsection a. of this section, together with full costs and reasonable attorney's fees.

C.2A:30B-4 Special guardian.

4. If the parent or guardian is to be a defendant in the action, the court shall appoint a special guardian to bring the action on behalf of the child.

C.2A:30B-5 Rules.

5. The Supreme Court is directed to adopt appropriate rules to effectuate the purposes of this act.

C.2A:30B-6 Commencement of action.

6. Every action brought pursuant to this act shall be commenced within two years after the child reaches the age of majority.

C.2A:30B-7 Other civil, criminal actions, personal liability of certain persons.

7. The right to bring an action under this act is in addition to and not in derogation of the right to bring any other civil or criminal action. This act shall be construed so that any director, officer, servant, employee or other person authorized to act on behalf of a corporation may be personally liable under the provisions of this act.

8. This act shall take effect on the 180th day after enactment and shall apply to any cause of action accruing on or after the effective date, except for section 5 which shall take effect immediately.

Approved May 13, 1992.

CHAPTER 8

AN ACT upgrading the offense of lewdness in certain cases and amending N.J.S.2C:14-4.

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

1. N.J.S.2C:14-4 is amended to read as follows:

Lewdness.

2C:14-4. Lewdness.

a. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other nonconsenting persons who would be affronted or alarmed.

b. A person commits a crime of the fourth degree if:

(1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.

(2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct.

c. As used in this section:

"lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

2. This act shall take effect immediately.

Approved May 13, 1992.

CHAPTER 9

AN ACT concerning casino gambling, amending P.L.1977, c.110 and P.L.1983, c.41, and repealing sections 3 and 24 of P.L.1991, c.182.

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

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

C.5:12-5 "Authorized game" or "authorized gambling game".

5. "Authorized Game" or "Authorized Gambling Game"--
Roulette, baccarat, blackjack, craps, big six wheel, slot machines,

minibaccarat, red dog, pai gow, and sic bo; any variations or composites of such games, provided that such variations or composites are found by the commission suitable for casino use after an appropriate test or experimental period under such terms and conditions as the commission may deem appropriate; and any other game which is determined by the commission to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the commission may deem appropriate. "Authorized game" or "authorized gambling game" includes gaming tournaments in which players compete against one another in one or more of the games listed herein or in approved variations or composites thereof if the tournaments are authorized by the commission.

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

C.5:12-7 "Casino employee".

7. "Casino Employee"--Any natural person employed in the operation of a licensed casino, including, without limitation, boxmen; dealers or croupiers; floormen; machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; and data processing personnel; or any other natural person whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith or who, in the judgment of the commission, is so regularly required to work in a restricted casino area that licensure as a casino employee is appropriate.

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

C.5:12-12 "Casino service industry".

12. "Casino Service Industry" -- Any form of enterprise which provides casino applicants or licensees with goods or services regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility on a regular or continuing basis, including, without limitation, junket enterprises, security businesses, gaming schools, manufacturers, distributors and servicers of gaming devices or equipment, garbage haulers, maintenance companies, food purveyors, and construction companies, or any other enterprise which purchases

goods or services from or which does any other business with licensed casinos on a regular or continuing basis. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale, distribution or repair of slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be considered a casino service industry for the purposes of this act regardless of the nature of its business relationship, if any, with licensed casinos in this State.

For the purposes of this section, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the commission for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

4. Section 3 of P.L.1983, c.41 (C.5:12-29.1) is amended to read as follows:

C.5:12-29.1 "Junket enterprise".

3. "Junket enterprise" -- Any person, other than the holder of or an applicant for a casino license, who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed casino, regardless of whether or not those activities occur within the State of New Jersey.

5. Section 70 of P.L.1977, c.110 (C.5:12-70) is amended to read as follows:

C.5:12-70 Required Regulations.

70. Required Regulations. The commission shall, without limitation on the powers conferred in the preceding section, include within its regulations the following specific provisions in accordance with the provisions of this act:

- a. Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of his application by the commission;
- b. Prescribing the methods, procedures and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs;
- c. Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions

on access to the casino floor and other restricted areas of the casino hotel complex;

d. Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof;

e. Prescribing the manner and method of collection of payments of taxes, fees, and penalties;

f. Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices;

g. Regulating the practice and procedures for negotiable transactions involving patrons, including limitations on the circumstances and amounts of such transactions, and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

h. Prescribing grounds and procedures for the revocation or suspension of operating certificates and licenses;

i. Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment;

j. Prescribing for gaming operations the procedures, forms and methods of management controls, including employee and supervisory tables of organization and responsibility, and minimum security standards, including security personnel structure, alarm and other electrical or visual security measures;

k. Prescribing the qualifications of, and the conditions pursuant to which, engineers, accountants, and others shall be permitted to practice before the commission or to submit materials on behalf of any applicant or licensee; provided, however, that no member of the Legislature, nor any firm with which said member is associated, shall be permitted to appear or practice or act in any capacity whatsoever before the commission or division regarding any matter whatsoever, nor shall any member of the family of the Governor or of a member of the Legislature be permitted to so practice or appear in any capacity whatsoever before the commission or division regarding any matter whatsoever;

l. Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations and events, including reports to the commission;

m. Providing for a minimum uniform standard of accountancy methods, procedures and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures, including those controls listed in section 99a. hereof, as may be necessary to assure consistency, comparability, and effective disclosure of all financial information, including calculations of percentages of profit by games, tables, gaming devices and slot machines;

n. Requiring periodic financial reports and the form thereof, including an annual audit prepared by a certified public accountant licensed to do business in this State, attesting to the financial condition of a licensee and disclosing whether the accounts, records and control procedures examined are maintained by the licensee as required by this act and the regulations promulgated hereunder;

o. Governing the gaming-related advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered, but in no circumstance shall permit the advertisement of information about odds, the number of games, or the size of the casino; and provided further, however, that such regulations shall require the words "Bet with your head, not over it," or some comparable language approved by the commission, to appear on all billboards, signs, and other on-site advertising of a casino operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the commission, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to appear legibly on all print, billboard, and sign advertising of a casino operation; and

p. (Deleted by amendment, P.L.1991, c.182).

q. Concerning the distribution and consumption of alcoholic beverages on the premises of the licensee, which regulations shall be insofar as possible consistent with Title 33 of the Revised Statutes, and shall deviate only insofar as necessary because of the unique character of the hotel casino premises and operations;

r. (Deleted by amendment, P.L.1991, c.182).

6. Section 83 of P.L.1977, c.110 (C.5:12-83) is amended to read as follows:

C.5:12-83 Approved hotel.

83. Approved Hotel. a. An approved hotel for purposes of this act shall be a hotel providing facilities in accordance with

this section. Nothing in this section shall be construed to limit the authority of the commission to determine the suitability of facilities as provided in this act, and nothing in this section shall be construed to require a casino to be smaller than the maximum size herein provided.

b. (1) In the case of a casino hotel in operation on the effective date of this amendatory and supplementary act, P.L.1991, c.182, an approved hotel shall:

(a) contain at least the number of qualifying sleeping units, as defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it has on the effective date of this amendatory and supplementary act, except that those units may be consolidated and reconfigured in order to form suites so long as there remain at least 500 qualifying sleeping units; and

(b) contain a casino of not more than the amount of casino space authorized on the basis of the provisions of this section which were in effect on the day before the effective date of this amendatory and supplementary act and applicable to that casino at that time, unless the number of qualifying sleeping units under subparagraph (a) of this paragraph and the number of any qualifying sleeping units added after the effective date of this amendatory and supplementary act permit an increase on the following basis: 50,000 square feet for the first 500 qualifying sleeping units and 10,000 square feet for each additional 100 qualifying sleeping units above 500, up to a maximum of 200,000 square feet. No casino hotel in operation on the effective date of this amendatory and supplementary act shall be required to reduce the amount of its casino space below the amount authorized as of the day before the effective date of this amendatory and supplementary act unless the number of qualifying sleeping units is reduced below the number required in subparagraph (a) of this paragraph.

For the purpose of increasing casino space, an agreement approved by the commission for the addition of qualifying sleeping units within two years after the commencement of gaming operations in the additional casino space shall be deemed an addition of those rooms, but if the agreement is not fulfilled due to conditions within the control of the casino licensee, the casino licensee shall close the additional casino space or any portion thereof as directed by the commission.

The calculation of the number of qualifying sleeping units added with respect to any such casino hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence

in Atlantic City on the effective date of this amendatory and supplementary act, whether or not that unit or room is offered or usable for occupancy on the effective date, or any replacement for such a unit or room which results from construction or renovation after the effective date.

(2) In the case of a hotel in operation on the effective date of this amendatory and supplementary act, P.L.1991, c.182, in which a licensed casino was located and operated prior to, but not as of, that effective date, and in which a casino is reestablished after that effective date, an approved hotel shall:

(a) contain at least the number of qualifying sleeping units, as defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it had on the date the casino ceased operations prior to the effective date of this amendatory and supplementary act, except that those units may be consolidated and reconfigured in order to form suites so long as there remain at least 500 qualifying sleeping units; and

(b) contain a casino of not more than the amount of casino space the casino had on the date it ceased operations prior to the effective date of this amendatory and supplementary act, unless the number of qualifying sleeping units under subparagraph (a) of this paragraph and the number of any qualifying sleeping units added after the effective date of this amendatory and supplementary act permit an increase on the following basis: 50,000 square feet for the first 500 qualifying sleeping units and 10,000 square feet for each additional 100 qualifying sleeping units above 500, up to a maximum of 200,000 square feet. No casino hotel which operates pursuant to this paragraph shall be required to reduce the amount of its casino space below the amount it had on the date it ceased operations unless the number of qualifying sleeping units is reduced below the number required in subparagraph (a) of this paragraph.

For the purpose of increasing casino space, an agreement approved by the commission for the addition of qualifying sleeping units within two years after the commencement of gaming operations in the additional casino space shall be deemed an addition of those rooms, but if the agreement is not fulfilled due to conditions within the control of the casino licensee, the casino licensee shall close the additional casino space or any portion thereof as directed by the commission.

The calculation of the number of qualifying sleeping units added with respect to any such hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence in Atlantic City on the effective date of this amendatory and supple-

mentary act, whether or not that unit or room is offered or usable for occupancy on the effective date, or any replacement for such a unit or room which results from construction or renovation after the effective date.

c. In the case of a casino hotel not in operation prior to or on the effective date of this amendatory and supplementary act, P.L.1991, c.182, an approved hotel shall contain at least 500 qualifying sleeping units, as defined in section 27 of the "Casino Control Act," P.L.1977, c.110 (C.5:12-27), and a single casino room of not more than 50,000 square feet, except that for each additional 100 qualifying sleeping units above 500, the maximum size of the casino room may be increased by 10,000 square feet, up to a maximum of 200,000 square feet. The calculation of the number of qualifying sleeping units with respect to any such casino hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence in Atlantic City on the effective date of this amendatory and supplementary act, whether or not that unit or room is offered or usable for occupancy on the effective date, or any replacement for such a unit or room which results from construction or renovation after the effective date.

d. Once a hotel is initially approved, the commission shall thereafter rely on the certification of the casino licensee with regard to the number of rooms and shall permit rehabilitation, renovation and alteration of any part of the approved hotel even if the rehabilitation, renovation, or alteration will mean that the casino licensee does not temporarily meet the requirements of subsection c. so long as the licensee certifies that the rehabilitation, renovation, or alteration shall be completed within one year.

e. (Deleted by amendment, P.L.1987, c.352).

f. (Deleted by amendment, P.L.1991, c.182).

g. (Deleted by amendment, P.L.1991, c.182).

h. (Deleted by amendment, P.L.1991, c.182).

i. The commission shall not impose any criteria or requirements regarding the contents of the hotel in addition to the criteria and requirements expressly specified in the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.); provided, however, that the commission shall be authorized to require each casino licensee to establish and maintain an approved hotel which is in all respects a superior, first-class facility of exceptional quality which will help restore Atlantic City as a resort, tourist and convention destination.

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

C.5:12-39 "Publicly traded corporation".

39. "Publicly traded corporation" --Any corporation or other legal entity, except a natural person, which:

a. Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78l.), or

b. Is an issuer subject to section 15(d) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78o.), or

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

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

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

92. Licensing and Registration of Casino Service Industries. a. (1) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of that service industry applicant under this subsection.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry intending to manufacture, sell, distribute or repair slot machines within New Jersey, other than antique slot machines as defined in N.J.S. 2C:37-7, shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee for each

business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with the casino applicant or licensee prior to the licensure of that service industry applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the commission may permit the service industry applicant to initiate the manufacture of slot machines or engage in the sale, distribution or repair of slot machines with any person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that service industry applicant under this subsection.

b. Each casino service industry in subsection a. of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques. The commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming school. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire six months from the date of its issuance and be renewable, at the discretion of the commission, for one additional six-month period.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino applicant or licensee or its employees or agents. Such casino service industries, whether or not directly related to gaming operations, shall include junket enterprises; suppliers of alcoholic beverages, food and nonalcoholic beverages.

ages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services and construction companies contracting with casino applicants or licensees or their employees or agents. The commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act. Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

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

9. Section 97 of P.L.1977, c.110 (C.5:12-97) is amended to read as follows:

C.5:12-97 Hours of operation.

97. Hours of Operation. a. No casino licensed pursuant to this act shall operate between the hours of 6 a.m. and 10 a.m. on Saturdays, Sundays and State and federal holidays, or between the hours of 4 a.m. and 10 a.m. on all other days, except that the commission may extend the hours of operation, up to and including 24 hours of operation, on any Saturday, Sunday, or State or federal holiday, or on any day that an extension of operating hours would, in the judgment of the commission, have an economic impact on the casino industry or on Atlantic City which would justify the extension of those hours.

b. A casino licensee shall file with the commission a schedule of hours prior to the issuance of an initial operation certificate. If the casino licensee proposes any change in scheduled hours, such change may not be effected until such licensee files a notice of

the new schedule of hours with the commission. Such filing must be made 30 days prior to the effective date of the proposed change in hours.

c. Nothing herein shall be construed to limit a casino licensee in opening its casino later than, or closing its casino earlier than, the times stated in its schedule of operating hours; provided, however, that any such alterations in its hours shall comply with the provisions of subsection a. of this section and with regulations of the commission pertaining to such alterations.

10. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to read as follows:

C.5:12-100 Games and gaming equipment.

100. Games and Gaming Equipment. a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room in accordance with this act and the regulations promulgated hereunder.

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel complex except in the casino room and in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the commission. Gaming equipment which supports the conduct of gaming in the casino but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room at times authorized for that purpose by the commission or at other times when prior notice has been given to and written approval granted by an authorized agent of the commission.

Notwithstanding the foregoing, a person may, with the prior approval of the commission and under such terms and conditions as may be required by the commission, possess, maintain or exhibit

gaming equipment in any other area of the casino hotel complex; provided such equipment is used for nongaming purposes.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the commission for the counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall not be brought into or removed from the casino room, or locked or unlocked, except at such times, in such places, and according to such procedures as the commission may require.

d. All chips used in gaming at all casinos shall be of such size and uniform color by denomination as the commission shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the commission. All wagers and pay-offs of winning wagers at table games shall be made according to rules promulgated by the commission, which shall establish such limitations as may be necessary to assure the vitality of casino operations and fair odds to and maximum participation by casino patrons. Each slot machine shall have a minimum payout of 83%.

f. Each casino licensee shall make available in printed form to any casino patron upon request the complete text of the rules of the commission regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to the player as the commission shall require. Each casino licensee shall prominently post within the casino room according to regulations of the commission such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the commission shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that any wager actually

made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

h. (1) No slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the division and licensed for use by the commission. The commission shall, by regulation, establish such technical standards for licensure, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee, subject to the prior approval of the commission.

(2) The commission shall, by regulation, determine the permissible number and density of slot machines in a licensed casino so as to:

- (a) promote optimum security for casino operations;
- (b) avoid deception or frequent distraction to players at gaming tables;
- (c) promote the comfort of patrons;
- (d) create and maintain a gracious playing environment in the casino; and
- (e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.
 - i. (Deleted by amendment, P.L.1991, c.182).
 - j. (Deleted by amendment, P.L.1991, c.182).

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, or coupons or similar complimentary vouchers distributed pursuant to a program approved by the commission or maintained pursuant to commission regulation. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over \$25.00 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

l. It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any shill or Barker to induce any person to enter a casino or play at any game or for any purpose whatsoever.

m. It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a

device specifically designed for that purpose, unless otherwise permitted by the rules of the commission.

n. It shall be unlawful for any casino key employee, other than a junket representative, or any casino employee, other than a bartender, waiter, waitress, or other casino employee who in the judgment of the commission is not directly involved with the conduct of gaming operations, to wager at any game in any casino in this State.

o. (1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit, any tip or gratuity from any player or patron at the casino where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked.

11. Section 101 of P.L.1977, c.110 (C.5:12-101) is amended to read as follows:

C.5:12-101 Credit.

101. Credit. a. Except as otherwise provided in this section, no casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall:

(1) Cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming activity as a player; or

(2) Release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by any player in gaming activity, without maintaining a written record thereof in accordance with the rules of the commission.

b. No casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, may accept a check, other than a recognized traveler's check or other cash equivalent from any person to enable such person to take

part in gaming activity as a player, or may give cash or cash equivalents in exchange for such check unless:

- (1) The check is made payable to the casino licensee;
- (2) The check is dated, but not postdated;
- (3) The check is presented to the cashier or the cashier's representative at a location in the casino approved by the commission and is exchanged for cash or slot tokens which total an amount equal to the amount for which the check is drawn, or the check is presented to the cashier's representative at a gaming table in exchange for chips which total an amount equal to the amount for which the check is drawn; and
- (4) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents.

Nothing in this subsection shall be deemed to preclude the establishment of an account by any person with a casino licensee by a deposit of cash, recognized traveler's check or other cash equivalent, or a check which meets the requirements of subsection g. of this section, or to preclude the withdrawal, either in whole or in part, of any amount contained in such account.

c. When a casino licensee or other person licensed under this act, or any person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, cashes a check in conformity with the requirements of subsection b. of this section, the casino licensee shall cause the deposit of such check in a bank for collection or payment within (1) seven calendar days of the date of the transaction for a check in an amount of \$1,000.00 or less; (2) 14 calendar days of the date of the transaction for a check in an amount greater than \$1,000.00 but less than or equal to \$5,000.00; or (3) 45 calendar days of the date of the transaction for a check in an amount greater than \$5,000.00. Notwithstanding the foregoing, the drawer of the check may redeem the check by exchanging cash, cash equivalents, chips, or a check which meets the requirements of subsection g. of this section in an amount equal to the amount for which the check is drawn; or he may redeem the check in part by exchanging cash, cash equivalents, chips, or a check which meets the requirements of subsection g. of this section and another check which meets the requirements of subsection b. of this section for the difference between the original check and the cash, cash equivalents, chips, or check tendered; or he may issue one check which meets the requirements of subsection b. of this section in an amount sufficient to redeem two or more checks drawn

to the order of the casino licensee. If there has been a partial redemption or a consolidation in conformity with the provisions of this subsection, the newly issued check shall be delivered to a bank for collection or payment within the period herein specified. No casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall accept any check or series of checks in redemption or consolidation of another check or checks in accordance with this subsection for the purpose of avoiding or delaying the deposit of a check in a bank for collection or payment within the time period prescribed by this subsection.

In computing a time period prescribed by this subsection, the last day of the period shall be included unless it is a Saturday, Sunday, or a State or federal holiday, in which event the time period shall run until the next business day.

d. No casino licensee or any other person licensed under this act, or any other person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall transfer, convey, or give, with or without consideration, a check cashed in conformity with the requirements of this section to any person other than:

(1) The drawer of the check upon redemption or consolidation in accordance with subsection c. of this section;

(2) A bank for collection or payment of the check; or

(3) A purchaser of the casino license as approved by the commission. The limitation on transferability of checks imposed herein shall apply to checks returned by any bank to the casino licensee without full and final payment.

e. No person other than one licensed as a casino key employee or as a casino employee may engage in efforts to collect upon checks that have been returned by banks without full and final payment, except that an attorney-at-law representing a casino licensee may bring action for such collection.

f. Notwithstanding the provisions of any law to the contrary, checks cashed in conformity with the requirements of this act shall be valid instruments, enforceable at law in the courts of this State. Any check cashed, transferred, conveyed or given in violation of this act shall be invalid and unenforceable for the purposes of collection but shall be included in the calculation of gross revenue pursuant to section 24 of P.L.1977, c.110 (C.5:12-24).

g. Notwithstanding the provisions of subsection b. of this section to the contrary, a casino licensee may accept a check from a person to enable the person to take part in gaming activity as a player, may give cash or cash equivalents in exchange for such a check, or may accept a check in redemption or partial redemption of a check issued in accordance with subsection b., provided that:

(1) (a) The check is drawn by a casino licensee pursuant to the provisions of subsection k. of section 100 of P.L.1977, c.110 (C.5:12-100) or upon a withdrawal of funds from an account established in accordance with the provisions of subsection b. of this section or is drawn by a casino licensee for winnings from slot machine payoffs;

(b) The check is issued by a banking institution which is chartered in a country other than the United States on its account at a federally chartered or state-chartered bank and is made payable to "cash," "bearer," a casino licensee, or the person presenting the check; or

(c) The check is issued by a banking institution which is chartered in the United States on its account at another federally chartered or state-chartered bank and is made payable to "cash," "bearer," a casino licensee, or the person presenting the check;

(2) The check is identifiable in a manner approved by the commission as a check issued for a purpose listed in paragraph (1) of this subsection;

(3) The check is dated, but not postdated;

(4) The check is presented to the cashier or the cashier's representative by the original payee and its validity is verified by the drawer in the case of a check drawn pursuant to subparagraph (a) of paragraph (1) of this subsection, or the check is verified in accordance with regulations promulgated by the commission in the case of a check issued pursuant to subparagraph (b) or subparagraph (c) of paragraph (1) of this subsection; and

(5) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents.

No casino licensee shall issue a check for the purpose of making a loan or otherwise providing or allowing any advance or credit to a person to enable the person to take part in gaming activity as a player.

h. Notwithstanding the provisions of subsection b. and subsection c. of this section to the contrary, a casino licensee may, at a location outside the casino, accept a personal check or checks from a person for up to \$1,500 in exchange for cash or cash equivalents, and may, at such locations within the casino as may

be permitted by the commission, accept a personal check or checks for up to \$1,500 in exchange for cash, cash equivalents, tokens, chips, or plaques to enable the person to take part in gaming activity as a player or non-gaming activity, as the case may be, provided that:

(1) The check is drawn on the patron's bank or brokerage cash management account;

(2) The check is for a specific amount;

(3) The check is made payable to the casino licensee;

(4) The check is dated but not post-dated;

(5) The patron's identity is established by examination of one of the following: valid credit card, driver's license, passport, or other form of identification credential which contains, at a minimum, the patron's signature;

(6) The check is restrictively endorsed "For Deposit Only" to the casino licensee's bank account and deposited on the next banking day following the date of the transaction; and

(7) The total amount of personal checks accepted by any one licensee pursuant to this subsection that are outstanding at any time, including the current check being submitted, does not exceed \$1,500.

i. Checks cashed pursuant to the provisions of subsection h. of this section which are subsequently uncollectable may not be deducted from the total of all sums received in calculating gross revenue pursuant to section 24 of P.L.1977, c.110 (C.5:12-24).

j. A person may request the commission to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the commission the person's name, address, and date of birth. The person does not need to provide a reason for this request. The commission shall provide this list to the credit department of each casino; neither the commission nor the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the commission, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

12. 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.

b. A junket representative employed by a casino licensee or an applicant for a casino license shall be licensed as a casino key employee in accordance with the provisions of P.L.1977, c.110 (C.5:12-1 et seq.); 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 may act as a junket representative while employed by a casino licensee without further endorsement of his license. No casino licensee or applicant for a casino license may employ or otherwise engage a junket representative who is not so licensed.

c. Junket enterprises which, and junket representatives not employed by a casino licensee or an applicant for a casino license or by a junket enterprise who, are engaged in activities governed by this section shall be subject to the provisions of subsection c. of section 92 and subsection b. of section 104 of P.L.1977, c.110 (C.5:12-92 and 5:12-104) with regard to those activities, unless otherwise directed by the commission pursuant to subsection k. of this section. Such of the owners, management and supervisory personnel, and other principal employees of a junket enterprise as the commission may consider appropriate for qualification shall qualify under the standards, except for residency, established for qualification of a casino key employee under P.L.1977, c.110 (C.5:12-1 et seq.).

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. Upon petition by the holder of a casino license, an applicant for junket representative licensure may be issued a temporary license by the commission, provided that:

- (1) the applicant for licensure is employed by a casino licensee;
- (2) the applicant for licensure has filed a completed application as required by the commission;

(3) the division either certifies to the commission that the completed application for licensure as specified in paragraph (2) of this subsection has been in the possession of the division for at least 60 days or agrees to allow the commission to consider the application in some lesser time; and

(4) 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 P.L.1977, c.110 (C.5:12-1 et seq.), 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 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, in accordance with the provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

Unless otherwise terminated pursuant to P.L.1977, c.110 (C.5:12-1 et seq.), 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 (4) 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 P.L.1977, c.110 (C.5:12-1 et seq.). 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;

(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);

(3) Act on behalf of or under any arrangement with a casino licensee or a gaming patron with regard to the redemption, consolidation, or substitution of the gaming patron's checks awaiting deposit pursuant to subsection c. of section 101 of P.L.1977, c.110 (C.5:12-101);

(4) Individually receive or retain any fee from a patron for the privilege of participating in a junket;

(5) Pay for any services, including transportation, or other items of value provided to, or for the benefit of, any patron participating in a junket.

m. No casino licensee shall offer or provide any complimentary services, gifts, cash or other items of value to any person unless:

(1) The complimentary consists of room, food, beverage or entertainment expenses provided directly to the patron and his guests by the licensee or indirectly to the patron and his guests on behalf of a licensee by a third party; or

(2) The complimentary consists of documented transportation expenses provided directly to the patron and his guests by the licensee or indirectly to the patron and his guests on behalf of a licensee by a third party, provided that the licensee complies with regulations promulgated by the commission to ensure that a patron's and his guests' documented transportation expenses are paid for or reimbursed only once; or

(3) The complimentary consists of coins, tokens, cash or other complimentary items or services provided through a bus coupon or other complimentary distribution program approved by the commission or maintained pursuant to commission regulation.

Notwithstanding the foregoing, a casino licensee may offer and provide complimentary cash or noncash gifts which are not otherwise included in paragraphs (1) through (3) of this subsection to any person, provided that any such gifts in excess of \$2,000.00 per trip, or such greater amount as the commission may establish by regulation, are supported by documentation regarding the reason the gift was provided to the patron and his guests, including where applicable, a patron's player rating, which documentation shall be maintained by the casino licensee. For the purposes of this paragraph, all gifts presented to a patron and the patron's guests

directly by the licensee or indirectly on behalf of the licensee by a third party within any five-day period shall be considered to have been made during a single trip. In the case of cash gifts, the commission shall establish by regulation the total amount of such gifts that a licensee may provide to a patron each year.

Each casino licensee shall maintain a regulated complimentary service account, for those complimentaries which are permitted pursuant to this section, 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. Any person who, on the effective date of this 1992 amendatory act, P.L.1992, c.9, holds a current and valid plenary junket representative license, a junket representative license with a sole owner-operator endorsement, or a junket enterprise license authorizing the conduct of junket activities, shall be considered

licensed in accordance with the provisions of this section and subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92) for the remaining term of his current license.

Repealer.

13. Section 3 of P.L.1991, c.182 (C.5:12-5.1) and section 24 of P.L.1991, c.182 are repealed.

14. This act shall take effect immediately.

Approved May 19, 1992.

CHAPTER 10

AN ACT concerning the financing of the State's transportation system, amending P.L.1987, c.460, and amending and supplementing P.L.1984, c.73.

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

1. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as follows:

C.27:1B-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning 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 3 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, water-borne 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.

r. "Maintenance" means, in relation to public transportation projects, direct costs of work necessary for preserving or maintaining the useful life of public transportation projects, provided the work performed is associated with the acquisition, installation and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the project for not less than four years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis. This definition shall not apply to the term "maintenance" as used in subsection l. of this section.

2. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to read as follows:

C.27:1B-21.1 Annual funding maximums.

8. a. Commencing with the report of the commissioner required to be submitted pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) on or before March 1, 1988 for the fiscal year commencing July 1, 1988 and for the reports of the commissioner required to be submitted pursuant thereto for each fiscal year through the fiscal year commencing July 1, 1989, the amount reported by the commissioner for proposed projects to be financed shall not exceed \$365,000,000 exclusive of federal funds, except that for fiscal years commencing July 1, 1990 and thereafter the amount shall not exceed \$565,000,000 exclusive of federal funds, except as provided herein. If, in the discretion of the commissioner, a greater amount is determined to be necessary to meet the financing requirements for the ensuing fiscal year, the commissioner may include in a report an amount in excess of \$365,000,000 exclusive of federal funds or in excess of \$565,000,000 exclusive of federal funds for the fiscal years in which appropriations above those limits are permitted pursuant to subsection b. of this section; provided that in no event shall that amount be an amount greater than 105% of that \$365,000,000 or of that \$565,000,000 respectively.

In any fiscal year for which an amount exceeding \$365,000,000 exclusive of federal funds or an amount exceeding \$565,000,000 exclusive of federal funds was appropriated pursuant to subsection b. of this section, the commissioner shall report on or before March 1 of that fiscal year for the ensuing fiscal year an amount for proposed projects to be financed not greater than the maximum amount authorized to be appropriated for that ensuing fiscal year pursuant to subsection b. of this section.

b. For the fiscal year beginning on July 1, 1988 and for the fiscal year beginning on July 1, 1989, the total amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21), shall not exceed \$365,000,000 exclusive of federal funds and for fiscal years beginning on July 1, 1990 and through the fiscal year beginning on July 1, 1994 the amount shall not exceed \$565,000,000 exclusive of federal funds, except as provided herein. If, in any fiscal year through the fiscal year commencing on July 1, 1991, a greater amount is determined to be necessary to meet the financing requirements, the amount appropriated may be in excess of \$365,000,000 exclusive of federal funds or in excess of \$565,000,000 exclusive of federal funds; provided that in any such year: (1) in no event shall there be appropriated an amount greater than 105% of that \$365,000,000 or of that \$565,000,000, and provided further, that (2) if, pursuant to paragraph (1) of this subsection, (i) a greater fiscal year appropriation is authorized in excess of the \$365,000,000 limit for a fiscal year, the ensuing fiscal year appropriation is to be reduced by the same amount that the appropriation for that fiscal year exceeds \$365,000,000, or, (ii) a greater fiscal year appropriation is authorized in excess of the \$565,000,000 limit for a fiscal year, the ensuing fiscal year appropriation is to be reduced by the same amount that the appropriation for that fiscal year exceeds \$565,000,000.

c. (Deleted by amendment, P.L.1991, c.40).

d. (Deleted by amendment, P.L.1992, c.10).

e. The State Auditor shall develop procedures for the auditing of expenditures made by the department and the New Jersey Transit Corporation from funds appropriated for transportation projects from the revenues of the authority and shall cause a semi-annual audit to be made of these expenditures in order to determine the extent to which these funds are expended for costs

directly related to the projects, including but not limited to salaries and other administrative expenses. The findings of such audits shall be transmitted to the presiding officer of each House of the Legislature, and to the Chair of the Senate Budget and Appropriations Committee, the Senate Transportation Committee, the Assembly Appropriations Committee, and the Assembly Transportation and Communications Committee or their successors. In addition, the State Auditor shall audit expenditures made for maintenance of public transportation projects every six months and shall transmit the findings of these audits to the Chairs of the Senate Transportation Committee and the Assembly Transportation and Communications Committee.

f. Until the filing of a public issuer's annual report by the Transportation Trust Fund Authority pursuant to section 12 of the "New Jersey Bond Review Board Act," P.L. , c. (C.)(now pending before the Legislature as Assembly Bill No. 1199 of 1992), the State Auditor shall review bond issuances of the authority and report to the Joint Budget Oversight Committee and to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, on the status of the bonds of the authority and projects financed from the proceeds of the bonds. The report shall include the investment status of all unexpended bond proceeds and provide a description of any bond issues expected during a fiscal year, including type of issue, estimated amount of bonds to be issued and the expected month of sale.

C.27:1B-21.2 Utilization of State appropriation.

3. a. The State amount appropriated from the revenues and other funds of the Transportation Trust Fund Authority for transportation projects for any fiscal year commencing on or after July 1, 1992 may be utilized for the costs of salaries, wages and related payroll expenses incurred for periods of time public employees are actively engaged, either directly or indirectly, in the following transportation project-related activities:

(1) Preliminary engineering, which means location, design, and related work preparatory to the advancement of a project to physical construction.

(2) Construction engineering, which means the supervision and inspection of construction activities; additional staking functions considered necessary for effective control of the construction operation; testing material incorporated into construction; check-

ing shop drawings; and measurements needed for the preparation of pay estimates.

(3) Acquisition of rights-of-way, which means the preparation of right-of-way plans; making economic studies and other related preliminary work; appraisal for parcel acquisition; review of appraisals; preparation for and trial of condemnation cases; management of properties acquired; furnishing of relocation advisory assistance; and other related labor expenses.

(4) Highway and public transportation planning which means the orderly and continuing assembly and analysis of information about highways and public transportation, such as the history of development and their extent, dimensions and conditions, use, economic and social effects, costs and future needs.

(5) Research and development which means the search for more complete knowledge of the characteristics of the highway and public transportation systems and the translation of the results of research into practice.

(6) Administrative settlement costs - contract claims which means services related to the review and defense of claims against transportation projects.

(7) The costs incurred for analysis and award of contracts and agreements, auditing, environmental and bridge inspection work directly chargeable to, and for the benefit of, specific transportation projects.

b. The cost of commercial transportation, privately owned automobiles, and per diem or subsistence which is essential to the prosecution of the project and is performed in accordance with prescribed procedures shall also be allowable as shall the use of privately owned automobiles and per diem or subsistence which is incurred in conformance with established policy of the department or the corporation or of a county or municipality, as appropriate.

c. (1) The costs of leave, that is, annual, sick, military, jury and so forth, that is earned, accounted for, and used in accordance with established procedures. The cost of such leave must be equally distributed to all activities, and the pro rata costs must be representative of the amount that is earned and accrued while working on the project.

(2) Compensatory leave granted in lieu of payment of overtime to eligible employees may be funded if accrued and granted under established policies on a uniform basis. Such leave costs must meet the criteria set forth in paragraph (1) of this subsection.

d. General administration, supervision and other unallowable overhead costs of a transportation project, which are not to be

funded from State revenues of the authority, are those considered necessary for the management, supervision and administrative control of the department and the corporation. Examples of such unallowable costs may include, but are not limited to, the following types of personnel, related payroll benefit costs and other administrative or support services:

(1) Directors, department heads, legal, accounting, budgeting, personnel, and procurement units.

(2) Related clerical, secretarial, and other support services for officials and personnel listed in paragraph (1) of this subsection.

(3) Management, supervision and administrative overhead costs incurred by other units or departments of State, county or municipal governmental organizations.

e. Costs incurred for services rendered by employees generally classified as administrative may, however, be funded from the revenues of the authority for:

(1) A highway or transportation planning unit and a research and development unit, in the ratio of time spent on the participating portion of work in the unit to the total unit's working hours, and

(2) Other operating units if those employees are assigned for specific identifiable periods of time to perform project-related activities in the same manner as operating personnel.

4. The State amount appropriated from the revenues and other funds of the authority for transportation projects for the fiscal year commencing on July 1, 1992 shall not include any amount for salaries and other administrative expenses of employees of the department and the corporation in excess of six and one-half percent of the total amount, including State and federal funds, appropriated or otherwise made available for that fiscal year for these projects. Nothing in this section shall be construed as limiting the ability of the State to request reimbursement from the federal government for federally authorized costs.

C.27:1B-21.3 Public transportation projects, maintenance, expenses not included in reported amounts.

5. Notwithstanding the provisions of any other law to the contrary, the amount required to be reported pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) and the amount appropriated in any fiscal year commencing on or after July 1, 1993 pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21) shall not include any amount for

the maintenance of public transportation projects as defined in subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3).

6. This act shall take effect immediately and shall apply to the fiscal years commencing on or after July 1, 1992 and to reports of proposed projects for those years.

Approved May 20, 1992.

CHAPTER 11

AN ACT concerning the sales and use tax, lowering the rate of tax, amending P.L.1966, c.30, and P.L.1980, c.105.

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

1. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Imposition of sales tax.

3. There is imposed and there shall be paid a tax of 6% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act. If the lessor of tangible personal property purchased for lease elects to pay tax on the amount of the sales price as provided in paragraph (2) of subsection (bb) of section 2 of P.L.1966, c.30 (C.54:32B-2), any and each subsequent lease or rental is a retail sale, and a subsequent sale of such property is a retail sale.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal prop-

erty is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) (Deleted by amendment, P.L.1990, c.40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Advertising services, except advertising services for use directly and primarily for publication in newspapers and magazines and except for direct-mail advertising processing services in connection with distribution to out-of-State recipients.

(6) Advertising space in a telecommunications user or provider directory or index distributed in this State.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by

caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods;

(4) Sales of food and beverages sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge, where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts

performances, motion picture theatres, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) The receipts from every sale, except for resale, of intrastate or interstate telecommunications charged to an address in this State, regardless of where the services are billed or paid.

2. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to read as follows:

C.54:32B-4 Tax bracket schedule.

4. Tax bracket schedule. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect:

Amount of Sale	Amount of Tax
\$0.01 to \$0.10	No Tax
0.11 to 0.22	\$0.01
0.23 to 0.38	0.02
0.39 to 0.56	0.03
0.57 to 0.72	0.04
0.73 to 0.88	0.05
0.89 to \$1.10	0.06

In addition to a tax of \$0.06 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula.

3. Section 5 of P.L.1966, c.30 (C.54:32B-5) is amended to read as follows:

C.54:32B-5 Transitional provisions.

5. Transitional provisions. a. (1) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after January 3, 1983 but prior to July 1, 1990, are subject to the taxes imposed under subsections (a), (b), (c), and (f) of section 3 of this act at the rate, if any, in effect for such sales and services on June 30, 1990, except if the property so sold is delivered or the services so sold are rendered on or after July 1, 1990 but prior to July 1, 1992, in which case the tax shall be computed and paid at the rate of 7%; provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after January 3, 1983 and ending after June 30, 1990 but prior to July 1, 1992, the receipts from such agreement are subject to tax at the rate, if any, applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(2) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1990 but prior to July 1, 1992, are subject to the taxes imposed under subsections (a), (b), (c) and (f) of section 3 of this act at the rate of 7%, except if the property so sold is delivered or the services so sold are rendered on or after July 1, 1992, in which case the tax shall be computed and paid at the rate of 6%, provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1990, and ending after July 1, 1992, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

b. (1) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 7% upon any occupancy on and after July 1, 1990 but prior to July 1, 1992, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after January 3, 1983 but prior to July 1, 1990, the rent for the period of occupancy prior to July 1, 1990 shall be taxed at the rate of 6%. If rent is paid on a weekly, monthly or other term basis, the

rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(2) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6% upon any occupancy on and after July 1, 1992, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after July 1, 1990 but prior to July 1, 1992, the rent for the period of occupancy prior to July 1, 1992 shall be taxed at the rate of 7%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

c. (1) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 7% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1990 but prior to July 1, 1992, whether or not the admission charge has been paid prior to July 1, 1990, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1990 and the tax imposed under this act during the period January 3, 1983 through June 30, 1990 shall have been paid.

(2) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1992, whether or not the admission charge has been paid prior to that date, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1992 and the tax imposed under this act during the period July 1, 1990 through December 31, 1990 shall have been paid.

d. (1) Sales made on and after July 1, 1990 but prior to July 1, 1992 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 7%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or

withdrawn, and, in either case, such contract was entered into or such bid was made on or after January 3, 1983 but prior to July 1, 1990, such sales shall be subject to tax at the rate of 6%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

(2) Sales made on or after July 1, 1992 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 6%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after July 1, 1990, but prior to July 1, 1992, such sales shall be subject to tax at the rate of 7%.

e. As to sales other than those referred to in d. above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof, and the taxes imposed under subsection (f) of section 3 and section 6 hereof, upon receipts received on or after July 1, 1990 and on or before December 31, 1990, shall be at the rate in effect on June 30, 1990, in case of sales made or services rendered pursuant to a written contract entered on or after January 3, 1983 but prior to July 1, 1990, and accompanied by a deposit or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser on such sales at the rate of 7%, which tax shall be reduced to the rate, if any, in effect on June 30, 1990, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of P.L.1966, c.30 (C.54:32B-20). A claim for refund shall not be allowed if there has been no deposit or partial payment of the contract price unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

f. (1) The taxes imposed under subsections (a), (b), (c) and (f) of section 3 upon receipts received on or after July 1, 1990 but

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prior to July 1, 1992 shall be at the rate, if any, in effect on June 30, 1990 in the case of sales made or services rendered, if delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to July 1, 1990.

(2) The taxes imposed under subsections (a), (b), (c) and (f) of section 3 upon receipts received on or after July 1, 1992 shall be at the rate of 7% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered on or after July 1, 1990 but prior to July 1, 1992.

g. The director is empowered to promulgate rules and regulations to implement the provisions of this section.

4. Section 6 of P.L.1966, c.30 (C.54:32B-6) is amended to read as follows:

C.54:32B-6 Imposition of compensating use tax.

6. Imposition of compensating use tax. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 6%, except as otherwise exempted under this act, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or if items of the same kind of tangible personal property are not offered for sale by him in the regular course of business and are used as such or incorporated into a structure, building or real property, (C) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of interstate or intrastate telecommunications described in subsection (f) of section 3 of P.L.1966, c.30, and (E) of advertising space in a telecommunications user or provider directory or index. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property, but excluding any credit for property of the same kind accepted in part payment and intended for resale, plus the

cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider. For the purposes of clause (E) of this section, the tax shall be at the applicable rate on the charge made by the advertising space provider.

5. Section 31 of P.L.1980, c.105 (C.54:32B-8.19) is amended to read as follows:

C.54:32B-8.19 Property taxable under municipal ordinance.

31. Receipts from sales of tangible personal property and services taxable under any municipal ordinance which was adopted pursuant to P.L.1947, c.71 (C.40:48-8.15 et seq.) and was in effect on April 27, 1966 are exempt from the tax imposed under the Sales and Use Tax Act, subject to the following conditions:

a. To the extent that the tax that is or would be imposed under section 3 of P.L.1966, c.30 (C.54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this section; and

b. Irrespective of the rate of tax imposed by such ordinance, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds 6%, except that the combined rate of taxation imposed under the ordinance and under this section shall not exceed 12%.

6. This act shall take effect immediately but remain inoperative until July 1, 1992.

Passed May 21, 1992.

CHAPTER 12

AN ACT concerning certain greenhouses, and amending P.L.1975, c.217.

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

1. Section 3 of P.L.1975, c.217 (C.52:27D-121) is amended to read as follows:

C.52:27D-121 Definitions.

3. Definitions. As used in this act:

“Building” means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

“Business day” means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

“Certificate of occupancy” means the certificate provided for in section 15 of this act, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the State Uniform Construction Code and any ordinance implementing said code.

“Commissioner” means the Commissioner of Community Affairs.

“Code” means the State Uniform Construction Code.

“Commercial farm building” means any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually, which building’s

main use or intended use is related to the production of agricultural or horticultural products produced on that farm. A building shall not be regarded as a commercial farm building if more than 1,200 square feet of its floor space is used for purposes other than its main use. A greenhouse constructed in conjunction with the odor control bio-filter of a solid waste or sludge composting facility, which greenhouse produces not less than \$2,500 worth of agricultural or horticultural products in addition to its function as a cover for the bio-filter, shall be considered a commercial farm building for the purposes of this act, provided, however, that the greenhouse is not intended for human occupancy.

“Construction” means the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

“Construction board of appeals” means the board provided for in section 9 of this act.

“Department” means the Department of Community Affairs.

“Enforcing agency” means the municipal construction official and subcode officials provided for in section 8 of this act and assistants thereto.

“Equipment” means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention equipment, and elevators, dumbwaiters, escalators, boilers, pressure vessels and other mechanical facilities or installations.

“Hearing examiner” means a person appointed by the commissioner to conduct hearings, summarize evidence, and make findings of fact.

“Maintenance” means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness, and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

“Manufactured home” or “mobile home” means a unit of housing which:

(1) Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

(2) Is built on a permanent chassis;

(3) Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United

States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L. 93-383 (42 U.S.C. § 5401 et seq.) and the standards promulgated by the commissioner pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.).

"Municipality" means any city, borough, town, township or village.

"Owner" means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, firm or corporation, directly or indirectly in control of a building, structure, or real property and shall include any subdivision thereof of the State.

"Premanufactured system" means an assembly of materials or products that is intended to comprise all or part of a building or structure and that is assembled off site by a repetitive process under circumstances intended to insure uniformity of quality and material content.

"Public school facility" means any building, or any part thereof, of a school, under college grade, owned and operated by a local, regional, or county school district.

"State sponsored code change proposal" means any proposed amendment or code change adopted by the commissioner in accordance with subsection c. of section 5 of this act for the purpose of presenting such proposed amendment or code change at any of the periodic code change hearings held by the National Model Code Adoption Agencies, the codes of which have been adopted as subcodes under this act.

"Stop construction order" means the order provided for in section 14 of this act.

"State Uniform Construction Code" means the code provided for in section 5 of this act, or any portion thereof, and any modification of or amendment thereto.

"Structure" means a combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided the word "structure" shall be construed when used herein as though followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning.

2. This act shall take effect immediately.

Approved May 26, 1992.

CHAPTER 13

AN ACT concerning family day care homes, amending and supplementing P.L.1991, c.278 and amending P.L.1987, c.27.

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

1. Section 2 of P.L.1991, c.278 (C.40:55D-66.5b) is amended to read as follows:

C.40:55D-66.5b Family day care homes permitted use in residential districts; definitions.

2. a. Family day care homes shall be a permitted use in all residential districts of a municipality. The requirements for family day care homes shall be the same as for single family dwelling units located within such residential districts. Any deed restriction that would prohibit the use of a single family dwelling unit as a family day care home shall not be enforceable unless that restriction is necessary for the preservation of the health, safety, and welfare of the other residents in the neighborhood. The burden of proof shall be on the party seeking to enforce the deed restriction to demonstrate, on a case-by-case basis, that the restriction is necessary for the preservation of the health, safety and welfare of the residents in the neighborhood who were meant to benefit from the restriction.

b. In condominiums, cooperatives and horizontal property regimes that represent themselves as being primarily for retirees or elderly persons, or which impose a minimum age limit tending to attract persons who are nearing retirement age, deed restrictions or bylaws may prohibit family day care homes from being a permitted use.

c. In condominiums, cooperatives and horizontal property regimes other than those permitted to prohibit family day care homes from being a permitted use under subsection b. of this section, deed restrictions or bylaws may prohibit family day care homes from being a permitted use; however, if such condominiums, cooperatives, or horizontal property regimes prohibit such use, the burden of proof shall be on the condominium association, cooperative association, or council of co-owners to demonstrate, on a case-by-case basis, that the prohibition is reasonably related to the health, safety, and welfare of the residents. The burden of proof also shall be on the condominium association, cooperative

association, or council of co-owners to demonstrate, on a case-by-case basis, that any other restrictions imposed upon a family day care home, including but not limited to noise restrictions and restrictions on the use of interior common areas, are reasonably related to the health, safety and welfare of the residents.

d. For the purposes of this act:

“Family day care home” means the private residence of a family day care provider which is registered as a family day care home pursuant to the “Family Day Care Provider Registration Act,” P.L.1987, c.27 (C.30:5B-16 et seq.);

“Applicant” means a person who applies for a certificate of registration pursuant to the “Family Day Care Provider Registration Act,” P.L.1987, c.27 (C.30:5B-16 et seq.);

“Commissioner” means the Commissioner of Human Services;

“Condominium” means a condominium formed under the “Condominium Act,” P.L.1969, c.257 (C.46:8B-1 et seq.);

“Cooperative” means a cooperative as defined under “The Cooperative Recording Act of New Jersey,” P.L.1987, c.381 (C.46:8D-1 et seq.); and

“Horizontal property regime” means a horizontal property regime formed under the “Horizontal Property Act,” P.L.1963, c.168 (C.46:8A-1 et seq.).

2. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read as follows:

C.30:5B-18 Definitions.

3. As used in this act:

a. “Certificate of registration” means a certificate issued by the division to a family day care provider, acknowledging that the provider is registered pursuant to the provisions of this act.

b. “Division” means the Division of Youth and Family Services in the State Department of Human Services.

c. “Family day care home” means a private residence in which child care services are provided for a fee to no less than three and no more than five children at any one time for no less than 15 hours per week; except that the division shall not exclude a family day care home with less than three children from voluntary registration. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

(1) The child being cared for is legally related to the provider; or

(2) Care is being provided as part of an employment agreement between the family day care provider and an assistant or substitute provider where no payment for the care is being provided.

d. "Family day care provider" means a person at least 18 years of age who is responsible for the operation and management of a family day care home.

e. "Family day care sponsoring organization" means an agency or organization which contracts with the division to assist in the registration of family day care providers in a specific geographical area.

f. "Monitor" means to visit a family day care provider to review the provider's compliance with the standards established pursuant to this act.

3. Section 6 of P.L.1987, c.27 (C.30:5B-21) is amended to read as follows:

C.30:5B-21 Evaluation; registration; monitoring.

6. a. The family day care sponsoring organization shall evaluate a family day care provider prior to the issuance of a certificate of registration. The evaluation shall include at least one visit to the family day care home in addition to personal and health references, and shall be made part of the family day care sponsoring organization's permanent records for that provider. The certificate of registration shall be renewed every three years. The family day care provider is required to pay a registration fee of \$25.00 to the sponsoring organization each time a certificate is granted or renewed.

b. The family day care sponsoring organization shall provide a minimum of one preservice training or orientation session for each applicant for a certificate of registration prior to the issuance of the certificate of registration and shall provide appropriate training, consultation and technical assistance to the family day care provider after the certificate of registration has been issued.

c. The family day care sponsoring organization is authorized to monitor and evaluate each registered family day care provider at least once every two years. In addition, the sponsoring organization shall annually monitor no less than 20% of the family day care providers in its designated geographic area on a random basis to insure compliance with the standards established under this act, provide assistance and insure that corrective action is taken as needed.

d. The family day care provider registered by a family day care sponsoring organization shall post and display the certificate of registration at all times in a prominent location within the home. A certificate of registration issued pursuant to this act is not transferable.

e. (Deleted by amendment, P.L.1992, c.13).

f. (Deleted by amendment, P.L.1992, c.13).

4. Section 14 of P.L. 1991, c. 278 is amended to read as follows:

14. This act shall take effect immediately, except that sections 6 through 12, inclusive, of P.L.1991, c.278 (C.30:5B-23.1 through 30:5B-23.7); section 13 of P.L.1991, c.278 (C.53:1-20.9); and subsection e. of section 8 of P.L.1987, c.27 (C.30:5B-23) shall be inoperative from the date of enactment of P.L.1992, c.13 until the first day of the 19th month following that enactment date.

5. Any actions pending or taken by the Commissioner of Human Services, the Department of Human Services, the Division of Youth and Family Services or the Division of State Police pursuant to the provisions of sections 6 through 12, inclusive, of P.L.1991, c.278 (C.30:5B-23.1 through 30:5B-23.7); section 13 of P.L.1991, c.278 (C.53:1-20.9); and subsection e. of section 8 of P.L.1987, c.27 (C.30:5B-23) prior to the enactment of P.L.1992, c.13 shall be void and of no effect.

6. This act shall take effect immediately.

Approved May 28, 1992.

CHAPTER 14

AN ACT concerning hotel keeper's liability, amending R.S.29:2-1 through R.S.29:2-4 and repealing N.J.S.2A:44-50.

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

1. R.S.29:2-1 is amended to read as follows:

Definitions.

29:2-1. As used in this chapter:

- a. "Hotel" means any hotel, inn, boarding house, motel or other establishment whose proprietor offers and accepts payment for rooms, sleeping accommodations or board and lodging and retains the right of access to, and control of, the premises which are let.
- b. "Guest" means guests of or travelers in a hotel as defined in subsection a. of this section.
- c. "Valuables" includes money, bank notes, bonds, precious stones, jewelry, ornaments, furs, watches, securities, transportation tickets, cameras, checks, drafts, and other negotiable instruments, business papers, documents, and other papers, and any other articles of similar value.

2. R.S.29:2-2 is amended to read as follows:

Liability for loss of guests' valuables, limitation.

29:2-2. If the proprietor of any hotel shall provide a safe or other depository in the hotel's office or in another convenient place, for the safekeeping of any valuables belonging to guests of the hotel, and shall place, in a conspicuous position in the room or rooms occupied by each guest, a notice stating the fact that a safe or other depository is provided in which valuables may be deposited, and any guest shall neglect to deliver valuables to the person in charge of the safe or other depository, the proprietor of the hotel shall not be liable in any sum for the loss of valuables sustained by that guest, by theft or otherwise. If a guest shall deliver valuables to the person in charge of the office of the hotel for deposit in the safe or other depository, the hotel proprietor shall not be liable for any loss sustained by that guest, by theft or otherwise, in any sum exceeding \$5,000, unless by special agreement in writing between a guest and the proprietor in which the proprietor agrees to accept liability for losses in excess of \$5,000. In all cases of loss, the burden shall be on the guest to prove the amount of loss.

3. R.S.29:2-3 is amended to read as follows:

Liability of proprietor for loss of guests' personal property, exceptions, limitation.

29:2-3. a. No proprietor of any hotel shall be liable in any sum to any guest of the hotel for the loss of personal property not mentioned in R.S.29:2-2, where it shall appear that the loss occurred without the fault or negligence of the proprietor.

b. No proprietor shall be liable in any sum for the loss of any personal property belonging to a guest not in a room or rooms assigned to the guest, unless the property shall be specially intrusted to the care and custody of the proprietor or his duly authorized agent, and if the property shall be so specially intrusted, the proprietor shall not be liable for its loss in any sum exceeding \$1,500; and the burden shall be on the guest to prove the actual amount of loss.

4. R.S.29:2-4 is amended to read as follows:

Standard of care of proprietor for certain losses.

29:2-4. The proprietor of a hotel shall be liable to any guest of the hotel only for ordinary and reasonable care in the custody of any valuables or other personal property belonging to the guest, whether specially intrusted to the proprietor or his agent or deposited in the safe or other depository of the hotel or otherwise, for any loss occasioned by fire or by any other force over which the proprietor had no control.

Repealer

5. N.J.S.2A:44-50 is repealed.

6. This act shall take effect immediately and shall be applicable to all losses occurring on or after the effective date.

Approved May 28, 1992.

CHAPTER 15

AN ACT concerning the training of policemen and amending P.L.1961, c.56.

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

1. Section 5 of P.L.1961, c.56 (C.52:17B-70) is amended to read as follows:

C.52:17B-70 Police training commission established; members; terms.

5. There is hereby established in the Division of Criminal Justice in the Department of Law and Public Safety a Police Training Commission whose membership shall consist of the following persons:

a. Two citizens of this State who shall be appointed by the Governor with the advice and consent of the Senate for terms of three years commencing with the expiration of the terms of the citizen members, other than the representative of the New Jersey Office of the Federal Bureau of Investigation, now in office.

b. The president or other representative designated in accordance with the bylaws of each of the following organizations: the New Jersey State Association of Chiefs of Police; the New Jersey State Patrolmen's Benevolent Association, Inc.; the New Jersey State League of Municipalities; the New Jersey State Lodge, Fraternal Order of Police; the County Prosecutors' Association of New Jersey; the Sheriffs' Association of New Jersey and the Police Academy Directors Association.

c. The Attorney General, the Superintendent of State Police, the Commissioner of Education, the Chancellor of Higher Education, and the Commissioner of the Department of Corrections, ex officio, or when so designated by them, their deputies.

d. The Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation or his designated representative.

2. This act shall take effect immediately.

Approved June 5, 1992.

CHAPTER 16

AN ACT concerning the New Jersey Economic Development Authority, amending and supplementing P.L.1974, c.80, and making an appropriation.

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

C.34:1B-7.10 Short title.

1. Sections one through ten of this act shall be known and may be cited as the "Economic Recovery Fund Act."

C.34:1B-7.11 Findings, declarations.

2. The Legislature finds and determines that limitations on the availability of loan funds from financial institutions has seriously impeded the development and completion of many economic

development projects, including the expansion of manufacturing operations and high technology business ventures, the development of infrastructure and transportation improvements to stimulate economic development, and cultural, recreational and tourism facilities or improvements; that it is in the public interest to establish an Economic Recovery Fund to enable the State to make direct investments in economic development projects, to establish new programs to assist small business, and to leverage moneys for economic recovery in the most effective and creative manner through such mechanisms as public-private partnerships, grants, guarantees and direct loans; and that the Economic Development Authority is the appropriate entity to implement the goals of a diverse economic recovery program.

C.34:1B-7.12 "Economic Recovery Fund" established.

3. a. The New Jersey Economic Development Authority shall establish and maintain a special nonlapsing fund to be known as the "Economic Recovery Fund," hereinafter the "fund," into which shall be deposited such moneys: (1) as shall be paid to the fund by the State Treasurer pursuant to a contract between the State Treasurer and the authority authorized by this act; (2) as shall be otherwise appropriated by the State for the purpose of such fund; (3) if the authority so determines in any resolution authorizing any particular bonds, as shall be received by the authority from the sale of such bonds as provided by law; (4) as shall be received by the authority from the repayment of loans made from the fund; and (5) any other moneys or funds of the authority which it determines to deposit therein.

Moneys in the fund may be invested in such obligations as the authority may approve and interest or other earnings on such investments shall be credited to the fund.

b. In addition to any other powers which may be conferred on the authority by this act, the authority, by resolution, shall have the power to: (1) pay all or part of the cost of any project or projects; (2) make loans, guarantees, equity investments, and grants, or provide other forms of financing for any project; and (3) provide for the funding, or refunding, of any bonds; further, the authority shall have the power to incur indebtedness, borrow money and issue bonds secured wholly by the moneys in the fund for the purpose of providing funds for the powers conferred by this paragraph and any other power of the authority.

c. The authority may, in any resolution authorizing the issuance of bonds or notes, create or authorize the creation within the

fund of special program accounts, to be held in pledge or otherwise for payment or redemption of such bonds or notes, revenues or other purposes and to covenant as to the use and disposition of the moneys held in such accounts.

C.34:1B-7.13 Use of moneys in fund.

4. The authority may use the moneys in the fund to pay principal of, premium, if any, and interest on bonds or notes, which shall be entitled "Economic Recovery Fund Bonds or Notes," as appropriate, the proceeds, or net proceeds, of which shall be deposited into the fund, or used for purposes of the fund, and moneys in the fund, including money received from the sale of bonds shall, in such manner as is determined by the authority, and pursuant to subsections d. and f. of this section, be used for the financing of projects as set forth in section 3 of P.L.1974, c.80 (C.34:1B-3) and to establish:

a. an economic growth account for business programs, which will invest in small and medium-size businesses that have the greatest potential for creating jobs and stimulating economic growth through such elements as a Statewide lending pool for small business, a business composite bond guarantee, a fund to further supplement the export finance program of the authority to provide direct loans and working capital necessary for New Jersey businesses to compete in the global market, real estate partnerships, a Statewide composite bond pool to assist municipalities in acquiring needed financing for capital expenditures, community-based assistance to assist municipalities in establishing local development corporations to stimulate economic development, a venture capital fund for start-up costs for businesses developing new concepts and inventions, and a fund to assist businesses with expansion in such areas as manufacturing retooling to improve quality, to reduce production costs and to train employees to apply the latest technology;

b. an economic development infrastructure program account, which shall provide for the financing and development of infrastructure and transportation projects, including but not limited to ports, terminal and transit facilities, roads and airports, parking facilities used in connection with transit facilities, and related facilities, including public-private partnerships, that are integral to economic growth;

c. an account for a cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation project and tourism facilities and improvements program, which shall

provide for the financing and development of cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation and tourism projects, including partnerships with public, private and nonprofit entities;

d. an account, into which shall be deposited an amount not less than \$45,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of capital facilities for primary and secondary schools in the State, to make direct loans to school districts for the purpose of the renovation, repair or alteration of existing school buildings, the construction of new school buildings or the conversion of existing school buildings to other instructional purposes.

(1) In order to ensure the most effective utilization of the moneys in the account, the Commissioner of Education shall review all of the public school facilities throughout the State to determine the extent to which school districts are able to provide suitable educational facilities as required pursuant to N.J.S.18A:33-1. Upon completion of that review, the commissioner shall establish a list of selection criteria for school districts applying for a loan from the account, taking into consideration all of the factors which impact on the ability of each school district to provide suitable facilities, including the number of unhoused pupils, the number of years on split or curtailed sessions, the rate of pupil population increase, the adequacy of existing or proposed facilities, the school tax rate of the district, the equalized valuations per pupil of the district, and any other factors which the State Board of Education deems necessary or appropriate. Any school district shall be eligible to receive an additional loan pursuant to this subsection even if the district has received a previous loan if that additional loan is in conformity with the selection criteria established pursuant to this paragraph.

(2) Any local board of education may determine, by resolution, to apply for a loan from the account. Upon adoption of that resolution, the local board of education shall file an application with the Commissioner of Education, which application shall include a complete description of the project, and shall indicate the manner in which the school district shall repay the loan. Upon receipt of the application, the commissioner shall investigate the conditions in the district in the context of the selection criteria established pursuant to paragraph (1) of this subsection. The commissioner shall report his findings to the State Board of Education, and may

include in his report a recommendation as to the amount, if any, of the loan proposed with respect to the school district.

(3) The State Board of Education shall review the commissioner's reports, and, by resolution, shall approve or disapprove a district's eligibility for funding. Upon determining the districts eligible for loans from the account, the board shall forward a copy of the resolution to the authority which shall determine:

the amount of the loan for each district;

the repayment schedule for the loan which shall in no event be in excess of 15 years; and

the interest rate to be charged for each loan, which shall be no more than 50% of the yearly average of the weekly Treasury Bill Index.

(4) Provided; if funds for school capital construction become available through the adoption of any State bond act or State authority or agency bond resolution authorizing the issuance of bonds for the funding of such capital construction facilities, the fund will be reimbursed or credited from those sources for any amounts expended or obligated from the fund for school capital construction purposes and the amounts so reimbursed or credited shall be used for any other purpose of this act;

e. an environmental cleanup business assistance pilot program account which will provide assistance to businesses which are conducting or may be required to conduct an environmental cleanup pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.), or which have discovered a hazardous discharge on a property owned by that business and are seeking to voluntarily initiate a cleanup process in accordance with law. In determining eligibility for assistance, the authority shall consider, in consultation with the Department of Environmental Protection, the compliance history of any applicant; and

f. an account, into which shall be deposited an amount not less than \$15,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of shore restoration, maintenance, monitoring, protection and preservation projects pursuant to the shore protection master plan prepared by the Department of Environmental Protection pursuant to P.L.1978, c.157.

C.34:1B-7.14 Determination of projects to be financed.

5. With respect to projects to be financed by the authority pursuant to this act and undertaken with moneys from the Economic Recovery Fund, the authority shall in determining those projects,

and in the planning and undertaking of those projects, consider the following factors:

- a. The economic feasibility of the project;
- b. The degree to which the project will advance Statewide and regional strategies and objectives;
- c. The degree to which the project maximizes the leveraging of other sources of funds; and
- d. The degree to which the project promotes economic development, the creation or retention of jobs, and the stimulation of private sector investment and expansion.

C.34:1B-7.15 Payments to Economic Recovery Fund.

6. Commencing with fiscal year 1992, the State Treasurer shall in each fiscal year pay from the General Fund to the Economic Recovery Fund, in accordance with a contract between the treasurer and the authority, an amount equivalent to the amount due to be paid in that State fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey, provided that all such payments from the General Fund shall be subject to and dependent upon appropriations being made for such purposes by the Legislature.

C.34:1B-7.16 Contracts for implementation of payment arrangement.

7. The State Treasurer and the authority are authorized to enter into one or more contracts to implement the payment arrangement that is provided for in section 6 of this act. The contract or contracts shall commence with the State fiscal year beginning July 1, 1991 and shall provide for payment by the State Treasurer of the amount provided for in section 6 of this act. The contract or contracts shall contain terms and conditions as determined by the parties and shall, where appropriate, contain terms and conditions necessary and desirable to secure any bonds, notes and other obligations of the authority issued or incurred pursuant to this act, 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 General Fund, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of this act.

C.34:1B-7.17 Report to Governor, Legislature.

8. The authority shall report six months after the effective date of this section, and annually thereafter not later than September

15, to the Governor and the Legislature concerning the financing of projects currently under consideration and projects undertaken with moneys in the Economic Recovery Fund during the preceding fiscal year. The initial report and each annual report required under this section shall include a description of each project funded by such loans, guarantees, grants or other forms of financing as may be made available under section 4 of this act and a detailed analysis of the consideration given in each project to the factors set forth in section 5 of this act.

C.34:1B-7.18 Legislative approval of certain transactions.

9. Notice of loans, guarantees, grants or other forms of financing for projects from such funds as may be made available under subsections a. and e. of section 4 of this act shall be submitted to the Legislature at least 30 days prior to the closing of any transaction but the transaction may proceed subsequent to that notice. Loans, guarantees, grants or other forms of financing for projects from such funds as may be made available under subsections b. and c. of section 4 of this act shall be submitted to the Legislature for approval at least 45 days prior to the closing of any transaction. If the Legislature takes no action within that period, the transaction shall be deemed to be approved.

C.34:1B-7.19 Definitions; program authorized.

10. a. The following words or terms as used in this section shall have the following meaning unless a different meaning clearly appears from the context:

“Small business enterprise” shall mean a business which has its principal place of business in this State, is independently owned and operated and meets all other qualifications as may be established in accordance with P.L.1987, c.55 (C.52:27H-21.7 et seq.).

“Special assistance small business enterprise” means (1) a small business enterprise having its principal place of business in a municipality in this State in which an urban enterprise zone has been established pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L.1983, c.303 (C.52:27H-60 et seq.), or (2) a small business enterprise having at least 50% of its employees who are economically disadvantaged individuals.

“Economically disadvantaged individual” means a person who (1) resides in a municipality in this State in which an urban enterprise zone has been established, or (2) has been unemployed or the recipient of public assistance benefits for a period of at least

one year immediately prior to accepting employment with a special assistance small business enterprise.

b. The authority may, by resolution, establish a special assistance small business enterprise program for projects to be funded from the accounts established by section 4 of this act.

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

C.34:1B-3 Definitions.

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

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

b. "Bonds" means bonds or other obligations issued by the authority pursuant to this act or "Economic Recovery Bonds or Notes" issued pursuant to P.L.1992, c.16 (C.34:1B-7.10 et al.).

c. "Cost" means the cost of the acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities, or other improvement; the cost of machinery and equipment; the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of energy saving improvements or pollution control devices, equipment or facilities; the cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient for any project or in connection therewith; discount on bonds; cost of issuance of bonds; engineering and inspection costs; costs of financial, legal, professional and other estimates and advice; organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

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

e. "Development property" means any real or personal property, interest therein, improvements thereon, appurtenances thereto and air or other rights in connection therewith, including

land, buildings, plants, structures, systems, works, machinery and equipment acquired or to be acquired by purchase, gift or otherwise by the authority within an urban growth zone.

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

g. "Pollution control project" means any device, equipment, improvement, structure or facility, or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or the refinancing thereof in order to facilitate improvements or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, thermal pollution control facility, radiation contamination control facility, wastewater collection system, wastewater treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site; provided that the authority shall have received from the Commissioner of the State Department of Environmental Protection or his duly authorized representative a certificate stating the opinion that, based upon information, facts and circumstances available to the State Department of Environmental Protection and any other pertinent data, (1) said pollution control facilities do not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority within any political subdivision, and (2) that such facilities, as designed, will be a pollution control project as defined in this act and are in furtherance of the purpose of abating or controlling pollution.

h. "Project" means: (1)(a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility, including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, (c) acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities; and (2)(a) the acquisition, financing, or

refinancing of inventory, raw materials, supplies, work in process, or stock in trade, or (b) the financing, refinancing or consolidation of secured or unsecured debt, borrowings, or obligations, or (c) the provision of financing for any other expense incurred in the ordinary course of business; all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises, including, but not limited to, motion picture and television studios and facilities and commercial fishing facilities, commercial facilities for recreational fishermen, fishing vessels, aquaculture facilities and marketing facilities for fish and fish products and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of an energy saving improvement or pollution control project which the authority determines will tend to reduce the consumption in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy or to reduce, abate or prevent environmental pollution within the State ; and (4) the acquisition, construction, reconstruction, repair, alteration, improvement, extension, development, financing or refinancing of infrastructure and transportation facilities or improvements related to economic development and of cultural, recreational and tourism facilities or improvements related to economic development and of capital facilities for primary and secondary schools and of mixed use projects consisting of housing and commercial development. Project may also include: (i) reimbursement to any

person for costs in connection with any project, or the refinancing of any project or portion thereof, if determined by the authority as necessary and in the public interest to maintain employment and the tax base of any political subdivision and will facilitate improvements thereto or the completion thereof, and (ii) development property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or planning and designing in connection therewith.

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

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

k. "Energy saving improvement" means the construction, purchase and installation in a building devoted to industrial or commercial purposes of any of the following, designed to reduce the amount of energy from nonrenewable sources needed for heating and cooling that building: insulation, replacement burners, replacement high efficiency heating and air conditioning units, including modular boilers and furnaces, water heaters, central air conditioners with or without heat recovery to make hot water for industrial or commercial purposes or in office buildings, and any solar heating or cooling system improvement, including any system which captures solar radiation to heat a fluid which passes over or through the collector element of that system and then transfers that fluid to a point within the system where the heat is withdrawn from the fluid for direct usage or storage. These systems shall include, but not necessarily be limited to, systems incorporating flat plate, evacuated tube or focusing solar collectors.

The foregoing list shall not be construed to be exhaustive, and shall not serve to exclude other improvements consistent with the legislative intent of this amendatory act.

l. "Urban growth zone" means any area within a municipality receiving State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) or a municipality certified by the Com-

missioner of Community Affairs to qualify under such law in every respect except population, which area has been so designated pursuant to an ordinance of the governing body of such municipality.

12. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read as follows:

C.34:1B-4 New Jersey Economic Development Authority.

4. a. There is hereby established in, but not of, the Department of Commerce and Economic Development a public body corporate and politic, with corporate succession, to be known as the "New Jersey Economic Development Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of the Commissioner of Commerce and Economic Development, the Commissioner of Labor, and the State Treasurer, who shall be members ex officio, and six public members appointed by the Governor with the advice and consent of the Senate, of which one public member (who shall not be a legislator) shall be appointed by the Governor upon recommendation of the Senate President and one public member (who shall not be a legislator) shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly, all for terms of three years. The first two public member positions on the authority that are or become vacant on or after the effective date of P.L.1992, c.16 (C.34:1B-7.10 et al.) shall be filled by appointment of the Governor upon the recommendation of the Senate President and the Speaker of the General Assembly, respectively. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. In the event the authority shall by resolution determine to accept the declaration of an urban growth zone by any municipality, the mayor or other chief executive officer of such municipality shall ex officio be a member of the authority for the purpose of participating and voting on all matters pertaining to such urban growth zone.

The Governor shall appoint with the advice and consent of the Senate, three alternate members of the authority, of which one alternate member (who shall not be a legislator) shall be

appointed by the Governor upon the recommendation of the Senate President, and one alternate member (who shall not be a legislator) shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, all for terms of three years. The first two alternate member positions on the authority that are or become vacant on or after the effective date of P.L.1992, c.16 (C.34:1B-7.10 et al.) shall be filled by appointment of the Governor upon the recommendation of the Senate President and the Speaker of the General Assembly, respectively. The chairperson may authorize an alternate member, in order of appointment, to exercise all of the powers, duties and responsibilities of such member, including, but not limited to, the right to vote on matters before the authority.

Each alternate member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. An alternate member shall be eligible for reappointment. Any vacancy in the alternate 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. Any reference to a member of the authority in this act shall be deemed to include alternate members unless the context indicates otherwise.

c. Each member appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. The Commissioner of Commerce and Economic Development may, at his discretion, serve as the chairperson of the authority or may appoint one of the six public members of the authority as chairperson. Any such designation or appointment shall be made in writing and shall be delivered to the authority and to the Governor and shall continue in effect until revoked or amended by a writing delivered to the authority and the Governor. The members of the authority shall elect from their remaining number a vice chairperson and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and five 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 six members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

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

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

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

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

i. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, Saturdays, Sundays, and public holidays excepted, after such copy of the minutes shall have been so delivered unless during such 10-day period the Governor shall approve the same in which case such action shall become effective upon such approval. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member

thereof at such meeting, such action shall be null and void and of no effect. The powers conferred in this subsection i. upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection i. shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or notes or for the benefit, protection or security of the holders thereof.

j. On or before March 31 in each year, the authority shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority's 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 cause a copy thereof to be filed with the Secretary of State and the Comptroller of the Treasury.

k. The Comptroller of the Treasury and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts, books and records of the authority including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating thereto and to its financial standing.

l. No member, officer, employee or agent of the 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 authority is a party.

13. There is appropriated, from the General Fund to the Economic Recovery Fund, the sum of \$7,015,769.

14. This act shall take effect immediately.

Approved June 10, 1992.

CHAPTER 17

AN ACT creating the office of deputy superintendent of elections in certain counties, amending P.L.1947, c.167, and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

C.19:32-26.1 Office of deputy superintendent of elections, certain; appointment; term; vacancies; salary.

1. The governing body of a county of the second class in which the office of superintendent of elections for the county has been established pursuant to section 1 of P.L.1947, c.167 (C.19:32-26) may establish, by ordinance or resolution, as appropriate, the office of deputy superintendent of elections. The office of deputy superintendent of elections in each such county shall be filled by a suitable person who shall be nominated by the Governor with the advice and consent of the Senate, who shall not be from the same political party as the superintendent of elections, and who shall hold office for a term of five years, running concurrently with the term of the superintendent and until the deputy superintendent's successor is appointed and has qualified. The initial appointment to the office of deputy superintendent of elections may be for a partial term, as appropriate. Vacancies shall be filled in the same manner as the original appointment but shall be for the unexpired term only. The annual salary of a deputy superintendent of elections shall be 90% of the salary received by the superintendent of elections of the same county for performing the duties of superintendent of elections and commissioner of registration. The office of the deputy superintendent of elections shall be located in the county making the appointment.

C.19:32-26.2 Duties, powers of deputy superintendent of elections.

2. A deputy superintendent of elections appointed pursuant to section 1 of P.L.1992, c.17 (C.19:32-26.1) shall assist the superintendent of elections in the performance of the superintendent's duties, shall serve as superintendent in the absence of the superintendent, and shall have such powers and duties as the superintendent may delegate from time to time. In addition, the deputy superintendent is constituted the chief deputy of the superintendent and shall have all of the powers and duties of the chief deputy. No county with a deputy superintendent so appointed shall also have a chief deputy appointed pursuant to section 2 of P.L.1947, c.167 (C.19:32-27).

3. Section 1 of P.L.1947, c.167 (C.19:32-26) is amended to read as follows:

C.19:32-26 Office of superintendent of elections, certain; appointment; salary; term; vacancies.

1. In any county of the second class and in any county of the fifth class, the governing body may establish, by ordinance or resolution, as appropriate, the office of superintendent of elections for the county, and said office when once established shall not be altered or abolished.

The governing body shall file a certified copy of such ordinance or resolution, attested by the chief elected executive officer or director of the board of freeholders, if appropriate and clerk of the board, in the office of the Secretary of State within 10 days after adoption, and the ordinance or resolution shall take effect at the expiration of 30 days after the next primary election for the general election, or the next general election, after adoption whichever shall occur first.

The office so established shall be filled by some suitable person who shall be nominated by the Governor with the advice and consent of the Senate for a term of five years from the date of his appointment and until his successor is appointed and shall have qualified. In the event that no such appointment to such office is made within 30 days following the taking effect of the ordinance or resolution, heretofore or hereafter adopted, of the governing body of the county, as herein provided, then the governing body of the county shall appoint some suitable person to fill such office for a term of five years from the date of appointment and until the successor of such person is in the same manner appointed and shall have qualified. The governing body shall file notice of such appointment in the office of the Secretary of State.

Each superintendent so appointed in a county of the fifth class shall receive a salary of not less than \$4,000 nor more than \$8,000 per annum and each superintendent so appointed in a county of the second class shall receive a salary in such amount, not less than \$4,000 per annum, as shall be determined by the governing body of the county; such salaries shall be paid by the county treasurer and the superintendent shall have his office in the county for which he is appointed.

Any vacancy occurring in such office of superintendent of elections shall be filled in the same manner as the original appointment to such office was made, but for the unexpired term. Any person filling a vacancy shall be from the same political party as the original appointee.

4. Section 2 of P.L.1947, c.167 (C.19:32-27) is amended to read as follows:

C.19:32-27 Appointment of deputy and assistants, salaries.

2. Except as provided in section 2 of P.L.1992, c.17 (C.19:32-26.2), each superintendent may appoint a chief deputy, a clerk, a secretary and any other assistants he considers necessary to carry out the provisions of this Title, and may remove the same whenever he deems it necessary. Those so appointed shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service. Each superintendent shall fix the salaries of the persons so appointed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title when certified to and approved by the superintendent shall be paid by the county treasurer of the county in which the superintendent shall maintain his office.

5. Section 24 of P.L.1947, c.167 (C.19:32-49) is amended to read as follows:

C.19:32-49 Superintendent, deputy superintendent constituted commissioner, deputy commissioner of registration.

24. In addition to the foregoing, the superintendent of elections is constituted the commissioner of registration for the county and he shall, within the county, have and exercise all the powers of, and be charged with all the duties had and exercised and required to be performed by, the superintendent of elections and the commissioner of registration in any county, including the custody and control of voting machines heretofore or hereafter installed in the county in any manner provided by law, except those heretofore or hereafter installed in any municipality by the governing body thereof, which shall be placed and remain in the custody of the municipal clerk unless taken over by the county according to law. The deputy superintendent of elections in counties of the first class, and in counties of the second class in which the governing body has established the office of superintendent of elections for the county, is constituted the deputy commissioner of registration.

6. This act shall take effect immediately.

Approved June 12, 1992.

CHAPTER 18

AN ACT concerning casino employees and amending P.L.1977, c.110.

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

1. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to read as follows:

C.5:12-100 Games and gaming equipment.

100. Games and Gaming Equipment. a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room in accordance with this act and the regulations promulgated hereunder.

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel complex except in the casino room and in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the commission. Gaming equipment which supports the conduct of gaming in the casino but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room at times authorized for that purpose by the commission or at other times when prior notice has been given to and written approval granted by an authorized agent of the commission.

Notwithstanding the foregoing, a person may, with the prior approval of the commission and under such terms and conditions as may be required by the commission, possess, maintain or exhibit gaming equipment in any other area of the casino hotel complex; provided such equipment is used for nongaming purposes.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the commission for the

counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall not be brought into or removed from the casino room, or locked or unlocked, except at such times, in such places, and according to such procedures as the commission may require.

d. All chips used in gaming at all casinos shall be of such size and uniform color by denomination as the commission shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the commission. All wagers and pay-offs of winning wagers at table games shall be made according to rules promulgated by the commission, which shall establish such limitations as may be necessary to assure the vitality of casino operations and fair odds to and maximum participation by casino patrons. Each slot machine shall have a minimum payout of 83%.

f. Each casino licensee shall make available in printed form to any casino patron upon request the complete text of the rules of the commission regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to the player as the commission shall require. Each casino licensee shall prominently post within the casino room according to regulations of the commission such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the commission shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that any wager actually made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

h. (1) No slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the division

and licensed for use by the commission. The commission shall, by regulation, establish such technical standards for licensure, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee, subject to the prior approval of the commission.

(2) The commission shall, by regulation, determine the permissible number and density of slot machines in a licensed casino so as to:

- (a) promote optimum security for casino operations;
- (b) avoid deception or frequent distraction to players at gaming tables;
- (c) promote the comfort of patrons;
- (d) create and maintain a gracious playing environment in the casino; and

(e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.

i. (Deleted by amendment, P.L.1991, c.182).

j. (Deleted by amendment, P.L.1991, c.182).

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, or coupons or similar complimentary vouchers distributed pursuant to a program approved by the commission or maintained pursuant to commission regulation. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over \$25.00 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

l. It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any shill or barker to induce any person to enter a casino or play at any game or for any purpose whatsoever.

m. It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose, unless otherwise permitted by the rules of the commission.

n. It shall be unlawful for any casino key employee, other than a junket representative, to wager at any game in any casino in this State, or any casino employee, other than a bartender, waiter, waitress, or other casino employee who in the judgment of the

commission is not directly involved with the conduct of gaming operations, to wager at any game in the casino in which the employee is employed or in any other casino in this State which is owned or operated by the same casino licensee. Any casino employee, other than a bartender, waiter, waitress, or other casino employee who in the judgment of the commission is not directly involved with the conduct of gaming operations, must wait at least 30 days following the date that the employee either leaves employment with a casino licensee or is terminated from employment with a casino licensee before the employee may gamble in the casino in which the employee was formerly employed or in any other casino in this State which is owned or operated by the same casino licensee.

o. (1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit, any tip or gratuity from any player or patron at the casino where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked.

2. Section 99 of P.L.1977, c.110 (C.5:12-99) is amended to read as follows:

C.5:12-99 Internal controls.

99. Internal Controls. a. Each casino licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls for gaming operations and a description of any changes thereof. Such submission shall be made at least 60 days before gaming operations are to commence or at least 60 days before any change in those procedures or controls is to take effect, unless otherwise directed by the commission. Each such submission shall contain both narrative and diagrammatic representations of the internal control system to be utilized by the casino, including, but not limited to:

(1) Accounting controls, including the standardization of forms and definition of terms to be utilized in the gaming operations;

(2) Procedures, forms, and, where appropriate, formulas covering the calculation of hold percentages, revenue drop, expense and overhead schedules, complimentary services, junkets, cash equivalent transactions, salary structure and personnel practices;

(3) Job descriptions and the system of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in casino operations and identifying primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;

(4) Procedures within the cashier's cage for the receipt, storage and disbursal of chips, cash, and other cash equivalents used in gaming; the cashing of checks; the redemption of chips and other cash equivalents used in gaming; the pay-off of jackpots; and the recording of transactions pertaining to gaming operations;

(5) Procedures for the collection and security of moneys at the gaming tables;

(6) Procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage;

(7) Procedures for the transfer of moneys from the gaming tables to the counting process;

(8) Procedures and security for the counting and recordation of revenue;

(9) Procedures for the security, storage and recordation of chips and other cash equivalents utilized in the gaming operation;

(10) Procedures for the transfer of moneys or chips from and to the slot machines;

(11) Procedures and standards for the opening and security of slot machines;

(12) Procedures for the payment and recordation of slot machine jackpots;

(13) Procedures for the cashing and recordation of checks exchanged by casino patrons;

(14) Procedures governing the utilization of the private security force within the casino;

(15) Procedures and security standards for the handling and storage of gaming apparatus including cards, dice, machines, wheels and all other gaming equipment;

(16) Procedures and rules governing the conduct of particular games and the responsibility of casino personnel in respect thereto; and

(17) Procedures for separately recording all transactions pursuant to section 101 of this act involving the Governor, any State officer or employee, or any special State officer or employee, any member of the Judiciary, any member of the Legislature, any officer of a municipality or county in which casino gaming is authorized, or any gaming related casino employee, and for the quarterly filing with the Attorney General of a list reporting all such transactions.

In addition, each casino licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls for non-gaming operations and a description of any changes thereof no later than five days after those operations commence or after any change in those procedures or controls takes effect.

b. The commission shall review each submission required by subsection a. hereof, and shall determine whether it conforms to the requirements of this act and to the regulations promulgated thereunder and whether the system submitted provides adequate and effective controls for the operations of the particular casino hotel submitting it. If the commission finds any insufficiencies, it shall specify same in writing to the casino licensee, who shall make appropriate alterations. When the commission determines a submission to be adequate in all respects, it shall notify the casino licensee of same. No casino licensee shall commence or alter gaming operations unless and until such system of controls is approved by the commission.

3. This act shall take effect immediately.

Approved June 12, 1992.

CHAPTER 19

AN ACT concerning wagering on the results of certain simulcast horse races, supplementing Title 5 of the Revised Statutes, amending P.L.1940, c.17, and amending and supplementing P.L.1977, c.110 (C.5:12-1 et seq.).

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

C.5:12-191 Short title.

1. Sections 1 through 20 of this act shall be known and may be cited as the "Casino Simulcasting Act."

C.5:12-192 Definitions.

2. As used in sections 1 through 20 of this act:

"Casino" means a licensed casino or gambling house located in Atlantic City at which casino gambling is conducted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

"Casino simulcasting" means the simultaneous transmission by picture of running or harness horse races conducted at race tracks to casinos and parimutuel wagering at those gambling establishments on the results of those races.

"In-State sending track" means a racetrack within this State which is operated by a permit holder and is equipped to conduct casino simulcasting.

"Interstate common pool" means a parimutuel pool established within this State or in another state or foreign nation within which is combined parimutuel pools of one or more receiving tracks located in one or more states or foreign nations upon a race at a sending track located outside of this State for the purpose of establishing pay-off prices in the various jurisdictions.

"Out-of-State sending track" means a racetrack in a jurisdiction other than the State of New Jersey which is equipped to conduct casino simulcasting and the operator of which is lawfully permitted to conduct a horse race meeting and to provide simulcast horse races to a casino in this State.

"Outstanding parimutuel ticket" means a winning parimutuel ticket which is not claimed within six months of sale.

"Permit holder" means the holder of an annual permit to conduct a horse race meeting issued by the New Jersey Racing Commission.

"Simulcast horse race" means a running or harness horse race conducted at a racetrack which is simultaneously transmitted by picture to a casino.

C.5:12-193 Casino simulcasting permitted.

3. It shall be lawful for a casino to conduct casino simulcasting with any in-State sending track and with any out-of-State sending track in accordance with the provisions of this act, the applicable regulations of the New Jersey Racing Commission and

the New Jersey Casino Control Commission and any joint regulations of these commissions promulgated pursuant to this act.

C.5:12-194 Establishment of casino simulcasting facility.

4. a. (1) A casino which wishes to conduct casino simulcasting shall establish a simulcasting facility as part of the casino hotel. The simulcasting facility may be adjacent to, but shall not be part of, the room in which casino gaming is conducted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.). The simulcasting facility shall conform to all requirements concerning square footage, equipment, security measures and related matters which the Casino Control Commission shall by regulation prescribe. The space required for the establishment of a simulcasting facility shall not reduce the space authorized for casino gaming activities as specified in section 83 of P.L.1977, c.110 (C.5:12-83). The cost of establishing, maintaining and operating a simulcasting facility shall be the sole responsibility of the casino.

(2) Wagering on simulcast horse races shall be conducted only in the simulcasting facility, which shall be open and operated whenever simulcast horse races are being transmitted to the casino during permitted hours of casino operation.

(3) Any authorized game, as defined in section 5 of P.L.1977, c.110 (C.5:12-5), other than slot machines may be conducted in a simulcasting facility subject to the rules and regulations of the Casino Control Commission.

(4) The security measures for a simulcasting facility shall include the installation by the casino of a closed circuit television system according to specifications approved by the Casino Control Commission. The Casino Control Commission and the Division of Gaming Enforcement shall have access to the system or its signal in accordance with regulations of the commission.

b. All persons engaged directly in wagering-related activities conducted by a casino in a simulcasting facility shall be employees of the casino and shall be licensed as casino employees or casino key employees, as appropriate. All other employees of the simulcasting facility shall be licensed or registered in accordance with regulations of the Casino Control Commission.

Any employee at the Atlantic City Racetrack on or after the effective date of this act who loses employment with that racetrack as a direct result of the implementation of casino simulcasting and who has been licensed by the New Jersey Racing Commission for five consecutive years immediately preceding

the loss of employment shall be given first preference for employment whenever any comparable position becomes available in any casino simulcasting facility, provided the person is qualified pursuant to this subsection.

c. A casino which establishes a simulcasting facility and conducts casino simulcasting shall, as a condition of continued operation of casino simulcasting, receive all live races which are transmitted by in-State sending tracks.

d. Agreements between a casino and an in-State or out-of-State sending track for casino simulcasting shall be in writing and shall be filed with the New Jersey Racing Commission and with the Casino Control Commission in accordance with section 104 of P.L.1977, c.110 (C.5:12-104).

e. If wagering at casinos on sports events is authorized by the voters of this State and by enabling legislation enacted by the Legislature, and if a casino conducts such wagering and casino simulcasting, the two activities shall be conducted in the same area, in accordance with such regulations as the Casino Control Commission shall prescribe with respect to wagering on sports events and in accordance with this act and such regulations as may be adopted pursuant to section 3 of this act with respect to casino simulcasting.

C.5:12-195 Application to conduct casino simulcasting, conditions of approval.

5. A permit holder which wishes to conduct casino simulcasting shall request the approval of the New Jersey Racing Commission in its annual application for horse race meeting dates filed with that commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or, if applying between the submittal of annual applications, through such supplemental application as that commission shall deem appropriate. The New Jersey Racing Commission shall not approve the request of any permit holder to conduct casino simulcasting unless the permit holder will conduct a number of live racing programs during the period for which the permit is issued which is equal to the following:

a. in the case of harness races, each permit holder shall conduct at least 75% of the average number of live racing programs conducted by that permit holder during calendar years 1990 and 1991; and

b. in the case of running races, Monmouth Racetrack shall conduct at least the same number of live racing programs conducted in 1991, Garden State Racetrack shall conduct at least 60% of the live racing programs conducted by that permit holder

in calendar year 1990, and each of the other permit holders conducting running races shall conduct at least 75% of the live racing programs conducted by that permit holder in calendar year 1990.

For the purpose of satisfying the requirements of this section for the conduct of live racing programs, any live racing program or part thereof which is cancelled because of weather or another act of God shall be deemed to have been conducted, subject to the approval of the New Jersey Racing Commission.

C.5:12-196 Transmission of live races to casinos.

6. A permit holder which is authorized to conduct casino simulcasting shall have discretion to transmit all or some of the live races conducted at the racetrack to casinos which have established simulcasting facilities pursuant to this act. However, any race which is transmitted from an in-State sending track shall be transmitted to all casinos which have established simulcasting facilities.

C.5:12-197 Casino wagers included in parimutuel pool.

7. Sums wagered at a casino on the result of a simulcast horse race at an in-State sending track shall be included in the appropriate parimutuel pool generated at the in-State sending track for the race being transmitted. The parimutuel pool on the simulcast horse races originating at an in-State sending track shall be divided pursuant to section 8 of this act. Payments to persons holding winning tickets at a casino shall be made according to the same odds as those generated at the in-State sending track. A person placing a wager on a simulcast horse race at a casino shall not be charged a fee for placing the wager in addition to the amount wagered.

C.5:12-198 Distribution of undistributed casino wagers.

8. Sums wagered at a casino on races being transmitted to that casino from an in-State sending track shall be deposited in the parimutuel pool generated at the in-State sending track for those races and shall be distributed in accordance with the provisions of section 44 of P.L.1940, c.17 (C.5:5-64) or section 1 of P.L.1984, c.236 (C.5:5-64.1), as appropriate. The sums wagered at a casino which remain undistributed pursuant to those sections shall be distributed as follows:

- a. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Fund established pursuant to section 18 of this act;
- b. 8.25% of the pool generated at the casino for a race where the patron is required to select one horse, 9.25% of the pool gen-

erated at the casino for a race where the patron is required to select two horses, and 12.25% of the pool generated at the casino for a race where the patron is required to select three or more horses shall be paid to the casino receiving the simulcast race;

c. .50% of the pool generated at the casino shall be set aside as follows:

(1) in the case of harness races being transmitted from an in-State sending track, in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(2) in the case of running races being transmitted from an in-State sending track, in the special trust account established pursuant to or specified in section 46b.(1)(e) and (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

d. .03% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88); and

e. 7.72% of the pool generated at the casino for a race where the patron is required to select one horse, 8.72% of the pool generated at the casino for a race where the patron is required to select two horses, and 11.72% of the pool generated at the casino for a race where the patron is required to select three or more horses shall be distributed as follows:

(1) 50% of that amount shall be retained by the sending track, except that each sending track shall contribute, out of its share of a pool generated for a race where the patron is required to select three or more horses, a sum deemed necessary by the New Jersey Racing Commission for use by the commission to finance a pre-race bloodtesting program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission; and

(2) 50% of that amount shall be distributed as follows:

(a) in the case of harness races being transmitted from an in-State sending track, as overnight purse money at the sending track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, including the retention, out of this share of a parimutuel pool where the patron is required to select three or more horses, of a sum deemed necessary by the New Jersey Racing Commission for use by that commission to finance a prerace blood testing program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission; and

(b) in the case of running races being transmitted from an in-State sending track, as overnight purse money at the sending track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1) (d) and (2) (d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, including the retention, out of this share of a parimutuel pool where the patron is required to select three or more horses, of a sum deemed necessary by the New Jersey Racing Commission for use by that commission to finance a prerace blood testing program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission.

C.5:12-199 Out-of-State horse races, simulcast; approved casinos, licensed sending tracks.

9. A casino which chooses to conduct casino simulcasting and which operates a simulcasting facility may, with the approval of both the New Jersey Racing Commission and the New Jersey Casino Control Commission, also receive simulcast horse races conducted at out-of-State sending tracks in accordance with the provisions of this act and any applicable regulations of these commissions and joint regulations of these commissions promulgated pursuant to this act.

In order to be eligible to participate in casino simulcasting, an out-of-State sending track shall be approved by the New Jersey Racing Commission and be subject to licensure by the Casino

Control Commission as a casino service industry pursuant to subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92). The approval of the New Jersey Racing Commission shall only be granted when that commission, in its discretion and after consideration of the interests of the casino making application, determines that approval is in the best interest of the public and the racing industry in New Jersey.

C.5:12-200 Receipt from out-of-State of simulcast horse races during permitted hours of operation.

10. A casino which has been authorized to receive simulcast horse races from out-of-State sending tracks may receive such races only during permitted hours of casino operation. No limit shall be placed on the number of simulcast horse races that may be received during the permitted hours of operation except as otherwise provided herein.

C.5:12-201 Payment to out-of-State sending track.

11. a. Except as provided in subsection b. of this section, a casino which receives a simulcast horse race from an out-of-State sending track shall not pay the out-of-State sending track for the transmission an amount equal to more than 3% of the parimutuel pool on each race. If the casino negotiates an agreement to pay the out-of-State sending track an amount equal to less than 3% of the parimutuel pool, the casino shall be entitled to retain the difference between the amount agreed upon and 3%.

b. Subject to the approval of the New Jersey Racing Commission and with respect to no more than 20 races per casino per calendar year, a casino may pay an out-of-State sending track an amount equal to not more than 6% of the parimutuel pool for the transmission of a race. If the casino negotiates an agreement to pay the out-of-State sending track an amount equal to less than 6% of the parimutuel pool, the casino shall be entitled to retain the difference between the amount agreed upon and 6%.

C.5:12-202 Combining of parimutuel pools, formation of interstate common pool.

12. a. Except as provided in subsection b. of this section, the New Jersey Racing Commission shall not permit an out-of-State sending track to participate in casino simulcasting unless the parimutuel pools in the casinos shall be combined with comparable parimutuel pools at the out-of-State sending track. The types of wagering, takeout, distribution of winnings, rules of racing, method of calculating breakage, and the percentage of deposits remaining undistributed from a parimutuel pool after payment is

made to winning ticket holders shall be determined in accordance with the law or policy applicable to the out-of-State sending track.

b. With the prior approval of the New Jersey Racing Commission and the concurrence of the out-of-State sending track, a casino and receiving tracks or entities in other states other than the state in which the sending track is located may form an interstate common pool. With respect to such interstate common pools, the Racing Commission may approve types of wagering, takeout, distribution of winnings, rules of racing, method of calculating breakage, and a percentage of deposits remaining undistributed from a parimutuel pool after payment is made to winning ticket holders which are different from those which would otherwise be applied in this State but which are consistent for all parties to the interstate common pool.

c. Moneys resulting from breakage on amounts wagered at a casino and from outstanding parimutuel tickets issued at a casino simulcasting facility in all instances shall be distributed as provided in section 13 of this act.

C.5:12-203 Wagers subject to takeout rate.

13. Sums wagered at a casino on races being transmitted to that casino from an out-of-State sending track shall be subject to the takeout rate determined pursuant to section 12 of this act, and the sums resulting from that takeout rate as applied to the parimutuel pool generated at the casino shall be distributed as follows, subject to the provisions of section 16 of this act:

a. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Fund established pursuant to section 18 of this act;

b. 3%, or if applicable 6%, of the parimutuel pool generated at the casino shall be paid to the casino to be used for payment to the out-of-State sending track for the transmission of the race, as provided in section 11 of this act;

c. in calendar years 1993, 1994, and 1995, 2% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for payment to the Atlantic City Racetrack until a total of \$100,000,000 in parimutuel pools has been generated in wagering on simulcast races in each of those calendar years;

d. of the amount remaining after the deduction of the amounts under subsections a., b., and c. from the amount of the takeout rate, 65% shall be paid to the casino during the first 18 months after the effective date of this act; 60% shall be paid to the casino during the next succeeding 12 months after that 18-month

period; 55% shall be paid to the casino during the next succeeding 12 months after that 12-month period; and 50% shall be paid to the casino commencing with the 43rd month after the effective date; except that if, at any time during the 42-month period following the effective date, wagering on sports events is authorized by law and a casino commences such wagering, 50% shall be paid to the casino upon the commencement of such wagering by that casino;

e. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and shall be deposited by that commission as follows:

(1) 50% in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(2) 50% in the special trust account established pursuant to or specified in section 46b.(1)(e) and (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

f. .03% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88); and

g. the amount remaining after the deduction of the amounts under subsections a., b., c., d., e., and f. from the amount of the takeout rate shall be distributed as follows:

(1) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and shall be distributed by that commission, on the basis of the following formula, among the New Jersey racetracks for their own use:

$$\frac{A}{B} = \frac{C}{D}$$

where: A = the gross parimutuel pool generated at each racetrack during the preceding calendar year, including the parimutuel pool on simulcast races;

B = the gross parimutuel pool generated at racetracks Statewide during the preceding calendar year, including the parimutuel pool on simulcast races;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph;

(2) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and, subject to the provisions of section 14 of this act, shall be distributed by that commission, in the following year and on the basis of the following formula, among the New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races:

$$\frac{A}{B} = \frac{C}{D}$$

where: A = the total amount distributed by each racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, or section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permit holder's share of the parimutuel pool;

B = the total amount distributed by racetracks Statewide pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and pursuant to section 46b.(1)(d) and 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(2)(b) of P.L.1971,

c.137 (C.5:10-7), in the case of running races, during the preceding calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permit holders' share of the parimutuel pool;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph; and

(3) 14% of that remaining amount shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Special Fund established pursuant to section 15 of this act.

In addition, all breakage moneys and outstanding parimutuel ticket moneys resulting from the wagering at the casino shall be paid to the New Jersey Racing Commission and deposited in the Casino Simulcasting Special Fund.

If a racetrack conducts both harness races and running races, the moneys the racetrack receives for payment pursuant to paragraph (2) of subsection g. above shall be distributed on the basis of the following formula:

$$\frac{A}{B} = \frac{C}{D}$$

where: A = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of harness races, plus any additional amounts paid out by the racetrack for overnight purses for harness races during the preceding calendar year from the permit holder's share of the parimutuel pool, or pursuant to section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of running races, plus any additional amounts paid out by the racetrack for overnight purses for running races during the preceding calendar year from the permit holder's share of the parimutuel pool, as the case may be;

B = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, and pursuant to section 46b.(1)(d) or 46b.(2)(d) of

P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, plus any additional amounts paid out by the racetrack for overnight purses for both harness and running races during the preceding calendar year from the permit holder's share of the parimutuel pool;

C = the amount to be paid by the racetrack for overnight purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races;

D = the total amount of moneys available to the racetrack for distribution as overnight purse money and for programs designed to aid horsemen and horsemen's organizations pursuant to this paragraph.

C.5:12-204 Procedure for revision of formula.

14. During the 36th month after the commencement at any casino in Atlantic City of casino simulcasting from an out-of-State sending track, any operating racetrack, the Standardbred Breeders' and Owners' Association, or the Thoroughbred Horseman's Benevolent Association may file a petition with the New Jersey Racing Commission requesting that the formula contained in section 13g.(2) be revised. The petition shall be in writing and shall include a statement of reasons in support of a revision. If such a petition is filed, the racetracks, the Standardbred Breeders' and Owners' Association, and the Thoroughbred Horseman's Benevolent Association shall commence negotiations on the formula contained in section 13g.(2) of this act. If the parties agree on a formula, they shall make their recommendation to the Racing Commission no later than the end of the 39th month after the commencement of such simulcasting.

If the parties cannot agree on a formula by the end of that 39th month, the Racing Commission shall select a fact-finder, as hereinafter provided, to hear the matter. The fact-finder shall be knowledgeable about the racing industry but shall not be a current member or employee of the New Jersey Racing Commission, any operating racetrack, the Standardbred Breeders' and Owners' Association, or the Thoroughbred Horseman's Benevolent Association.

No later than the fifth day after the end of that 39th month, the Racing Commission shall submit to the operating racetracks, the Standardbred Breeders' and Owners' Association, and the Thoroughbred Horseman's Benevolent Association a list of at least five names of persons to serve as the fact-finder. Each of the recipients of the list shall rank in order of preference the names submitted and shall return the list within five days. No later than the fifth day after the return to the Racing Commission of all such lists, the Racing Commission shall, in its discretion, select the fact-finder after giving due consideration to the rankings provided by the racetracks and associations. Notwithstanding the provisions of section 15 of this act, the Racing Commission may pay from the Casino Simulcasting Special Fund the amount necessary to compensate the fact-finder. The fact-finder shall make a report and recommendation on a formula to the Racing Commission no later than the end of the 42nd month after the commencement of such simulcasting from an out-of-State sending track.

The Racing Commission shall review any recommendation and report made to it on a formula and may adopt any formula which, in its judgment, is equitable to the parties concerned and is in the best interest of racing in New Jersey. The commission shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as are necessary to effectuate a revised formula, which shall take effect upon the adoption by the commission of the rules and regulations containing the formula and shall supersede the formula in section 13g.(2).

If no petition is filed by the end of the 36th month after the commencement of such simulcasting, the formula in section 13g.(2) shall continue to be operative.

C.5:12-205 "Casino Simulcasting Special Fund" established.

15. The New Jersey Racing Commission shall establish and administer a separate fund to be known as the "Casino Simulcasting Special Fund," into which shall be deposited the sums dedicated to the fund by section 13 of this act.

Moneys deposited in the special fund shall be annually disbursed in their entirety by the New Jersey Racing Commission and used for the following purposes in the following order of priority:

a. Moneys in the special fund shall first be used to pay the difference between the amount paid to the Atlantic City Racetrack pursuant to subsection c. of section 13 of this act and \$2,000,000 in each calendar year during calendar years 1993, 1994, and 1995.

b. From any amounts remaining after the payments required by subsection a. of this section are made, the New Jersey Racing Commission shall pay to each casino which began to conduct casino simulcasting within six months after the effective date of this act an amount equal to the breakage moneys and outstanding parimutuel ticket moneys resulting from wagering at the casino on simulcast horse races from out-of-State sending tracks during the first five years that the casino conducts casino simulcasting and 50% of these amounts thereafter.

c. From any amounts remaining after the payments required by subsections a. and b. of this section are made, the New Jersey Racing Commission shall pay to each casino which begins to conduct casino simulcasting later than six months after this act's effective date, including casinos established after that date, an amount equal to the breakage moneys and outstanding parimutuel tickets moneys resulting from wagering at the casino on simulcast horse races from out-of-State sending tracks during the first two years that the casino conducts casino simulcasting and 40% of these amounts thereafter.

d. From any amounts remaining after the payments required by subsections a., b. and c. of this section are made, the New Jersey Racing Commission shall compensate, in such amounts as that commission deems appropriate, the following entities in the following order of priority:

(1) any racetrack in this State which can demonstrate to the satisfaction of that commission that its financial well-being has been negatively affected by casino simulcasting;

(2) any racetrack in this State which that commission finds to be financially distressed;

(3) any horsemen's organization which will use the money to fund a project which that commission determines will be beneficial to the racing industry; and

(4) all racetracks located in this State on an equal basis.

C.5:12-206 Payments to Atlantic City Racetrack.

16. Payment to the Atlantic City Racetrack of sums provided by subsection c. of section 13 or subsection a. of section 15 of this act shall be made after the conclusion of each calendar year for calendar years 1993 through 1995. In order to be eligible to receive the amounts provided by those subsections, the Atlantic City Racetrack shall not receive any simulcast horse race under the provisions of the "Simulcasting Racing Act," P.L.1985, c.269

(C.5:5-110 et seq.) or the provisions of section 37 of this act during any part of an applicable calendar year other than when a horse race meeting is being conducted at Atlantic City Racetrack pursuant to a permit issued by the New Jersey Racing Commission. If the Atlantic City Racetrack is not eligible to receive the amount provided by subsection c. of section 13, that amount shall be distributed on the basis of subsections d. and g. of section 13 of this act.

C.5:12-207 Depositing of State revenue.

17. The State revenue derived from casino simulcasting pursuant to subsection a. of sections 8 and 13 of this act shall be deposited in the "Casino Simulcasting Fund" established pursuant to section 18 of this act and used for the purposes provided by that section.

C.5:12-208 "Casino Simulcasting Fund" established.

18. There is hereby created and established in the Department of the Treasury a separate special account to be known as the "Casino Simulcasting Fund," into which shall be deposited all State revenues derived through subsection a. of sections 8 and 13 of this act. Moneys in the Casino Simulcasting Fund shall be appropriated exclusively for services to benefit eligible senior citizens. 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 Simulcasting Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding six months ending December 31 and June 30.

C.5:12-209 Distribution of interest from funds generated by simulcasting.

19. All amounts generated from casino simulcasting shall be placed in an interest-bearing account and thereafter all accrued interest shall be distributed proportionately to the parties entitled to the revenue pursuant to the provisions of this act.

C.5:12-210 Rules, regulations.

20. The Casino Control Commission and the New Jersey Racing Commission shall individually and jointly promulgate and adopt any rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this act.

C.5:12-44.1 "Simulcasting facility".

21. "Simulcasting facility"--A facility established in a casino hotel pursuant to section 4 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-194).

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

C.5:12-5 “Authorized game” or “authorized gambling game”.

5. “Authorized Game” or “Authorized Gambling Game”--Roulette, baccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, red dog, pai gow, and sic bo; any variations or composites of such games, provided that such variations or composites are found by the commission suitable for use after an appropriate test or experimental period under such terms and conditions as the commission may deem appropriate; and any other game which is determined by the commission to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the commission may deem appropriate. “Authorized game” or “authorized gambling game” includes gaming tournaments in which players compete against one another in one or more of the games listed herein or in approved variations or composites thereof if the tournaments are authorized by the commission.

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

C.5:12-7 “Casino employee”.

7. “Casino Employee”--Any natural person employed in the operation of a licensed casino or a simulcasting facility, including, without limitation, boxmen; dealers or croupiers; floormen; machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; simulcasting facility personnel involved in wagering-related activities in a simulcasting facility; and data processing personnel; or any other natural person whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith or who, in the judgment of the commission, is so regularly required to work in a restricted casino area that licensure as a casino employee is appropriate.

24. Section 9 of P.L.1977, c.110 (C.5:12-9) is amended to read as follows:

C.5:12-9 “Casino key employee”.

9. “Casino Key Employee”--Any natural person employed in the operation of a licensed casino or a simulcasting facility in a

supervisory capacity or empowered to make discretionary decisions which regulate casino or simulcasting facility operations, including, without limitation, pit bosses; shift bosses; credit executives; casino cashier supervisors; casino or simulcasting facility managers and assistant managers; and managers or supervisors of casino security employees; or any other natural person empowered to make discretionary decisions which regulate the management of an approved hotel, including, without limitation, hotel managers; entertainment directors; and food and beverage directors; or any other employee so designated by the Casino Control Commission for reasons consistent with the policies of this act.

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

C.5:12-12 "Casino service industry".

12. "Casino Service Industry" -- Any form of enterprise which provides casino applicants or licensees with goods or services regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility on a regular or continuing basis, including, without limitation, junket enterprises, security businesses, gaming schools, manufacturers, distributors and servicers of gaming and casino simulcasting devices or equipment, in-State and out-of-State sending tracks as defined in section 2 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-192), garbage haulers, maintenance companies, food purveyors, and construction companies, or any other enterprise which purchases goods or services from or which does any other business with licensed casinos on a regular or continuing basis. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale, distribution or repair of slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be considered a casino service industry for the purposes of this act regardless of the nature of its business relationship, if any, with licensed casinos in this State.

For the purposes of this section, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the commission for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

26. Section 21 of P.L.1977, c.110 (C.5:12-21) is amended to read as follows:

C.5:12-21 "Game" or "gambling game".

21. "Game" or "gambling game" -- Any banking or percentage game located within the casino or simulcasting facility played with cards, dice, tiles, dominoes, or any electronic, electrical, or mechanical device or machine for money, property, or any representative of value.

27. Section 24 of P.L.1977, c.110 (C.5:12-24) is amended to read as follows:

C.5:12-24 "Gross revenue".

24. "Gross Revenue"--The total of all sums, including checks received by a casino licensee pursuant to section 101 of this act, whether collected or not, actually received by a casino licensee from gaming operations, less only the total of all sums paid out as winnings to patrons and a deduction for uncollectible gaming receivables not to exceed the lesser of a reasonable provision for uncollectible patron checks received from gaming operations or 4% of the total of all sums including checks, whether collected or not, less the amount paid out as winnings to patrons. "Gross Revenue" shall not include any amount received by a casino from casino simulcasting pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.).

For the purposes of this section, any check which is invalid and unenforceable pursuant to subsection f. of section 101 of P.L.1977, c.110 (C.5:12-101) shall be treated as cash received by the casino licensee from gaming operations.

28. Section 69 of P.L.1977, c.110 (C.5:12-69) is amended to read as follows:

C.5:12-69 Regulations.

69. Regulations. a. The commission shall be authorized to adopt, amend, or repeal such regulations, consistent with the policy and objectives of this act, as it may deem necessary or desirable for the public interest in carrying out the provisions of this act.

b. Such regulations shall be adopted, amended, and repealed in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. Any interested person may, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), file a petition with the commission requesting the adoption, amendment or repeal of a regulation.

d. The commission may, in emergency circumstances, summarily adopt, amend or repeal any regulation pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. Notwithstanding any other provision of this act or the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commission may, after notice provided in accordance with this subsection, authorize the temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or simulcast wagering or the use or design of gaming or simulcast wagering equipment for an experimental period not to exceed 180 days for the purpose of determining whether such rules should be adopted on a permanent basis in accordance with the requirements of this section. Any rules experiment authorized by this subsection shall be conducted under such terms and conditions as the commission may deem appropriate. Notice of any temporary rulemaking action taken by the commission pursuant to this subsection shall be published in the New Jersey Register, and provided to the newspapers designated by the commission pursuant to subsection d. of section 3 of P.L.1975, c.231 (C.10:4-8), at least seven days prior to the initiation of the experimental period and shall be prominently posted in each casino or simulcasting facility participating in the experiment. Nothing herein shall be deemed to require the publication of the text of any temporary rule adopted by the commission or notice of any modification of a rules experiment initiated in accordance with this subsection. The text of any temporary rule adopted by the commission shall be posted in each casino or simulcasting facility participating in the experiment and shall be available upon request from the commission.

29. Section 79 of P.L.1977, c.110 (C.5:12-79) is amended to read as follows:

C.5:12-79 Inspection, seizure and warrants.

79. a. The division and its employees and agents, upon approval of the director, shall have the authority, without notice and without warrant:

(1) To inspect and examine all premises wherein casino gaming or casino simulcasting, as defined in section 2 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-192), is conducted; or gaming devices or equipment are manufactured, sold, distributed, or serviced; or wherein any records of such activities are prepared or maintained;

(2) To inspect all equipment and supplies in, about, upon or around such premises;

(3) To seize summarily and remove from such premises and impound any such equipment or supplies for the purposes of examination and inspection;

(4) To inspect, examine and audit all books, records, and documents pertaining to a casino licensee's operation;

(5) To seize, impound or assume physical control of any book, record, ledger, game, device, cash box and its contents, counting room or its equipment, or casino operations; and

(6) To inspect the person, and personal effects present in a casino facility licensed under this act, of any holder of a license or registration issued pursuant to this act while that person is present in a licensed casino facility.

b. The provisions of subsection a. of this section shall in no way be deemed to limit warrantless inspections except in accordance with constitutional requirements.

c. To effectuate further the purposes of this act, the division and its employees and agents may obtain administrative warrants for the inspection and seizure of any property possessed, controlled, bailed or otherwise held by any applicant, licensee, registrant, intermediary company, or holding company.

d. Issuance and execution of warrants for administrative inspection shall be in accordance with the following:

(1) Any judge of a court having jurisdiction in the municipality where the inspection or seizure is to be conducted may, upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this act or regulations thereunder and seizures of property appropriate to such inspections. For the purposes of this section, "probable cause" means a valid public interest in the effective enforcement of the act or regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of a person duly designated and having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected; the purpose of such inspection; and, where appropriate, the type of property to be inspected, if any.

The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours of the licensee. It shall designate the judge to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within 10 days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant. The clerk of the court, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall cause them to be filed with the court which issued such warrant.

e. The division is authorized to make administrative inspections to check for compliance by any applicant, licensee, registrant, intermediary company or holding company with the provisions of this act or regulations promulgated thereunder, and to investigate any violations thereof.

f. This section shall not be construed to prevent entries and administrative inspections, including seizures of property, without a warrant:

(1) With the consent of the owner, operator or agent in charge of the controlled premises;

(2) In situations presenting imminent danger to health or safety;

(3) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the con-

veyance makes it impractical to obtain a warrant or in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(4) In accordance with the provisions of this act; or

(5) In all other situations where a warrant is not constitutionally required.

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

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

92. Licensing and Registration of Casino Service Industries.

a. (1) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming and simulcast wagering equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of that service industry applicant under this subsection.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry intending to manufacture, sell, distribute or repair slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with the casino applicant or licensee prior to the licensure of that service industry applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the commission may permit the service industry applicant to initiate the manufacture of slot machines or engage in

the sale, distribution or repair of slot machines with any person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that service industry applicant under this subsection.

b. Each casino service industry in subsection a. of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques. The commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming school. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire six months from the date of its issuance and be renewable, at the discretion of the commission, for one additional six-month period.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino applicant or licensee or its employees or agents. Such casino service industries, whether or not directly related to gaming operations, shall include junket enterprises; suppliers of alcoholic beverages, food and nonalcoholic beverages; in-State and out-of-State sending tracks as defined in section 2 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-192); garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services and construction companies contracting with casino applicants or licensees or their employees or agents. The commission may exempt any person or field of commerce from the licensing requirements of this subsec-

tion if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act.

Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

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

31. Section 99 of P.L.1977, c.110 (C.5:12-99) is amended to read as follows:

C.5:12-99 Internal controls.

99. Internal Controls. a. Each casino licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls for gaming and simulcast wagering operations and a description of any changes thereof. Such submission shall be made at least 60 days before such operations are to commence or at least 60 days before any change in those procedures or controls is to take effect, unless otherwise directed by the commission. Each such submission shall contain both narrative and diagrammatic representations of the internal control system to be utilized by the casino, including, but not limited to:

(1) Accounting controls, including the standardization of forms and definition of terms to be utilized in the gaming and simulcast wagering operations;

(2) Procedures, forms, and, where appropriate, formulas covering the calculation of hold percentages, revenue drop, expense and overhead schedules, complimentary services, junkets, cash equivalent transactions, salary structure and personnel practices;

(3) Job descriptions and the system of personnel and chain-of-command, establishing a diversity of responsibility among

employees engaged in casino operations and identifying primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;

(4) Procedures within the cashier's cage and simulcast facility for the receipt, storage and disbursal of chips, cash, and other cash equivalents used in gaming and simulcast wagering; the cashing of checks; the redemption of chips and other cash equivalents used in gaming and simulcast wagering; the pay-off of jackpots and simulcast wagers; and the recording of transactions pertaining to gaming and simulcast wagering operations;

(5) Procedures for the collection and security of moneys at the gaming tables and in the simulcasting facility;

(6) Procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage and the transfer and recordation of moneys within the simulcasting facility;

(7) Procedures for the transfer of moneys from the gaming tables to the counting process and the transfer of moneys within the simulcasting facility for the counting process;

(8) Procedures and security for the counting and recordation of revenue;

(9) Procedures for the security, storage and recordation of cash, chips and other cash equivalents utilized in the gaming and simulcast wagering operations;

(10) Procedures for the transfer of moneys or chips from and to the slot machines;

(11) Procedures and standards for the opening and security of slot machines;

(12) Procedures for the payment and recordation of slot machine jackpots;

(13) Procedures for the cashing and recordation of checks exchanged by casino and simulcast wagering patrons;

(14) Procedures governing the utilization of the private security force within the casino and simulcasting facility;

(15) Procedures and security standards for the handling and storage of gaming apparatus including cards, dice, machines, wheels and all other gaming equipment;

(16) Procedures and rules governing the conduct of particular games and simulcast wagering and the responsibility of casino personnel in respect thereto; and

(17) Procedures for separately recording all transactions pursuant to section 101 of this act involving the Governor, any State

officer or employee, or any special State officer or employee, any member of the Judiciary, any member of the Legislature, any officer of a municipality or county in which casino gaming is authorized, or any gaming related casino employee, and for the quarterly filing with the Attorney General of a list reporting all such transactions.

In addition, each casino licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls for non-gaming operations and a description of any changes thereof no later than five days after those operations commence or after any change in those procedures or controls takes effect.

b. The commission shall review each submission required by subsection a. hereof, and shall determine whether it conforms to the requirements of this act and to the regulations promulgated thereunder and whether the system submitted provides adequate and effective controls for the operations of the particular casino hotel submitting it. If the commission finds any insufficiencies, it shall specify same in writing to the casino licensee, who shall make appropriate alterations. When the commission determines a submission to be adequate in all respects, it shall notify the casino licensee of same. No casino licensee shall commence or alter gaming operations unless and until such system of controls is approved by the commission.

32. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to read as follows:

C.5:12-100 Games and gaming equipment.

100. Games and Gaming Equipment. a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room in accordance with this act and the regulations promulgated hereunder and in a simulcasting facility to the extent provided by the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.).

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel complex except in the casino room, in the simulcasting facility, or in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the commission. Gaming equipment which supports the conduct of gaming in the casino

but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room or simulcasting facility by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room or simulcasting facility at times authorized for that purpose by the commission or at other times when prior notice has been given to and written approval granted by an authorized agent of the commission.

Notwithstanding the foregoing, a person may, with the prior approval of the commission and under such terms and conditions as may be required by the commission, possess, maintain or exhibit gaming equipment in any other area of the casino hotel complex; provided such equipment is used for nongaming purposes.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the commission for the counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall not be brought into or removed from the casino room or simulcasting facility, or locked or unlocked, except at such times, in such places, and according to such procedures as the commission may require.

d. All chips used in gaming shall be of such size and uniform color by denomination as the commission shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the commission. All wagers and pay-offs of winning wagers at table games shall be made according to rules promulgated by the commission, which shall establish such limitations as may be necessary to assure the vitality of casino operations

and fair odds to and maximum participation by patrons. Each slot machine shall have a minimum payout of 83%.

f. Each casino licensee shall make available in printed form to any patron upon request the complete text of the rules of the commission regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to the player as the commission shall require. Each casino licensee shall prominently post within the casino room and simulcasting facility, as appropriate, according to regulations of the commission such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the commission shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that any wager actually made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

h. (1) No slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the division and licensed for use by the commission. The commission shall, by regulation, establish such technical standards for licensure, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee, subject to the prior approval of the commission.

(2) The commission shall, by regulation, determine the permissible number and density of slot machines in a licensed casino so as to:

- (a) promote optimum security for casino operations;
 - (b) avoid deception or frequent distraction to players at gaming tables;
 - (c) promote the comfort of patrons;
 - (d) create and maintain a gracious playing environment in the casino; and
 - (e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.
- i. (Deleted by amendment, P.L.1991, c.182).

j. (Deleted by amendment, P.L.1991, c.182).

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, or coupons or similar complimentary vouchers distributed pursuant to a program approved by the commission or maintained pursuant to commission regulation. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over \$25.00 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

l. It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any shill or barker to induce any person to enter a casino or simulcasting facility or play at any game or for any purpose whatsoever.

m. It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose, unless otherwise permitted by the rules of the commission.

n. It shall be unlawful for any casino key employee, other than a junket representative, to wager at any game in any casino in this State, or any casino employee, other than a bartender, waiter, waitress, or other casino employee who in the judgment of the commission is not directly involved with the conduct of gaming operations, to wager at any game in the casino in which the employee is employed or in any other casino in this State which is owned or operated by the same casino licensee. Any casino employee, other than a bartender, waiter, waitress, or other casino employee who in the judgment of the commission is not directly involved with the conduct of gaming operations, must wait at least 30 days following the date that the employee either leaves employment with a casino licensee or is terminated from employment with a casino licensee before the employee may gamble in the casino in which the employee was formerly employed or in any other casino in this State which is owned or operated by the same casino licensee.

o. (1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit, any tip or gratuity from any player or patron at the casino or simulcasting facility where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked.

33. Section 101 of P.L.1977, c.110 (C.5:12-101) is amended to read as follows:

C.5:12-101 Credit.

101. Credit. a. Except as otherwise provided in this section, no casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall:

(1) Cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming or simulcast wagering activity as a player; or

(2) Release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by any player in gaming or simulcast wagering activity, without maintaining a written record thereof in accordance with the rules of the commission.

b. No casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, may accept a check, other than a recognized traveler's check or other cash equivalent from any person to enable such person to take part in gaming or simulcast wagering activity as a player, or may give cash or cash equivalents in exchange for such check unless:

(1) The check is made payable to the casino licensee;

(2) The check is dated, but not postdated;

(3) The check is presented to the cashier or the cashier's representative at a location in the casino approved by the commission and is exchanged for cash or slot tokens which total an amount equal to the amount for which the check is drawn, or the check is presented to the cashier's representative at a gaming table in exchange for chips which total an amount equal to the amount for which the check is drawn; and

(4) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents.

Nothing in this subsection shall be deemed to preclude the establishment of an account by any person with a casino licensee by a deposit of cash, recognized traveler's check or other cash equivalent, or a check which meets the requirements of subsection g. of this section, or to preclude the withdrawal, either in whole or in part, of any amount contained in such account.

c. When a casino licensee or other person licensed under this act, or any person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, cashes a check in conformity with the requirements of subsection b. of this section, the casino licensee shall cause the deposit of such check in a bank for collection or payment within (1) seven calendar days of the date of the transaction for a check in an amount of \$1,000.00 or less; (2) 14 calendar days of the date of the transaction for a check in an amount greater than \$1,000.00 but less than or equal to \$5,000.00; or (3) 45 calendar days of the date of the transaction for a check in an amount greater than \$5,000.00. Notwithstanding the foregoing, the drawer of the check may redeem the check by exchanging cash, cash equivalents, chips, or a check which meets the requirements of subsection g. of this section in an amount equal to the amount for which the check is drawn; or he may redeem the check in part by exchanging cash, cash equivalents, chips, or a check which meets the requirements of subsection g. of this section and another check which meets the requirements of subsection b. of this section for the difference between the original check and the cash, cash equivalents, chips, or check tendered; or he may issue one check which meets the requirements of subsection b. of this section in an amount sufficient to redeem two or more checks drawn to the order of the casino licensee. If there has been a partial redemption or a consolidation in conformity with the provisions of this subsection, the newly issued check shall be delivered to a bank for collection or payment within the period herein specified. No casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall accept any check or series of checks in redemption or consolidation of another check or checks in accordance with this subsection for the purpose of avoiding or delaying the deposit of a check in a bank for collection or payment within the time period prescribed by this subsection.

In computing a time period prescribed by this subsection, the last day of the period shall be included unless it is a Saturday, Sunday, or a State or federal holiday, in which event the time period shall run until the next business day.

d. No casino licensee or any other person licensed under this act, or any other person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall transfer, convey, or give, with or without consideration, a check cashed in conformity with the requirements of this section to any person other than:

(1) The drawer of the check upon redemption or consolidation in accordance with subsection c. of this section;

(2) A bank for collection or payment of the check; or

(3) A purchaser of the casino license as approved by the commission. The limitation on transferability of checks imposed herein shall apply to checks returned by any bank to the casino licensee without full and final payment.

e. No person other than one licensed as a casino key employee or as a casino employee may engage in efforts to collect upon checks that have been returned by banks without full and final payment, except that an attorney-at-law representing a casino licensee may bring action for such collection.

f. Notwithstanding the provisions of any law to the contrary, checks cashed in conformity with the requirements of this act shall be valid instruments, enforceable at law in the courts of this State. Any check cashed, transferred, conveyed or given in violation of this act shall be invalid and unenforceable for the purposes of collection but shall be included in the calculation of gross revenue pursuant to section 24 of P.L.1977, c.110 (C.5:12-24).

g. Notwithstanding the provisions of subsection b. of this section to the contrary, a casino licensee may accept a check from a person to enable the person to take part in gaming or simulcast wagering activity as a player, may give cash or cash equivalents in exchange for such a check, or may accept a check in redemption or partial redemption of a check issued in accordance with subsection b., provided that:

(1) (a) The check is drawn by a casino licensee pursuant to the provisions of subsection k. of section 100 of P.L.1977, c.110 (C.5:12-100) or upon a withdrawal of funds from an account established in accordance with the provisions of subsection b. of this section or is drawn by a casino licensee for winnings from slot machine payoffs or simulcast wagers;

(b) The check is issued by a banking institution which is chartered in a country other than the United States on its account at a federally chartered or state-chartered bank and is made payable to

“cash,” “bearer,” a casino licensee, or the person presenting the check; or

(c) The check is issued by a banking institution which is chartered in the United States on its account at another federally chartered or state-chartered bank and is made payable to “cash,” “bearer,” a casino licensee, or the person presenting the check;

(2) The check is identifiable in a manner approved by the commission as a check issued for a purpose listed in paragraph (1) of this subsection;

(3) The check is dated, but not postdated;

(4) The check is presented to the cashier or the cashier’s representative by the original payee and its validity is verified by the drawer in the case of a check drawn pursuant to subparagraph (a) of paragraph (1) of this subsection, or the check is verified in accordance with regulations promulgated by the commission in the case of a check issued pursuant to subparagraph (b) or subparagraph (c) of paragraph (1) of this subsection; and

(5) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents.

No casino licensee shall issue a check for the purpose of making a loan or otherwise providing or allowing any advance or credit to a person to enable the person to take part in gaming or simulcast wagering activity as a player.

h. Notwithstanding the provisions of subsection b. and subsection c. of this section to the contrary, a casino licensee may, at a location outside the casino, accept a personal check or checks from a person for up to \$1,500 in exchange for cash or cash equivalents, and may, at such locations within the casino as may be permitted by the commission, accept a personal check or checks for up to \$1,500 in exchange for cash, cash equivalents, tokens, chips, or plaques to enable the person to take part in gaming activity as a player or non-gaming activity, as the case may be, provided that:

(1) The check is drawn on the patron’s bank or brokerage cash management account;

(2) The check is for a specific amount;

(3) The check is made payable to the casino licensee;

(4) The check is dated but not post-dated;

(5) The patron’s identity is established by examination of one of the following: valid credit card, driver’s license, passport, or other form of identification credential which contains, at a minimum, the patron’s signature;

(6) The check is restrictively endorsed "For Deposit Only" to the casino licensee's bank account and deposited on the next banking day following the date of the transaction; and

(7) The total amount of personal checks accepted by any one licensee pursuant to this subsection that are outstanding at any time, including the current check being submitted, does not exceed \$1,500.

i. Checks cashed pursuant to the provisions of subsection h. of this section which are subsequently uncollectable may not be deducted from the total of all sums received in calculating gross revenue pursuant to section 24 of P.L.1977, c.110 (C.5:12-24).

j. A person may request the commission to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the commission the person's name, address, and date of birth. The person does not need to provide a reason for this request. The commission shall provide this list to the credit department of each casino; neither the commission nor the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the commission, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

34. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to read as follows:

C.5:12-103 Alcoholic beverages in casino hotel facilities.

103. a. Notwithstanding any law to the contrary, the authority to grant any license for, or to permit or prohibit the presence of, alcoholic beverages in, on, or about any premises licensed as part of a casino hotel shall exclusively be vested in the commission.

b. Unless otherwise stated, and except where inconsistent with the purpose or intent of this act or the common understanding of usage thereof, definitions contained in Title 33 of the Revised Statutes shall apply to this section. Any definition contained therein shall apply to the same word in any form.

c. Notwithstanding any provision of Title 33 of the Revised Statutes, the rules, regulations and bulletins promulgated by the director of the Division of Alcoholic Beverage Control, or any provision promulgated by any local authority, the authority to

issue, renew, transfer, revoke or suspend a Casino Hotel Alcoholic Beverage License or any portion, location, privilege or condition thereof; to fine or penalize a Casino Hotel Alcoholic Beverage Licensee; to enforce all statutes, laws, rulings, or regulations relating to such license; and to collect license fees and establish application standards therefor, shall be, consistent with this act, exclusively vested in the commission or the division.

d. Except as otherwise provided in this section, the provisions of Title 33 of the Revised Statutes and the rules, regulations and bulletins promulgated by the Director of the Division of Alcoholic Beverage Control shall apply to a Casino Hotel and Casino Hotel Alcoholic Beverage Licensee licensed under this act.

e. Notwithstanding any provision to the contrary, the commission may promulgate any regulations and special rulings and findings as may be necessary for the proper enforcement, regulation, and control of alcoholic beverages in casino hotels when the commission finds that the uniqueness of casino operations and the public interest require that such regulations, rulings, and findings are appropriate. Regulations of the commission may include but are not limited to: designation and duties of enforcement personnel; all forms necessary or convenient in the administration of this section; inspections, investigations, searches, seizures; licensing and disciplinary standards; requirements and standards for any hearings or disciplinary or other proceedings that may be required from time to time; the assessment of fines or penalties for violations; hours of sale; sales in original containers; sales on credit; out-of-door sales; limitations on sales; gifts and promotional materials; locations or places for sale; control of signs and other displays; identification of licensees and their employees; employment of aliens and minors; storage, transportation and sanitary requirements; records to be kept by the Casino Hotel Alcoholic Beverage Licensees and availability thereof; practices unduly designed to increase consumption of alcoholic beverages; and such other matters whatsoever as are or may become necessary and consistent with the administration of this act.

f. (1) It shall be unlawful for any person, including any casino licensee or any of its lessees, agents or employees, to expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said person possesses a Casino Hotel Alcoholic Beverage License.

(2) It shall be unlawful for any person issued a Casino Hotel Alcoholic Beverage License to expose, possess, sell, give, dis-

pense, transfer, or otherwise dispose of alcoholic beverages, other than within the terms and conditions of the Casino Hotel Alcoholic Beverage License issued, the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, and, when applicable, the regulations promulgated pursuant to this act.

g. In issuing a Casino Hotel Alcoholic Beverage License the commission shall describe the scope of the particular license and the restrictions and limitations thereon as it deems necessary and reasonable. The commission may, in a single Casino Hotel Alcoholic Beverage License, permit the holder of such a license to perform any or all of the following activities, subject to applicable laws, rules and regulations:

(1) To sell any alcoholic beverage by the glass or other open receptacle, but not in an original container, for on-premise consumption within a casino; provided, however, that no alcoholic beverage shall be sold, given or be available for consumption; offered, delivered or otherwise brought to a patron; or consumed at a gaming table unless so requested by the patron.

(2) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within a casino hotel, but not in a casino, or from a fixed location outside a building or structure containing a casino but on a casino hotel premises.

(3) To sell any alcoholic beverage in original containers for consumption outside the licensed area from an enclosed package room not in a casino.

(4) To sell any alcoholic beverage by the glass or other open receptacle or in original containers from a room service location within an enclosed room not in a casino; provided, however, that any sale of alcoholic beverages is delivered only to a guest room or to any other room in the casino hotel authorized by the commission, other than any room authorized by the commission pursuant to paragraph (1), (3), or (5) of this subsection.

(5) To possess or to store alcoholic beverages in original containers intended but not actually exposed for sale at a fixed location on a casino hotel premises, not in a casino; and to transfer or deliver such alcoholic beverages only to a location approved pursuant to this section; provided, however, that no access to or from a storage location shall be permitted except during the normal course of business by employees or agents of the licensee, or by licensed employees or agents of wholesalers or distributors licensed pursuant to Title 33 of the Revised Statutes

and any applicable rules and regulations; and provided further, however, that no provision of this section shall be construed to prohibit a Casino Hotel Alcoholic Beverage Licensee from obtaining an off-site storage license from the Division of Alcoholic Beverage Control.

(6) To sell any alcoholic beverage by the glass or other open receptacle, but not in an original container, for on-premises consumption within a simulcasting facility.

h. (1) No Casino Hotel Alcoholic Beverage License which authorizes the sale of alcoholic beverages within a casino pursuant to subsection g.(1) of this section shall issue to any applicant who does not hold a casino license issued pursuant to this act.

(2) No Casino Hotel Alcoholic Beverage License which authorizes the possession, sale or storage of alcoholic beverages pursuant to subsection g.(2), (3), (4), or (5) of this section shall issue to any applicant who would not qualify under the standards for licensure of a casino service industry pursuant to subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92).

(3) No Casino Hotel Alcoholic Beverage License which authorizes the possession or storage of alcoholic beverages pursuant to subsection g. of this section shall issue to any applicant who does not hold a Casino Hotel Alcoholic Beverage License, permitting any activity pursuant to subsection g.(1), (2), (3), or (4) of this section.

i. The commission may revoke, suspend, refuse to renew or refuse to transfer any Casino Hotel Alcoholic Beverage License, or fine or penalize any Casino Hotel Alcoholic Beverage Licensee for violations of any provision of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, and the regulations promulgated by the commission.

j. Jurisdiction over all alcoholic beverage licenses previously issued with respect to the casino hotel facility is hereby vested in the commission, which in its discretion may by regulation provide for the conversion thereof into a Casino Hotel Alcoholic Beverage License as provided in this section.

35. Section 104 of P.L.1977, c.110 (C.5:12-104) is amended to read as follows:

C.5:12-104 Casino licensee--leases and contracts.

104. Casino Licensee--Leases and Contracts. a. (1) Unless otherwise provided in this subsection, no agreement which provides

for the payment, however defined, of any direct or indirect interest, percentage or share of any money or property gambled at a casino or derived from casino gaming activity or of any such interest, percentage, or share of any revenues, profits or earnings of a casino shall be lawful.

(2) Agreements which provide only for the payment of a fixed sum which is in no way affected by the amount of any such money, property, revenues, profits or earnings shall not be subject to the provisions of this subsection; and receipts, rentals or charges for real property, personal property or services shall not lose their character as payments of a fixed sum because of contract, lease, or license provisions for adjustments in charges, rentals or fees on account of changes in taxes or assessments, cost-of-living index escalations, expansion or improvement of facilities, or changes in services supplied.

(3) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing and which are in writing and have been filed with the commission shall be lawful and effective only if expressly approved as to their terms by the commission.

(4) Agreements to lease an approved hotel building or the land thereunder and agreements for the complete management of a casino shall not be subject to the provisions of this subsection but shall rather be subject to the provisions of subsections b. and c. of section 82 of this act.

(5) Agreements which provide for percentage charges between the casino licensee and a holding company or intermediary company of the casino licensee shall be in writing and filed with the commission but shall not be subject to the provisions of this subsection.

(6) Agreements between a casino licensee and an in-State or out-of-State sending track licensed or exempt from licensure in accordance with subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92) shall be in writing, be filed with the commission, and be subject to the terms of this section.

b. Each casino applicant or licensee shall maintain, in accordance with the rules of the commission, a record of each written or unwritten agreement regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility. The foregoing obligation shall apply regardless of whether the casino applicant or licensee is a party to the agreement. Any such agreement may be reviewed by the commission on the basis of the reasonableness of its terms, including the

terms of compensation, and of the qualifications of the owners, officers, and directors of any enterprise involved in the agreement, which qualifications shall be reviewed according to the standards enumerated in section 86 of this act. If the commission disapproves such an agreement or the owners, officers, or directors of any enterprise involved therein, the commission may require its termination.

Every agreement required to be maintained, and every related agreement the performance of which is dependent upon the performance of any such agreement, shall be deemed to include a provision to the effect that, if the commission shall require termination of an agreement pursuant to this subsection, such termination shall occur without liability on the part of the casino applicant or licensee or any qualified party to the agreement or any related agreement. Failure expressly to include such a provision in the agreement shall not constitute a defense in any action brought to terminate the agreement. If the agreement is not maintained or presented to the commission in accordance with commission regulations, or the disapproved agreement is not terminated, the commission may pursue any remedy or combination of remedies provided in this act.

For the purposes of this subsection, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c. 110 (C. 5:12-82) who has applied to the commission for a casino license or any approval required under P.L.1977, c. 110 (C. 5:12-1 et seq.).

c. Nothing in this act shall be deemed to permit the transfer of any license, or any interest in any license, or any certificate of compliance or any commitment or reservation.

36. Section 119 of P.L.1977, c.110 (C.5:12-119) is amended to read as follows:

C.5:12-119 Gaming by certain persons prohibited; penalties; defenses.

119. Gaming by Certain Persons Prohibited; Penalties; Defenses. a. No person under the age at which a person is authorized to purchase and consume alcoholic beverages shall enter, or wager at any game in, a licensed casino or a casino simulcasting facility established pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.); provided, however, that such a person may enter a casino or simulcasting facility by way of passage to another room, and provided further, however, that any

such person who is licensed or registered under the provisions of the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), may enter a casino or casino simulcasting facility in the regular course of the person's permitted activities.

b. Any licensee or employee of a casino who allows a person under the age at which a person is authorized to purchase and consume alcoholic beverages to remain in or wager in a casino or a casino simulcasting facility established pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.), is guilty of a disorderly persons offense; except that the establishment of all of the following facts by a licensee or employee allowing any such underage person to remain shall constitute a defense to any prosecution therefor:

(1) That the underage person falsely represented in writing that he or she was at or over the age at which a person is authorized to purchase and consume alcoholic beverages;

(2) That the appearance of the underage person was such that an ordinary prudent person would believe him or her to be at or over the age at which a person is authorized to purchase and consume alcoholic beverages; and

(3) That the admission was made in good faith, relying upon such written representation and appearance, and in the reasonable belief that the underage person was actually at or over the age at which a person is authorized to purchase and consume alcoholic beverages.

C.5:5-125 Race track may receive simulcast transmissions from out-of-State track; interstate common pools, formation.

37. a. (1) Notwithstanding any other law to the contrary, the New Jersey Racing Commission, upon application by a receiving track, as defined in section 2 of P.L.1985, c.269 (C.5:5-111), and in accordance with applicable federal law, may permit the track to receive, in addition to the horse races authorized by section 10 of P.L.1985, c.269 (C.5:5-119), simulcast transmissions of the racing program, in full or in part, from any out-of-State sending track, as defined in section 2 of P.L.1985, c.269 (C.5:5-111), during any time period, provided that the receiving track agrees to receive all simulcast horse races which any in-State sending track wishes to transmit to it during that same time period, and provided further that, except as provided in subsection b. of this section, the parimutuel pools at the receiving track shall be combined with comparable parimutuel pools at the out-of-State sending track. No limit shall be placed on the number of racing programs the track may receive from out-of-State sending tracks except as otherwise provided herein.

(2) Whenever an out-of-State sending track participates in simulcasting pursuant to paragraph (1) of this subsection and the parimutuel pools are combined at the out-of-State sending track, the types of wagering, takeout, distribution of winnings, rules of racing, method of calculating breakage, and the percentage of deposits remaining undistributed from a parimutuel pool after payment is made to winning ticket holders shall be determined in accordance with the law or policy applicable to the out-of-State sending track. However, moneys resulting from breakage on amounts wagered at the receiving track and from outstanding parimutuel tickets issued at the receiving track in all instances shall be distributed as provided by section 38 of this act.

b. With the prior approval of the New Jersey Racing Commission and the concurrence of the out-of-State sending track, a receiving track and receiving tracks or entities in other states other than the state in which the sending track is located may form an interstate common pool, as defined in section 2 of P.L.1985, c.269 (C.5:5-111). With respect to such interstate common pools, the Racing Commission may approve types of wagering, takeout, distribution of winnings, rules of racing, method of calculating breakage, and a percentage of deposits remaining undistributed from a parimutuel pool after payment is made to winning ticket holders which are different from those which would otherwise be applied in this State but which are consistent for all parties to the interstate common pool. However, moneys resulting from breakage on amounts wagered at the receiving track and from outstanding parimutuel tickets issued at the receiving track in all instances shall be distributed as provided in section 38 of this act.

c. A receiving track which is authorized by the New Jersey Racing Commission to receive the racing program, in full or in part, from an out-of-State sending track pursuant to subsection a. of this section shall pay the out-of-State sending track an amount equal to not more than 3% of each parimutuel pool generated at the receiving track. If the receiving track negotiates an agreement to pay the out-of-State sending track an amount equal to less than 3% of the parimutuel pool generated at the receiving track, the receiving track shall be entitled to retain the difference between the amount agreed upon and 3%.

C.5:5-126 Distribution of amounts resulting from parimutuel pool for out-of-State program.

38. a. If a receiving track which is authorized by the New Jersey Racing Commission to receive the racing program, in full or in part, from an out-of-State sending track pursuant to section 37 of this act is not conducting live racing at the time of receiving the out-of-State races, the amount resulting from the takeout rate shall be distributed as follows:

(1) .50% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission for deposit in the General Fund;

(2) .50% of the parimutuel pool generated at the in-State receiving track shall be deposited as follows:

(a) in the case of an in-State receiving track which conducts harness races, in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7); and

(b) in the case of an in-State receiving track which conducts running races, in the special trust account established pursuant to or specified in section 46b.(1)(e) or (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

(3) .03% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88);

(4) on the basis of all races in each program, or if two or more programs are being transmitted simultaneously, on the basis of all races in all such programs running simultaneously, 3.5% of the first \$100,000 of the total pool generated at the in-State receiving track; 5% of the total pool from \$100,001 to \$150,000; 5.5% of the total pool from \$150,001 to \$250,000; 6% of the total pool from \$250,001 to \$300,000; and, if the amount of the total pool is above \$300,000, 6.25% of the total amount of the pool or the per-

centage of the parimutuel pool for overnight purses on live races that the receiving track and horsemen have agreed to by contract, whichever is greater, shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(5) the amount remaining after the deduction of the amounts under paragraphs (1), (2), (3), and (4) shall be paid to the receiving track.

b. If a receiving track includes out-of-State races as part of its live racing program in any way, the amount resulting from the takeout rate shall be distributed as follows:

(1) .50% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission for deposit in the General Fund;

(2) .50% of the parimutuel pool generated at the in-State receiving track shall be deposited as follows:

(a) in the case of an in-State receiving track which conducts harness races, in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1),

(2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7); and

(b) in the case of an in-State receiving track which conducts running races, in the special trust account established pursuant to or specified in section 46b.(1)(e) or (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

(3) .03% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88);

(4) 6% of the parimutuel pool generated at the in-State receiving track or the percentage of the parimutuel pool for overnight purses on live races that the racetrack and horsemen have agreed to by contract, whichever is greater, shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(5) the amount remaining after the deduction of the amounts under paragraphs (1), (2), (3) and (4) shall be paid to the receiving track.

c. All breakage moneys and outstanding parimutuel ticket moneys resulting from the wagering at the receiving track on the additional out-of-State simulcast races authorized by section 37 shall be divided as follows:

(1) 50% shall be paid to the receiving track; and

(2) 50% shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, as overnight purse money at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the receiving track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate.

39. Section 42 of P.L.1940, c.17 (C.5:5-62) is amended to read as follows:

C.5:5-62 Places for wagering.

42. A permit holder may provide a place or places in the race meeting grounds or enclosure at which such holder of a permit may conduct and supervise the parimutuel system of wagering by patrons on the results of the horse races conducted by such permit holder at a horse race meeting, on the results of simulcast horse races as provided by the "Simulcasting Racing Act," P.L. 1985, c. 269 (C. 5:5-110 et seq.), or on the results of simulcast horse races as provided by section 37 of P.L.1992, c.19 (C.5:5-125), and such parimutuel system of wagering upon the results of such horse races shall not under any circumstances, if conducted under the provisions of this act and in conformity thereto, be held or construed to be unlawful, other statutes of the State of New Jersey to the contrary notwithstanding. Such place or places so provided in conformity with this section shall be equipped with such automatic ticket issuing and vending machines and with adding machine equipment capable of accurate and speedy determination of the amount of money in each pool and on each horse and the amount of award or dividend to winning patrons and displaying the same to the patrons. Such machine shall further be equipped with automatic or hand operated machinery suitable for displaying on the mutuel board across the track, in plain view of the public, the total amount of sales on each and every race and the amount of award or dividend to winning patrons.

40. Section 43 of P.L.1940, c.17 (C.5:5-63) is amended to read as follows:

C.5:5-63 Mutuel board.

43. The machine, or mutuel board, is also to display the approximate odds on each horse in any race; the value of a \$2.00 mutuel ticket, straight, place and show, on the first three horses in any race; the elapsed time of the race; the value of a \$2.00 daily double ticket, if conducted, and any other information that may be necessary for the guidance of the general public. Any such machine must be approved by the commission before it may be used, and to prevent a monopoly in the use of any particular machine or type thereof the commission may in its discretion approve the use of any other machine. No other place or method of betting, pool making, wagering or gambling shall be used or permitted by the holder of a permit, nor shall the parimutuel system of wagering be conducted on any races except horse races at the racetrack where such parimutuel system of wagering is conducted, simulcast horse races as provided by the "Simulcasting Racing Act," sections 1 through 12 of P.L.1985, c.269 (C.5:5-110 et seq.), or simulcast horse races as provided by section 37 of P.L.1992, c.19 (C.5:5-125).

41. Section 53 of P.L.1940, c.17 (C.5:5-73) is amended to read as follows:

C.5:5-73 Permit required.

53. Nothing herein, however, shall be construed to permit the parimutuel system of wagering upon any racetrack unless such racetrack be first granted a permit as provided by this act; and it is hereby declared to be unlawful for any person, partnership, association or corporation to permit, conduct or supervise upon any racetrack the parimutuel system of wagering except in accordance with the provisions of this act, the "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.), or section 37 of P.L.1992, c.19 (C.5:5-125).

42. This act shall take effect immediately.

Approved June 12, 1992.

CHAPTER 20

AN ACT concerning secondary mortgage loan licensees and amending and supplementing P.L.1970, c.205.

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

1. Section 4 of P.L.1970, c.205 (C.17:11A-37) is amended to read as follows:

C.17:11A-37 Application for license; form, contents.

4. a. An application for a secondary mortgage loan license shall be on a form provided by the commissioner. The application shall set forth the name and resident address of the applicant and, if the applicant is other than an individual or corporation, of each partner or member, and if the applicant is a corporation, of each officer, director and the registered agent. The application shall also set forth the address or addresses where the secondary mortgage loan business is to be conducted in this State.

b. The application shall demonstrate that the applicant has liquid assets of at least \$150,000 available for the purpose of making secondary mortgage loans and a net worth of at least \$150,000, except that, in the case of the application of an officer, partner, member or other principal of a corporation, partnership, association or other entity, that individual shall not be required to demonstrate that the individual has liquid assets and a net worth of at least \$150,000.

In the case of an entity other than a corporation, the commissioner may promulgate regulations as he deems necessary to insure that the liquid asset and net worth requirements of this subsection are maintained by at least one individual licensee of that entity upon dissolution or other disposition affecting liquid assets or net worth.

c. The application shall contain such other information as the commissioner shall require in order to carry out the purposes of this act.

d. If the applicant intends to conduct business under a name other than its legal name, the applicant shall furnish the certificates required by the law of this State with the application.

e. If the applicant is a foreign corporation, said corporation shall be authorized to do business in this State in accordance with the law of this State regulating corporations.

f. Applicants for a secondary mortgage loan license shall file with the application an irrevocable consent, duly acknowledged, that suits and actions may be commenced against such licensee in the courts of this State by the service of process or any pleading upon the commissioner, in the usual manner provided for service of process and pleadings by the statutes and Rules Governing the Courts of the State of New Jersey. Said consent shall provide that such service shall be as valid and binding as if service had been made personally upon the licensee in this State. In all cases where process or pleadings are served upon the commissioner pursuant to the provisions of this section, such process or pleadings shall be served in duplicate, one of which shall be filed in the office of the commissioner and the other shall be forwarded by the commissioner, by certified or registered mail, return receipt, to the last known principal place of business of the licensee to whom such process or pleadings is directed.

2. Section 12 of P.L.1970, c.205 (C.17:11A-45) is amended to read as follows:

C.17:11A-45 Licensee's responsibilities.

12. A secondary mortgage loan licensee shall:

a. (Deleted by amendment, P.L.1987, c.230.)

b. (Deleted by amendment, P.L.1987, c.230.)

c. (Deleted by amendment, P.L.1987, c.230.)

d. Maintain a net worth of \$150,000 at all times; except that licensees licensed prior to March 31, 1981 shall maintain a net worth of \$50,000, until five years from July 31, 1987, at which time the licensee shall be required to prove and maintain at all times a net worth of at least \$100,000, and except that licensees licensed prior to the effective date of P.L.1992, c.20, shall maintain the net worth required of them prior to that date until three years from the effective date of P.L.1992, c.20, at which time the licensee shall be required to prove and maintain at all times a net worth of at least \$150,000.

e. Maintain at his place of business in this State an original, true, xerographic or electronic copy of the following instruments, documents, accounts, books and records:

(1) Promissory note or loan agreement evidencing each borrower's secondary mortgage loan indebtedness.

(2) Mortgage, indenture or any other similar instrument or document which creates a lien on the real property which is taken as security for a secondary mortgage loan.

(3) Any insurance policies or certificates of insurance where such insurance is obtained in accordance with section 2 of P.L.1983, c.348 (C.17:11A-49.1).

(4) Closing statement for each secondary mortgage loan.

(5) Appraisal, survey, title examination, title insurance policy, abstract of title, credit report or search, where utilized.

(6) Individual ledger card or any other form of record which shows all installment payments made by the borrower and all other charges or credits to the borrower's account.

(7) Individual file in which the borrower's application for a loan and any correspondence, including collection letters, memorandums, notes or any other written information pertaining to the borrower's account, shall be kept.

(8) Accounts, books and records as shall be required by the commissioner in order to ascertain whether the licensee has been conducting his secondary mortgage loan business in full compliance with the provisions of this act.

All of the aforementioned instruments, documents, accounts, books and records shall be preserved and kept available for investigation or examination by the commissioner for at least two years after a secondary mortgage loan has been paid in full, but in the case of an open-end loan, the two-year period is measured from the date of each entry. The provisions of this section shall not apply to any instrument, document, account, book or record which is assigned, sold or transferred to another secondary mortgage loan licensee nor shall the two-year requirement apply to an instrument or document which must be returned to the borrower at the time a secondary mortgage loan is paid in full.

f. Annually, before February 1, file a report with the commissioner which shall set forth such information as the commissioner shall require concerning the business conducted as a licensee during the preceding calendar year. The report shall be in writing, under oath and on a form provided by the commissioner.

g. Be subject to an examination by the commissioner, not more than once in any 18 month period, unless the commissioner has reason to believe that the licensee is not complying with the provisions of P.L.1970, c.205 (C.17:11A-34 et seq.) or any rule or regulation promulgated thereunder, at which time the commissioner shall have free access, during regular business hours, to the

licensee's place or places of business in this State and to all instruments, documents, accounts, books and records which pertain to the licensee's secondary mortgage loan business. The cost of any such examination shall be borne by the licensee.

h. In the event a borrower's application for a secondary mortgage loan is denied, notify the borrower, in writing, of said denial and, provided further, the name of any such borrower or a list of any such borrowers shall not be referred by the licensee, in any manner whatsoever, to any other lender, retail seller of personal property or services or to any other person, whether in this or any other state.

i. If a secondary mortgage loan is not consummated, return all documents executed by or belonging to the borrower.

j. Give to the borrower, without charge, a copy of every instrument, document or other writing the borrower signs.

k. Give to the borrower, without charge, written evidence of any insurance obtained in accordance with section 16 of P.L.1970, c.205 (C.17:11A-49).

l. Give to the borrower, without charge, at the time a closed-end loan is made, and at the time of the first advance on an open-end loan, a closing statement which itemizes the individual amounts disbursed to or on behalf of the borrower, including, but not limited to, the premium for insurance, if any, the total amount of the funds so disbursed, the amount of the interest charge, total amount of the loan, the amount, number and due date of the installment payments and the interest charge expressed as an annual percentage rate, as applicable.

m. When a payment is made in cash on an account of a secondary mortgage loan, give to the borrower, without charge, at the time such payment is actually received, a written receipt which shall show the name and address of the licensee, the name and address of the borrower, account number or other identification mark or symbol, date and amount paid.

n. With respect to closed-end loans, upon written request from the borrower, give or forward to the borrower, without charge, within five days from the date of receipt of such request, a written statement of the borrower's account which shall show the dates and amounts of all installment payments credited to the borrower's account, the dates, amounts and an explanation of all other charges or credits to the account and the unpaid balance thereof. A licensee shall not be required to furnish more than two such statements in any 12 month period.

o. When a closed-end loan is paid in full, or when an open-end loan is paid in full and the borrower has notified the licensee in writing to discontinue his account with the licensee:

(1) Refund or credit to the borrower, in accordance with regulations promulgated by the Commissioner of Insurance, any unearned portion of the premium for any insurance, if a premium for such insurance was disbursed on behalf of the borrower at the time the secondary mortgage loan was originally made.

(2) Stamp or write on the face of the promissory note or loan agreement evidencing the borrower's secondary mortgage loan indebtedness "Paid in Full" or "Cancelled," the date paid and the name and address of the licensee and, within 45 days, return the promissory note or loan agreement to the borrower.

(3) Release any lien on real property and cancel the same of record pursuant to P.L. 1975, c. 137 (C. 46:18-11.2 et seq.), and, at the time the promissory note or loan agreement evidencing the borrower's secondary mortgage loan indebtedness is returned, deliver to the borrower such good and sufficient assignments, releases or any other certificate, instrument or document as may be necessary to vest the borrower with complete evidence of title, insofar as the applicable secondary mortgage loan is concerned, to the real property, except that the licensee may require the borrower to pay any charge imposed upon the licensee by a county recording officer to effect the cancellation or release.

3. Section 13 of P.L.1970, c.205 (C.17:11A-46) is amended to read as follows:

C.17:11A-46 Prohibited actions.

13. A secondary mortgage loan licensee shall not:

a. Transact any business subject to the provisions of this act under any other name or at any other location except that designated in his license. For the purpose of this section, the transaction of business includes, but is not limited to, the signing of any instrument, document or any other form by the borrower, except that a borrower's application for a secondary mortgage loan need not be signed in the office of the licensee and that a secondary mortgage loan need not be closed at the office of a licensee provided that it is closed in New Jersey at the office of an attorney admitted to practice in this State. A licensee who changes his name or place of business shall immediately notify

the commissioner who shall issue a certificate to the licensee, which shall specify the licensee's new name or address.

b. Photocopy or otherwise reproduce his license.

c. Request that a borrower incorporate in connection with a secondary mortgage loan or aid or abet such a scheme.

d. Make a secondary mortgage loan which has been referred by a retail seller, who, in connection with such referral, has required the borrower to purchase personal property or services or has indicated that such purchase is necessary as a condition precedent for such loan.

e. Charge an application fee or make any other charge or accept an advance deposit prior to the time a secondary mortgage loan is closed.

f. Require or accept from a borrower any collateral or security for a secondary mortgage loan other than a mortgage, indenture or any other similar instrument or document which creates a lien upon any real property or an interest in real property including, but not limited to, shares of stock in a cooperative corporation.

g. Contract for, charge, receive or collect directly or indirectly, any of the following in connection with a secondary mortgage loan: a broker's or finder's fee; commission; expense; fine; penalty; premium, or any other thing of value other than the charges authorized by this act; except the expenses incurred on actual sale of the real property in foreclosure proceedings or upon the entry of judgment, which are otherwise authorized by law; provided, however, that:

(1) a licensee may require a borrower to pay a reasonable legal fee at the time of the execution of the secondary mortgage loan, provided any such legal fee shall represent a charge actually incurred in connection with said secondary mortgage loan and shall not be paid to a person except an attorney authorized to practice law in this State; provided, further, that such legal fee shall be evidenced by a statement from such attorney issued to the licensee; and

(2) a licensee may charge and receive no more than three discount points computed as a percentage of the amount of the loan and may add such discount points to the principal balance of the loan which discount points shall be fully earned when the loan is made and shall be included in the finance charge and disclosed to the borrower as required under the truth in lending provisions of the "Consumer Credit Protection Act" (15 U.S.C. §1601 et seq.). The annual percentage rate charged to the borrower, including the

discount points, if any, disclosed under this paragraph (2), shall be subject to N.J.S. 2C:21-19. As used in this paragraph (2), "discount point" means one percent of the amount of credit to be extended to the borrower.

h. Assign, sell or transfer a secondary mortgage loan to a person other than a banking institution as defined in section 1 of P.L.1948, c.67 (C.17:9A-1), association, as defined in section 5 of P.L.1963, c.144 (C.17:12B-5), or another secondary mortgage loan licensee, the Federal National Mortgage Association created pursuant to section 302 of the "National Housing Act," 48 Stat. 1246 (12 U.S.C. §1717), the Federal Home Loan Mortgage Corporation created pursuant to section 303 of the "Federal Home Loan Mortgage Corporation Act," Pub.L.91-351 (12 U.S.C. §1452), or other persons or entities as from time to time approved by the commissioner to facilitate and assure the steady flow of secondary mortgage funds into the State. Notwithstanding any other provisions of this act, such persons or entities need not be licensed under the act to purchase or accept such an assignment or transfer of a secondary mortgage loan.

i. Solicit business through any other person by paying, directly or indirectly, for such business referred to the licensee by any such person, except as described in subsection j. of this section.

j. Solicit business, directly or indirectly, for any other licensee, lender, retail seller of personal property or services or for any other person, whether in this or any other state, except that a licensee may solicit on behalf of another licensee or lender expressly authorized to make secondary mortgage loans in this State if (1) such solicitation results in no additional cost or expense to the borrower; and (2) the application and all advertising in connection therewith clearly disclose the identity of the person or entity which will be making the loan. If those conditions are met, a licensee may collect a fee or a commission from the lender as consideration for the solicitation.

k. Advertise, cause to be advertised or otherwise solicit whether orally, in writing, by telecast, by broadcast or in any other manner:

(1) That he is licensed by, or that his business is under the supervision of, the State of New Jersey or the Department of Banking, except that a licensee may advertise that he is "licensed pursuant to the 'Secondary Mortgage Loan Act'"; provided, however, that for the purpose of raising capital, no such advertisement shall be permitted if it is to be used in connection with a public solicitation for such funds.

(2) Any name, address or telephone number other than the licensee's own name, address and telephone number in this State, except as permitted in paragraph (3) of this subsection.

(3) The word "bank" or any term inferring that the licensee is or is associated with a bank provided, however, that nothing in this paragraph shall be deemed to prohibit a licensee which is owned by or affiliated with a banking institution, as defined pursuant to section 1 of P.L.1948, c.67 (C.17:9A-1), or a holding company which owns or controls a banking institution from using the name of the banking institution or the holding company in its advertising.

(4) The amount of the interest to be charged, unless such charge is also expressed as an annual percentage rate.

(5) Any statement or representation which is false, misleading or deceptive and, provided further, a written or other visual advertisement shall include the licensee's name, address and telephone number in this State and the phrase "Secondary Mortgage Loans" in 10-point bold type or larger.

(6) Any statement or representation that the licensee will provide "immediate approval" of a loan application or "immediate closing" of a loan or will afford unqualified access to credit.

1. Make or offer to make any secondary mortgage loan which would not be a prudent loan.

4. The commissioner, for a period of five years following the effective date of P.L.1992, c.20, shall conduct a study including all the secondary mortgage lenders licensed by the Department of Banking concerning: the effect of the use of discount points on the secondary mortgage loan market, including, but not limited to, changes in interest rates, volume of business, and number of consumer complaints; and the effect of the liquid asset and net worth requirements of sections 4 and 12 of P.L. 1970, c.205 (C.17:11A-37 and C.17:11A-45) on licensees and applicants for licenses.

The commissioner shall report his findings to the appropriate committees of the Legislature on an annual basis and shall make recommendations to these committees as to whether the limitations on the use of discount points should be continued, increased, or eliminated, and whether the net worth and liquid asset requirements for applicants and licensees should be increased or otherwise changed.

5. This act shall take effect immediately.

Approved June 12, 1992.

CHAPTER 21

AN ACT concerning certain powers of health service corporations and amending P.L.1985, c.236.

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

1. Section 17 of P.L. 1985, c.236 (C.17:48E-17) is amended to read as follows:

C.17:48E-17 Expense limits; investments; administrative services.

17. a. No health service corporation shall during any one year disburse more than 10% of the aggregate amount of the payments received from subscribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority a health service corporation may so disburse not more than 20% of that amount and during the second year, not more than 15%.

b. No health service corporation shall, during any one year, disburse a sum greater than 20% of the payments received from subscribers during that year as administrative expenses. The term "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the furnishing of services or benefits, but not including expenses of soliciting subscribers.

c. The funds of any health service corporation may be invested to the same extent now or hereafter permitted by law for the investment of funds of domestic life insurance companies, including investments as provided in subsection e. of section 3 of P.L.1985, c.236 (C.17:48E-3) in life, health or accident insurance companies or other for-profit subsidiaries such as insurance agencies, suppliers of administrative services only, or any other subsidiaries permitted pursuant to N.J.S.17B:20-4, and for the purpose of engaging in any aspect of its business directly or through one or more subsidiaries or affiliates, including life, health or accident insurance companies.

d. A health service corporation may supply administrative services only, and may supply administrative services either directly or through a subsidiary or affiliate.

e. (Deleted by amendment, P.L.1988, c.71.)

f. (Deleted by amendment, P.L.1988, c.71.)

2. This act shall take effect immediately.

Approved June 17, 1992.

CHAPTER 22

AN ACT concerning the uniform collection of information on violent crimes and supplementing Chapter 1 of Title 53 of the Revised Statutes.

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

C.53:1-20.10 Findings, declarations.

1. The Legislature finds and declares that advances in computer technology offer promising opportunities for the solution of crimes and the apprehension of criminal offenders. It is, therefore, in the best interest of the State of New Jersey to authorize full participation by law enforcement agencies in the use of such advanced crime-fighting technology when its effectiveness and potential benefits for enhancing law enforcement and public safety have been amply demonstrated. The Violent Criminal Apprehension Program (VICAP), sponsored by the Federal Bureau of Investigation (FBI), clearly meets these tests.

VICAP is a national data center designed to collect, collate and analyze information regarding unsolved violent crimes, with emphasis on homicides. Since its inception, VICAP has demonstrated its capability to identify and inform law enforcement agencies in diverse geographic areas of similar patterns in the commission of seemingly unrelated crimes. Information supplied by VICAP has enabled these agencies to conduct joint investigations which have led to the expeditious apprehension of serial killers, rapists and other dangerous criminals.

It is fitting and proper, therefore, that New Jersey law enforcement agencies should take part in this program.

C.53:1-20.11 Participation in Violent Criminal Apprehension Program.

2. The Division of State Police in the Department of Law and Public Safety shall be responsible for fostering and coordinating any participation by State and local law enforcement agencies in the Violent Criminal Apprehension Program (VICAP) sponsored by the Federal Bureau of Investigation. Any such activity shall be conducted in conjunction with the division's Homicide Evaluation and Assessment Tracking (HEAT) program. The division may maintain a Statewide central registry which shall include, but not be limited to, information regarding:

(1) Solved or unsolved homicides or homicide attempts, especially those that involve abduction; appear to be random, motiveless or sexually motivated; or are known or suspected to be part of a series.

(2) Missing persons, where the circumstances indicate possible foul play.

(3) Unidentified dead bodies, where the manner of death is known or suspected to be homicide.

C.53:1-20.12 Maintenance, transmission of information.

3. Such information shall be maintained in a format that is compatible with the national VICAP data base maintained by the Federal Bureau of Investigation and regularly transmitted to the bureau for inclusion in this data base.

C.53:1-20.13 Collection, reporting of information.

4. The Division of State Police and all other initial investigatory law enforcement agencies in the State, including county prosecutors offices and municipal and county police departments, shall collect and report the information specified in section 2 of this act to the division in a standardized format and manner as may be determined by the Superintendent of State Police.

C.53:1-20.14 Equipment, supplies, services.

5. Within the limits of appropriations, the superintendent, with the approval of the Attorney General, may contract for and purchase any equipment, supplies or services necessary for the implementation of this act.

C.53:1-20.15 Rules, regulations.

6. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of State Police may adopt rules and regulations necessary to carry out the purposes of this act.

7. This act shall take effect immediately.

Approved June 23, 1992.

CHAPTER 23

AN ACT to revise the statutory law pertaining to enforcement of the motor fuels tax, amending and supplementing chapter 39 of Title 54 of the Revised Statutes, amending P.L.1968, c.420, N.J.S.2C:64-1 and P.L.1983, c.264, amending and supplementing P.L.1938, c.163, and repealing R.S.54:39-16 and R.S.54:39-64.

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, which is capable 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 any person dealing therein, shall at any time, and from time to time, upon written request of the director, report his receipts, sales, use and distribution of said combustible gases and said other products in a manner prescribed by the director; and any other liquids that are used or sold for use as a quantity extender to motor gasoline; and

(d) (Deleted by amendment, P.L.1992, c.23).

2. R.S.54:39-3 is amended to read as follows:

“Distributor” defined.

54:39-3. “Distributor” means and includes every person, wherever resident or located, who produces, refines, manufactures,

blends or compounds fuels as herein defined and sells, uses, stores or distributes the same within this State.

3. R.S.54:39-8 is amended to read as follows:

“Use” defined.

54:39-8. “Use” means and includes, in addition to its ordinary meaning, the transfer of fuel by a distributor, importer or gasoline jobber into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles.

4. R.S.54:39-10 is amended to read as follows:

Powers of director.

54:39-10. The director is hereby authorized and empowered to carry into effect and execute the provisions of this chapter, and in pursuance thereof may make and enforce such rules and regulations as he may deem necessary for the administration and enforcement of the same. The director may appoint, subject to the provisions of Title 11A of the New Jersey Statutes, individuals to assist him in the administration of this chapter. The director may appoint certain of such assistants as agents and assign them to an office or branch within the division which may be the Office of Criminal Investigation. The agents assigned to the Office of Criminal Investigation or such other office are empowered to investigate and detect criminal violations of this chapter. He shall determine the amount of every bond required to be filed with him by distributors and importers, to secure the payment of taxes, penalties and interest imposed by and payable under the provisions of this chapter, such determinations to be made in accordance with the provisions of this chapter relating to filing of bonds and the fixing of the amounts of the same.

5. R.S.54:39-11 is amended to read as follows:

Issuance of licenses, hearing.

54:39-11. The director shall, upon application, issue all licenses required to be obtained pursuant to this chapter, and he may refuse to issue a license to any person or to renew the license of any person upon sufficient cause being shown. Any person who makes application for a license or the renewal thereof may within ten days after the refusal thereof by the director make a written request for a hearing, and shall then appear for a hearing

conducted pursuant to the terms of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6. R.S.54:39-12 is amended to read as follows:

Revocation, suspension, cancellation of licenses.

54:39-12. The license held by any distributor, importer, retail dealer, wholesale dealer, gasoline jobber, seller of special fuels, user of special fuels, storage facility operator, or special licensee may be suspended or revoked by the director for a violation of any of the provisions of this chapter, or on other reasonable grounds, after five days' notice of and hearing on such proposed revocation or suspension conducted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Upon receipt of a written request from the holder of any license issued pursuant to the provisions of this chapter, the director shall have the power to cancel such license effective as soon thereafter as it has been determined that all tax, fines, penalties and interest properly owing to the State have been paid. If the director shall find that any person to whom a license has been issued is no longer engaged in the business for which the license was issued, the director shall have the power to cancel such license by giving such person reasonable notice of such intent to cancel by mail to the last known address of such person. Whenever a license is canceled, the license certificate theretofore issued shall be surrendered to the director.

7. R.S.54:39-13 is amended to read as follows:

Hearings, administration of oaths.

54:39-13. The director may personally or he may designate any of his assistants to conduct hearings and to administer oaths to, and to examine under oath, any person engaged in the business of dealing in fuels as a distributor, importer, gasoline jobber, retail dealer, wholesale dealer, storage facility operator, seller of special fuels, user of special fuels, or otherwise, and the directors, officers, agents and employees of any such person and all other witnesses, relative to the motor fuel business of such person, in respect to any matter incident to the administration of this chapter.

8. R.S.54:39-17 is amended to read as follows:

Distributor's, importer's license application.

54:39-17. Every distributor and importer before continuing in or commencing to transact the business of a distributor or

importer shall procure a license from the director, permitting him to engage in said business within this State. The license shall be issued by the director for a three year period. The license fee shall be \$450 for the three year period or part thereof. Applications shall be made to the director for each such license before the issuance thereof and such application shall be in writing in the form prescribed by the director. In the event that any application for a license shall be filed by any person whose license shall at any time theretofore have been revoked by the director, or if the director is satisfied that such application is filed by some person as a subterfuge for the real person in interest whose license shall theretofore have been revoked by the director, the director, after hearing pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may refuse such person a license.

9. R.S.54:39-18 is amended to read as follows:

Bond of distributor, gasoline jobber or importer.

54:39-18. Before granting a license authorizing any person to engage in business as a distributor, gasoline jobber or as an importer the director shall require such person to file with him, in such form as he shall prescribe, a bond duly executed by such person as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company by the Commissioner of Insurance of this State, as surety, payable to the State of New Jersey, conditioned upon faithful performance of all the requirements of this chapter and expressly providing for the payment of all taxes, penalties, and other obligations of such person arising out of this chapter.

10. R.S.54:39-19 is amended to read as follows:

Amount of bond.

54:39-19. The total amount of the bond or bonds required to be filed shall be fixed by the director and may be increased or reduced by the director at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required to be filed by any distributor, importer, or gasoline jobber, the director may require a bond or bonds equivalent to an amount no greater than three times the tax on the greatest amount of motor fuels handled during a monthly period of the previous 12 month period in such manner as the director may deem proper. The director shall take into account the applicant's prior record as

a New Jersey taxpayer and all such other information as may be available to him which would establish the applicant's financial responsibility. Where application is made by any person who has theretofore never engaged in business in this State as a distributor, importer or gasoline jobber, prior to the filing of such application, the director, after investigation, shall fix the total amount of such bond or bonds from such information as he may obtain after such investigation. The total amount of the bond or bonds required to be filed by any distributor or gasoline jobber shall never be less than \$25,000 nor more than \$1,000,000. The total amount of the bond or bonds required to be filed by any importer shall never be less than \$50,000 nor more than \$1,000,000. No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall affect the validity of any bond.

11. R.S.54:39-20 is amended to read as follows:

Bond; term; release of surety; license canceled when bond renewed.

54:39-20. Every bond hereafter filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the distributor's license, importer's license, or gasoline jobber's license of which it is a part is revoked for cause or otherwise canceled, or in the case of a gasoline jobber's license, has expired. No action on a bond shall be begun after two years from the date of revocation or cancellation of the license of which it is a part or from the date of expiration or nonrenewal of a gasoline jobber's license. The surety on a bond, as provided herein, shall be released and discharged from all liability to the State accruing on such bond after the expiration of 60 days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the 60-day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the 60-day period, file a new bond, the director shall forthwith cancel the principal's license.

12. R.S.54:39-21 is amended to read as follows:

Deposit in lieu of bond.

54:39-21. In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor, importer or gasoline jobber may deposit with the State Treasurer, under such terms and conditions as the director may prescribe, a like amount of lawful money of the United States, or bonds or other obligations of the United States, or the State of New Jersey, of an actual market value not less than the amount fixed by the director.

13. R.S.54:39-22 is amended to read as follows:

Issuance of license.

54:39-22. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the director shall issue to a distributor or gasoline jobber, or importer, a license to transact business as a distributor, or gasoline jobber, or importer, in the State of New Jersey, as the case may be, subject to cancellation of such license as provided by law.

14. R.S.54:39-23 is amended to read as follows:

License not assignable.

54:39-23. The license so issued by the director shall not be assignable, and shall be valid only for the distributor, gasoline jobber, or importer in whose name issued.

15. R.S.54:39-24 is amended to read as follows:

Acting as distributor, importer or jobber without license; fourth degree crime.

54:39-24. No person shall be a distributor, importer or gasoline jobber without first securing a license from the director. Any person who shall violate this provision shall be deemed guilty of a crime of the fourth degree.

16. R.S.54:39-25 is amended to read as follows:

Keeping, preservation of records, statements.

54:39-25. Every distributor, importer and gasoline jobber shall keep a record of all fuels sold or used which shall include the name of the purchaser, the number of gallons used or sold and the date of the sale or use. Every distributor, importer and gasoline jobber shall also deliver with every consignment of such fuel to a purchaser within this State a written statement containing the date and number of gallons delivered and the names of the purchaser

and seller, and such statement shall show a separate charge for the tax on every gallon; provided, however, that such statement shall not be required to be delivered by such distributor, importer or gasoline jobber where sales of fuels are made at a service station and said fuels are delivered directly into the tank of a vehicle from which said fuels are directly supplied for the propulsion of said vehicle. The records and written statements shall be preserved by said distributor, importer or gasoline jobber, and said purchaser respectively, for a period of four years and shall be offered for inspection upon the verbal or written demand of the director or any of his duly authorized assistants.

17. R.S.54:39-26 is amended to read as follows:

Monthly inventory; statement when required.

54:39-26. Every distributor, importer and gasoline jobber shall take a physical inventory of fuels on hand on the first or last day of every calendar month and shall have the record of such inventory and of all other matters mentioned in this article available at all times for the inspection of the director or his assistants. Upon demand by the director or his assistants every distributor, importer and gasoline jobber shall furnish a statement under oath reflecting the contents of any records to be kept under this article.

18. R.S.54:39-27 is amended to read as follows:

Monthly report of fuels sold or used; tax levied; sales among distributors, importers, jobbers; reports; penalty.

54:39-27. a. Every distributor, importer and gasoline jobber shall, on or before the 20th day of each month, render a report to the Director of the Division of Taxation, in a manner prescribed by the director, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. Upon application to the director, the period within which a report must be made may be extended by up to an additional 10 days, if it shall be deemed advisable by the director. A tax of \$0.105 per gallon on each gallon so reported, shall be paid by each distributor, importer 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 may be made by one licensed distributor, importer or gasoline jobber to another licensed distributor or gasoline jobber free of such tax. If any distributor,

importer 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, importer 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, importer 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. (Deleted by amendment, P.L.1992, c.23).

19. Section 7 of P.L.1983, c.264 (C.54:39-27a.) is amended to read as follows:

C.54:39-27a. Monthly reports of aviation fuels; tax levied.

7. Every distributor, importer and gasoline jobber who sells fuel for distribution to general aviation airports shall, on or before the 20th day of each month, render a report to the Division of Taxation, stating the number of gallons of fuel, except turbine fuels, sold in this State by him for distribution to general aviation airports during the preceding month. In addition to the provisions of R.S.54:39-27 and except as otherwise provided in R.S.54:39-65, a tax of \$0.02 per gallon on each gallon of fuel, except turbine fuels, so reported shall be paid by each distributor, importer or gasoline jobber, such payment to accompany the filing of the report.

Every distributor, importer and gasoline jobber who sells turbine fuels for distribution to general aviation airports shall, on or before the 20th day of each month, render a report to the Division of Taxation, stating the number of gallons of turbine fuel sold by him for distribution to general aviation airports during the preceding month. Except as otherwise provided in R.S.54:39-65, a tax of \$0.02 per gallon on each gallon of turbine fuels so reported shall be paid by each distributor, importer or gasoline jobber, such payment to accompany the filing of the report.

If any distributor, importer or gasoline jobber shall fail, neglect or refuse to file the report within the time prescribed by this section, the Director of the Division of Taxation shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use of said distributor, importer or gasoline jobber, assessing the tax thereon, adding to said tax a penalty of 20 percent 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, importer 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 (R.S.54:48-1 et seq.). 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.

The monthly filing provisions of this section notwithstanding, in the event it is determined by the director that the period for filing reports should be changed from a monthly to a quarterly filing period, he may do so upon the promulgation of regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

The refund provisions of R.S.54:39-66 shall not apply to this section. However, users of general aviation aircraft shall be entitled to a refund or credit of the tax imposed under R.S.54:39-27, provided they comply with the provisions of R.S.54:39-66.

20. R.S.54:39-28 is amended to read as follows:

Exported fuels; exporter's license; monthly reports; attempted evasion, fourth degree crime.

54:39-28. a. Neither this chapter nor any of the provisions hereof shall apply to fuels when exported by a distributor, importer or gasoline jobber from the State of New Jersey into any other State or country, but every such person exporting shall be required to report such exports to the director in such detail as the director shall require, otherwise the exemption herein granted shall be null and void, and it shall be prima facie evidence that all such fuel was distributed in this State subject to the tax provided for in this chapter.

b. Any person not licensed pursuant to this chapter, who acquires title or takes delivery of any fuels within New Jersey and subsequently exports such fuels from the State of New Jersey into any other state or country, shall apply for an exporter's license on forms prescribed by the director and pay a \$450 fee seven days or more before the day of exportation. The license shall have a three year duration. The exportation of untaxed fuels in an amount in excess of 100 gallons per day without first obtaining a license under this chapter shall be a crime of the fourth degree.

c. The director shall issue or deny issuance of such license pursuant to the terms of article 2 of this chapter. On or before the 20th day of each month, each licensed exporter shall render a report to the director, in a manner prescribed by the director, stating the number of gallons of fuel exported or used by the exporter during the preceding calendar month.

d. The filing of an erroneous report by an exporter with intent to evade tax shall be a crime of the fourth degree.

21. R.S.54:39-29 is amended to read as follows:

Refunds, determination, time limit.

54:39-29. When the director shall determine that any moneys received under this chapter were paid in error, he shall cause the same to be refunded in accordance with such rules and regulations as he may prescribe, but shall refuse to authorize a refund if more than one year has elapsed from the time the erroneous payment was made. Refunds authorized by the director shall be paid from revenues collected under this article and deposited with the State Treasurer.

22. R.S.54:39-30 is amended to read as follows:

Retail dealer; license; fee, display of license, disposition of license fees.

54:39-30. Every person engaged in the retail sale of fuels, as herein defined, shall be known as a retail dealer, and shall, before engaging in said business, apply to the director for a license for each establishment operated by such person. A license fee of \$150 shall be paid for the issuing of such license for a three year period and the director shall supply a license plate or suitable substitute containing the number assigned to the licensee, and words denoting the type of license, which the licensee shall publicly display at each establishment in a manner to be regulated by the director. No applicant shall continue in business after the end of the fourteenth day following the date of application unless the

license applied for has been procured and is publicly displayed at the establishment being operated. All moneys received by the director for such license fees shall be accounted for and forwarded by him to the State Treasurer.

23. R.S.54:39-31 is amended to read as follows:

Wholesale license, fee.

54:39-31. Every wholesale dealer shall, before engaging in said business, procure from the director a license for each establishment, wherever located, operated by such person out of which wholesale sales in New Jersey are made. If such sales are made by a person not having any such establishment, the license shall be secured for the location at which the records of such business are kept. Applicants with out-of-State establishments or locations shall furnish the director with the name and address of their New Jersey registered agent. A license fee of \$450 shall be paid for the issuance of each license for a three year period. Every wholesale dealer shall submit such reports as the director may require.

24. Section 2 of P.L.1968, c.420 (C.54:39-31.1) is amended to read as follows:

C.54:39-31.1 Gasoline jobber's license; application; fee, bond.

2. Any gasoline jobber, in lieu of or in addition to obtaining a wholesale license pursuant to R.S.54:39-31, may apply for and obtain a gasoline jobber's license on forms to be prescribed by the director, by payment of a license fee of \$450 for a three year period and the filing of a bond in such form and amount as provided by law. A gasoline jobber's license shall not be assignable, and shall be valid only for the gasoline jobber in whose name issued. A gasoline jobber licensed pursuant to this section shall also be required to be licensed as a wholesale dealer or seller of special fuels to engage in the sale at wholesale of fuels other than gasoline.

25. R.S.54:39-32 is amended to read as follows:

License, permit; term, suspension, revocation.

54:39-32. Every license and permit required by the provisions of this chapter, except a transporter's and storage facility license shall be issued for a three year period, or unexpired portion thereof, commencing on April 1 and ending on the third succeeding March 31 and shall be void thereafter, and said license or permit may be suspended or revoked by the director in accordance

with the provisions of article 2 of this chapter (R.S.54:39-10 et seq.). Every transporter's license and storage facility license once issued, shall remain in force until March 31 of the year following issuance and shall be void thereafter unless renewed. A license, once issued, shall remain in force during the period of issuance unless suspended or revoked for cause or otherwise canceled.

26. R.S.54:39-33 is amended to read as follows:

Maintenance, preservation of records, invoices.

54:39-33. a. Every wholesale dealer, seller of special fuels, user of special fuels, and retail dealer purchasing fuels shall maintain and keep for a period of four years, a record of fuels received and sold, the amount of tax paid, together with delivery tickets, totalizer readings, invoices, bills of lading, monthly physical inventories, and such other records as the director may require. Such records shall be offered for inspection upon the verbal or written demand of the director or any of his duly authorized assistants.

b. Every person selling diesel fuel, No. 2 fuel oil, kerosene, or any other special fuel, shall furnish an invoice with each sale, which invoice shall show the name, address, and applicable motor fuels license number of the seller, the date of the sale, the kind of fuel sold, the number of gallons sold, the amount of tax charged, if applicable, the total price and the name, address, and current applicable motor fuels license number of the purchaser. In the event that the sale is made to a person not required to hold a license under this chapter, the invoice shall state the purpose for which the fuel will be used. In every case where an invoice does not meet all of these requirements, the fuels sold shall be subject to the motor fuels tax pursuant to this chapter.

27. R.S.54:39-34 is amended to read as follows:

Daily records of retail dealers, preservation.

54:39-34. Every retail dealer shall keep a daily record showing the total amount of fuels sold on each business day, daily dispensing pump totalizer readings, and monthly physical inventories, such records to be preserved for a period of four years, and to be open for inspection by the director or any of his assistants at all times.

28. R.S.54:39-35 is amended to read as follows:

Definition of terms relative to corporations, partnerships; liability for tax imposed.

54:39-35. The terms "distributor," "importer," "gasoline jobber," "retail dealer," "wholesale dealer," "storage facility operator," "seller of special fuels," "user of special fuels," and

“person,” as used in this chapter, shall include an officer, director, stockholder or employee of a corporation, or a member of a partnership, who as such officer, director, stockholder, employee or member is under the duty to perform the act in respect of which the violation occurs. Such person or persons, individual or individuals shall be personally liable for the tax imposed, collected or required to be paid, collected or remitted under this chapter.

29. R.S.54:39-36 is amended to read as follows:

Corporations formed for purposes of evasion, disposition.

54:39-36. Where the director has reason to believe that any corporation has been formed for the purpose of evasion of the provisions of this chapter, he may require such corporation to show cause pursuant to the provisions of this chapter why an application for a license by such corporation should not be denied or why the license of such corporation should not be revoked. The hearing to be held pursuant to this section shall be conducted in accordance with the provisions of article two of this chapter (R.S.54:39-10 et seq.).

30. R.S.54:39-37 is amended to read as follows:

License withheld where officer, director, employee previously convicted of violations.

54:39-37. No corporation shall be entitled to hold a license as a distributor, importer, gasoline jobber, wholesale dealer, retail dealer, seller of special fuels, user of special fuels, carrier or storage facility operator when it shall appear that any officer, director or employee of such corporation has heretofore been convicted of violating any of the provisions of this chapter, or where a license issued pursuant to the provisions of this chapter and held by such officer, director, or employee has been heretofore revoked by the director for cause.

31. R.S.54:39-38 is amended to read as follows:

Reports by transporters.

54:39-38. Every railway or railroad company, water transportation company, and every person transporting fuels, as herein defined, in bulk, between points within the State, and every railway or railroad company, water transportation company, and every person transporting fuel in bulk to a point outside the State from any point within the State, or to a point within the State from a point outside of the State, shall, (at any time, and from

time to time, upon written request of the director) report, in a manner prescribed by the director, all deliveries of fuel in bulk so made to points within or without the State.

32. R.S.54:39-41 is amended to read as follows:

Registration of conveyances; license certificates, plates; fees.

54:39-41. Every person engaged in the business of hauling, transporting or delivering fuel, shall, before entering upon the highways or waterways of this State with any conveyance used therein, apply for the registration thereof to the director on forms prescribed by the director. Upon receipt of any application, the director shall issue a license certificate and license plate for each conveyance which shall show the license number assigned and which shall be displayed on the conveyance at all times in such a manner as the director may regulate. An annual license fee of \$50 shall be paid for the licensing of each such conveyance. Nothing contained in this section shall in any manner relieve or discharge persons obtaining licenses thereunder from complying with any or all provisions of other laws.

33. R.S.54:39-43 is amended to read as follows:

Limit on fuel supply imported in transient vehicles.

54:39-43. Limit on fuel supply imported in transient vehicles.

Every person coming into this State in a motor vehicle may transport in the fuel tanks of such vehicle, for the propulsion thereof, not more than 150 gallons of fuel without paying the tax, securing the license or making any report herein provided.

34. R.S.54:39-44 is amended to read as follows:

Vessels and vehicles carrying fuel to carry invoices; inspection; fuel carriers marked; crime.

54:39-44. Vessels and vehicles carrying fuel to carry invoices; inspection; fuel carriers marked; crime.

The master or other person in charge of any barge, tanker or other vessel in which fuel is being transported, or of a tank truck, truck tractor, semitrailer, trailer, or other vehicle used in transporting fuels other than fuel being transported for use in operating the engine which propels such vessel or vehicle, must have in his possession an invoice, bill of sale or other evidence showing the name and address of the consignor or person from whom such fuel was received by him and the name and address of

the consignee or person to whom he is to make delivery of the same, together with the number of gallons to be delivered to each such person, and shall at the request of any agent of the director produce such invoice, bill of sale or other record evidence for inspection. Every barge, tanker or other vessel so used for the transportation of fuel must be plainly and visibly marked on both sides thereof and above the water line with the word "gasoline", or other name of the fuel being transported, in letters at least eight inches high and of corresponding appropriate width. Any owner or lessee violating any of the provisions of this section shall be guilty of a crime of the fourth degree.

35. R.S.54:39-47 is amended to read as follows:

Debt docketed, licensee deemed to accept procedure, appeals, liability.

54:39-47. As an additional or alternative remedy, the Director of the Division of Taxation may issue a certificate to the clerk of the Superior Court or to any county clerk that any person is indebted under this chapter in an amount named in such certificate and thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such person, the amount of the debt so certified and the date of making such entries, and the making of such entries shall have the same force and effect as the entry of a docketed judgment in the office of such clerk, and the Director of the Division of Taxation shall have all of the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action at law upon contract. Every person who shall be licensed under this chapter, and every refund claimant who has applied for and received benefits under article 11 (R.S.54:39-65 et seq.) shall, by the acceptance of such license and benefits, be deemed to have consented to the procedure set forth in this section. Such person may, within a period of 90 days from the date of the issuance of such certificate, appeal to the tax court for a review of the assessment included in such certificate. Every person required to collect any tax imposed by this chapter shall be personally liable for the tax imposed, collected or required to be paid, collected or remitted under this chapter and be the subject of a certificate issued under this section.

36. R.S.54:39-48 is amended to read as follows:

Release of property from lien, judgment.

54:39-48. The director, upon application made to him and upon the payment of a fee of \$25, may release any property from the lien of any judgment or levy procured by him, provided payment be made to the director of such sum as he shall deem adequate consideration for such release, or a deposit be made with the director of such bond or other security as he shall deem adequate to secure the payment of any judgment, the lien of which is sought to be released.

37. R.S.54:39-51 is amended to read as follows:

Failure to procure license, penalty.

54:39-51. Every person who engages in business as a wholesale dealer without first procuring a license from the director and every person who engages in business as a retail dealer without first applying to the director for a license, as required under R.S.54:39-30, as amended, or who shall continue in business as a retail dealer after the end of the fourteenth day following the date of such application without having procured such license and displayed it at the establishment being operated, shall be subject for the first offense to a penalty of \$250 and for the second offense and thereafter shall be subject to a penalty of \$500, and for failure to forthwith pay such penalty after conviction, he shall be imprisoned for a period of not less than five nor more than 30 days.

38. R.S.54:39-52 is amended to read as follows:

Failure to keep records, penalty.

54:39-52. Any person, as herein defined who shall fail to furnish an invoice or who shall fail to keep the records required to be kept by virtue of sections 54:39-33 and 54:39-34 of this chapter, or who shall refuse or fail to permit inspection of such records by the director or any of his agents shall be subject for the first offense to a penalty of \$250 and for the second offense and thereafter shall be subject to a penalty of \$500, and for failure to forthwith pay such penalty after conviction, he shall be imprisoned for a period of not less than five nor more than 30 days.

39. R.S.54:39-53 is amended to read as follows:

Failure to register conveyance, penalty.

54:39-53. Any person engaged in the business of hauling, transporting or delivering fuel who shall cause to be operated any

conveyance without having a license certificate and license plate displayed thereon, as provided in section 54:39-41 of this chapter shall be subject for the first offense to a penalty of \$250 and for the second offense and thereafter shall be subject to a penalty of \$500, and for failure to forthwith pay such penalty after conviction, shall be imprisoned for a period of not less than five nor more than 30 days.

40. R.S.54:39-54 is amended to read as follows:

Failure to have delivery ticket, penalty.

54:39-54. The driver of any conveyance used for the transportation or hauling of fuels who shall fail to have and possess at all times while hauling or transporting fuels a delivery ticket containing the information provided for in sections 54:39-42 and 54:39-44 of this chapter, shall be subject for the first offense to a penalty of \$100 and for the second offense and thereafter shall be subject to a penalty of \$500 and for failure to forthwith pay such penalty after conviction, shall be imprisoned for a period of not less than five nor more than 30 days.

C.54:39-57.1 Failure to file report, penalty.

41. Any person who fails to file any report required by this chapter, and for which a penalty is not otherwise set forth in this chapter, shall be subject to the penalties contained in R.S.54:49-4.

42. R.S.54:39-56 is amended to read as follows:

Failure to export fuel obtained for export, fourth degree crime.

54:39-56. Any person, firm, partnership, association or corporation or any officer or agent thereof who obtains fuel for export and fails to export the same or any portion thereof, or causes said fuel or any portion thereof not to be exported, or who diverts said fuel or any portion thereof, or who causes to be diverted from interstate or foreign transit begun in this State, or who unlawfully returns said fuel or any part thereof to this State and sells or uses said fuel or any part thereof in this State, or causes said fuel or any part thereof to be used or sold in this State, and fails to forthwith notify the director of this act, and any distributor or other person who conspires with any person, firm, partnership, association or corporation, or any officer or agent thereof, to do the things hereinabove mentioned with intent to avoid any taxes imposed by this chapter, shall be guilty of a crime of the fourth degree.

43. R.S.54:39-58 is amended to read as follows:

Procedure for collection of penalties, fines.

54:39-58. The procedure to be followed in actions for the collection of penalties and fines set forth in article 8 of this chapter (R.S.54:39-50 et seq.), shall, except where the offense is punishable as a crime, be as hereinafter in this article provided.

44. R.S.54:39-65 is amended to read as follows:

Sales to government or political subdivisions, diplomatic missions and personnel; exemption.

54:39-65. The provisions of this chapter requiring the payment of taxes shall not be construed to apply to fuel sold to the Government of the United States, to the Government of this State or of any political subdivision of this State, or to any department or agency of any of the said governments for official use of such governments in motor vehicles, motor boats, or other implements owned or leased by this State or any political subdivision or agency thereof, or to fuel sold at retail to diplomatic missions and diplomatic personnel under a program administered by the director and predicated upon the United States Department of State, Office of Foreign Missions' (or successor office's) national tax exemption program, but every distributor shall report such sales to the director at such times and in such detail as the director may require. Any claim for exemption under this section may be made by the distributor at any time within two years after the date of sale, but no claim made after the expiration of said two years will be recognized for any purpose by the State or any agency thereof. Any person who shall purchase or otherwise acquire fuel as herein defined upon which the tax has not been paid, from any of the afore-said governments, or any of their agents or officers, for use not specifically associated with any governmental function or operation shall pay to the State of New Jersey the tax herein provided upon the fuel so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any such fuel, upon which the tax has not been paid.

45. R.S.54:39-66 is amended to read as follows:

Motor fuel 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 in a regular route bus operation as defined in R.S.48:4-1 and under operating authority conferred pursuant to R.S.48:4-3, or while providing bus service under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and autobuses providing commuter bus service which receive or discharge passengers in New Jersey. For the purpose of this paragraph "commuter bus service" means regularly scheduled passenger service provided by motor vehicles whether within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations or special bus operations as defined in R.S.48:4-1 or buses operated for the transportation of enrolled children and adults referred to in subsection c. of R.S.48:4-1,

(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 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; and

(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.

46. R.S.54:39-67 is amended to read as follows:

Payment of refund, time limit, false statement a crime.

54:39-67. Upon approval by the director of such application a warrant shall be drawn upon the State Treasurer for the amount of

such claim in favor of such claimant and such warrant shall be paid from the tax collected on motor fuel. The application for reimbursements and repayments shall be filed with the director on or before the last business day of the sixth month following that in which the fuels in question were purchased. Any person or the member of any firm or the officer or agent of any corporation who shall make false statement in any application required for the reimbursement and repayment of any taxes, or who shall collect or cause to be repaid to him or to any other person any such reimbursement or refund without being entitled to the same shall be guilty of a crime.

47. R.S.54:39-68 is amended to read as follows:

Establishing claim, records.

54:39-68. In order to establish the validity of claims filed, the claimant shall be required to maintain and preserve for a period of at least four years such fuel consumption records as may be prescribed by the director. The director shall have the right to require a claimant to furnish such additional proof of the validity of a claim as the director may determine, and to examine the books and records of the claimant for such purpose. Failure of the claimant to maintain and preserve such records, furnish such additional proof or to accede to the demand for such examination by the director, or any of his representatives, shall constitute a waiver of all rights to the claim or claims questioned and such subsequent claims as the director may determine.

48. R.S.54:39-70 is amended to read as follows:

Rules on blending.

54:39-70. The director shall adopt rules relating to the tax on the purchase of fuel from any person which is to be used for the purpose of blending with other fuels by the purchaser thereof.

C.54:39-6.2 "Importer" defined.

49. "Importer" means a person, wherever resident or located, who imports into this State fuels, as herein defined, for use, distribution, storage or sale in this State.

C.54:39-6.3 "Seller of special fuels" defined.

50. "Seller of special fuels" means any person, who sells any fuel capable of generating power in a diesel type engine which will include, without limitation, diesel fuel, No. 2 fuel oil, and kerosene.

C.54:39-6.4 "User of special fuels" defined.

51. "User of special fuels" means any person, except the State of New Jersey and any political subdivision thereof, who maintains a storage tank or tanks of any type, including a conveyance, equipped with a dispensing device and being used for storage and dispensing diesel fuel, No. 2 fuel oil, and kerosene, for his own use. "Storage tanks" as used in this section shall not apply to a vehicle service tank used to carry motor fuels for use exclusively in propelling the vehicle carrying the tank.

C.54:39-64.1 Seller, user of special fuels license; term, fee, nonassignability.

52. Every seller of special fuels and every user of special fuels, except a distributor, importer, gasoline jobber, and wholesale dealer, shall apply for and obtain a seller of special fuels license or user of special fuels license on forms to be prescribed by the director. The license, unless cancelled or revoked, shall remain in effect for three years and may be renewed. A license fee of \$150 shall be paid for the three year term of the license except that persons holding valid retail dealer's licenses shall pay no fee for their seller of special fuels license other than the amount prescribed by R.S.54:39-30. The license shall not be assignable and shall be valid only for the person, as herein defined, in whose name the license is issued. The license of the user of special fuels shall indicate that the licensee shall purchase diesel fuel, No. 2 fuel oil, and kerosene, tax-free.

C.54:39-64.2 Filing of bond.

53. A seller of special fuels and user of special fuels, may, at the discretion of the director based upon prior filing history or other relevant criteria, including other licenses held, or bonding required, under R.S.54:39-1 et seq., be required to file a bond with the director in an amount not greater than three times the tax on the greatest amount of motor fuels handled during any one month of the previous 12 months, provided that in no case shall the bond be less than \$1,000 nor greater than \$1,000,000. Such bond shall be in such form as approved by the director, shall be executed by a surety company duly licensed to do business under the laws of the State of New Jersey, and be conditioned upon the prompt filing of true reports and the payment by the licensee to the director of all motor fuels taxes which are now or which hereafter may be levied or imposed by the State of New Jersey, together with any and all penalties and interest thereon, and generally upon faithful compliance with the provisions of this

chapter. Bonds of the United States or the State of New Jersey, having an actual market value not less than an amount fixed by the director, may be filed in lieu of the surety bond as required by this section.

C.54:39-64.3 Excise tax, imposition, liability, exemptions, trustee account.

54. An excise tax at the rate of \$0.135 per gallon or fractional part thereof is imposed upon any seller of special fuels, and any user of special fuels, who delivers or places fuels into the fuel supply tank or other fueling receptacle or device of a motor vehicle for use to propel the vehicle over the public highways, or who uses special fuels within the meaning assigned by this chapter, or who makes sales of special fuels to unlicensed buyers. If a seller of special fuel fails to collect a tax the seller is liable for the tax due on the transaction unless the seller shall have taken from the buyer a certification in such form as shall be determined by the director. The tax herein imposed shall not apply to fuels not within the taxing power of this State under the Constitution of the United States. The tax shall be paid to the State but once in respect to any fuels used within the State. No tax is imposed upon (a.) any fuel that is used by or sold and delivered to the United States government, when such sales and deliveries are supported by documentary evidence satisfactory to the division, or (b.) upon any fuel not in excess of 150 gallons brought into this State in the fuel supply tanks or other fueling receptacles or devices of a motor vehicle, or (c.) upon any fuel used by, or sold or delivered to, the State of New Jersey or its political subdivisions when such sales and deliveries are supported by documentary evidence satisfactory to the division, or (d.) to fuel sold to diplomatic missions and diplomatic personnel under a program administered by the director and predicated upon the United States Department of State, Office of Foreign Missions' or successor office's national tax exemption program. The tax shall be paid to the seller of special fuels as a trustee for and on account of the State. The user or seller of special fuels shall maintain a separate trustee account to be credited daily with taxes due on amounts of fuels used on that day. The account shall be maintained for and on account of the State of New Jersey.

C.54:39-64.4 Monthly report, payment of tax.

55. Each seller of special fuels and each user of special fuels upon whom a tax is imposed by this act shall, on or before the 20th day of each month, render a report to the Director of the Division of Taxation on forms prescribed, prepared and furnished

by the director stating the number of gallons of fuel sold or used in this State by that seller or user during the preceding calendar month. Upon application to the director, the period within which a report must be rendered may be extended by up to an additional 10 days, if it shall be deemed advisable by the director. The payment of the tax imposed pursuant to section 54 of P.L.1992, c.23 (C.54:39-64.3) for the number of gallons of fuel sold or used in this State by that seller or user during the preceding calendar month shall accompany the filing of the report. It shall be the duty of each seller of special fuels or user of special fuels to furnish to the division such information concerning such sale or use as the division may require.

C.54:39-64.5 Inspection of books of seller, user of special fuels.

56. The director or his authorized agents shall have the right at any time during normal business hours to inspect the books of any seller of special fuels or user of special fuels to determine if the requirements of this chapter are being properly observed.

C.54:39-64.6 Fines, penalties for unlicensed businesses.

57. Every person who engages in business as a seller of special fuels or as a user of special fuels without first procuring a license from the director shall be subject for the first offense to a penalty of \$250 and for the second offense and thereafter to a penalty of \$500, and for failure forthwith to pay such penalty after conviction, he shall be imprisoned for a period of not less than five nor more than 30 days.

C.54:39-64.7 "Storage facility operator" defined; licensing required, penalties, term.

58. A person who engages in the operation of a storage facility or stores fuel in a storage facility without first obtaining a storage facility operator's license from the director as required by law, shall be subject to a penalty of \$250 and for the second offense and thereafter shall be subject to a penalty of \$500, and for failure to pay such penalty forthwith after conviction, he shall be imprisoned for a period of not less than five nor more than 30 days.

"Storage facility operator" means a person owning, renting or leasing multiple bulk storage facilities in this State with a capacity of 100,000 gallons or more and any person leasing or subleasing space in such facility and storing fuels therein. A person storing or keeping fuel within a storage facility shall, before receiving fuel, apply to the director for a storage facility operator's license for each storage facility location on forms prescribed by the director. Upon receipt of a satisfactory application, the

director shall issue a license certificate for each storage facility operator with an assigned license number printed thereon, which license certificate shall be displayed at the facility in such manner as the director may direct. A license fee of \$150 shall be paid for each license. The license, unless cancelled or revoked, shall remain in effect for one year and is subject to renewal. Nothing contained herein shall in any manner relieve or discharge a licensed storage facility operator from complying with the provisions of other laws.

C.54:39-64.8 Penalties related to records.

59. A storage facility operator who fails to keep the records required to be kept, or refuses or fails to permit inspection of such records, by the director or any of his assistants shall be subject for the first offense to a penalty of \$250 and for the second offense and thereafter shall be subject to a penalty of \$500, and for failure to pay such penalty forthwith after conviction, he shall be imprisoned for a period of not less than five nor more than 30 days.

C.54:39-10.1 Joint audits, programs of cooperation.

60. a. The director is authorized to conduct joint audits, subject to specific agreements with any agency of the United States of America, with another state, or through national or regional tax associations, of the obligations of any distributor, importer, gasoline jobber, retail dealer, wholesale dealer, seller of special fuels, user of special fuels, carrier or storage facility operator arising out of this chapter. Notwithstanding the provisions of R.S.54:50-8 to the contrary, the agreements may provide for the exchange of the records and files of the director respecting the administration of chapter 39 of Title 54 of the Revised Statutes or of any other State tax law.

b. The director is authorized to arrange for the institution of programs of cooperation with other departments, divisions, and agencies of the State of New Jersey, such as but not limited to Weights and Measures, the Energy Office, Motor Carriers and the Board of Regulatory Commissioners, where a program may be necessary to ensure effective and efficient administration and enforcement of this chapter.

C.54:39-64.9 Monthly report by storage facility operator.

61. A storage facility operator shall, on or before the 20th day of each month, render a report to the director, on forms prescribed by him, stating the quantities of fuel received at the storage facility in the State or sold from it during the preceding month. The report shall include the name and address of any per-

son leasing or subleasing storage in the facility and the quantities of fuel stored by each such person.

C.54:39-64.10 Inspection of books of storage facility operator.

62. The director or his authorized agents shall have the right at any time during normal business hours to inspect the books of a storage facility operator to determine if the requirements of this chapter are being properly observed.

63. Section 507 of P.L.1938, c.163 (C.56:6-12) is amended to read as follows:

C.56:6-12 Records kept by retailers, preservation.

507. Every retail dealer shall keep such records as may be prescribed by orders, rules or regulations of the director and as may be necessary to the determination of whether or not such retail dealer has observed the provisions of this act. All such records shall be safely preserved for a period of four years in such manner as to insure their security and accessibility for inspection by the director or any employee of the Division of Taxation engaged in the administration of this act. The director may consent to the destruction of any such records at any time within said period.

64. Section 1 of P.L.1939, c.63 (C.56:6-14) is amended to read as follows:

C.56:6-14 Suspension, revocation of license.

509. The director may suspend or revoke the license held by any retail dealer for a violation of any of the provisions of this chapter, or on other reasonable ground or grounds, after five (5) days' notice of such proposed revocation or suspension, and the ground or grounds thereof to such retail dealer. Said notice shall be served personally or by registered mail upon the retail dealer and shall set forth the date, time, and place of a hearing to be conducted under the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for that purpose.

C.56:6-12.1 Aboveground pumps, totalizer required when in operation.

65. All aboveground pumps connected to storage tanks which are used to dispense fuels by a retail dealer or a seller of special fuels or a user of special fuels, as defined in chapter 39 of Title 54 of the Revised Statutes who delivers or places fuels into the fuel supply tank or other fueling receptacles or devices of a motor vehicle, or who uses fuels within the meaning of the word "use"

as defined in that chapter, or who makes sales to unlicensed buyers, shall have in operation at all times the pump is in use, a working, sealed, gallons totalizer of at least six digits.

C.56:6-12.2 Ensuring integrity of totalizers, seals.

66. The director or his assistants may, by the use of seals or sealing devices, ensure that totalizers or seals cannot be removed, altered, or manipulated.

C.56:6-12.3 Interference with, failure to use totalizer, fourth degree crime.

67. Any person who, without permission or authority and for the purpose of evading or circumventing any law of this State, alters, manipulates, replaces, or in any other manner tampers or interferes with or causes to be altered, manipulated, replaced, tampered or interfered with, a totalizer, or who operates a pump not equipped with a sealed totalizer required by this act, is guilty of a crime of the fourth degree.

C.54:39-10.2 Council meetings.

68. The director or his designated assistant, and such members of his staff as may be necessary and convenient, shall meet at the offices of the director in Trenton not less than once annually with a council of advisors composed of not more than 10 persons representing various segments of the petroleum industry in New Jersey. The industry delegates to the council meeting shall be chosen by agreement of the representatives of the industry itself. The purpose of the meeting shall be to review and monitor the processes of collection and enforcement of all excise taxes dealing with motor fuels or petroleum products in this State.

Repealer.

69. R.S.54:39-16 and R.S.54:39-64 are repealed.

70. N.J.S.2C:64-1 is amended to read as follows:

Property subject to forfeiture.

2C:64-1. Property Subject to Forfeiture.

a. Any interest in the following shall be subject to forfeiture and no property right shall exist in them:

(1) Controlled dangerous substances, firearms which are unlawfully possessed, carried, acquired or used, illegally possessed gambling devices, untaxed cigarettes and untaxed special fuel. These shall be designated *prima facie* contraband.

(2) All property which has been, or is intended to be, utilized in furtherance of an unlawful activity, including, but not limited to,

conveyances intended to facilitate the perpetration of illegal acts, or buildings or premises maintained for the purpose of committing offenses against the State.

(3) Property which has become or is intended to become an integral part of illegal activity, including, but not limited to, money which is earmarked for use as financing for an illegal gambling enterprise.

(4) Proceeds of illegal activities, including, but not limited to, property or money obtained as a result of the sale of prima facie contraband as defined by subsection a. (1), proceeds of illegal gambling, prostitution, bribery and extortion.

b. Any article subject to forfeiture under this chapter may be seized by the State or any law enforcement officer as evidence pending a criminal prosecution pursuant to section 2C:64-4 or, when no criminal proceeding is instituted, upon process issued by any court of competent jurisdiction over the property, except that seizure without such process may be made when not inconsistent with the Constitution of this State or the United States, and when

(1) The article is prima facie contraband; or,

(2) The property subject to seizure poses an immediate threat to the public health, safety or welfare.

c. For the purposes of this section:

“Untaxed special fuel” means diesel fuel, No. 2 fuel oil and kerosene on which the motor fuel tax imposed pursuant to R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or transferred in this State in a manner not authorized pursuant to R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).

71. Section 1 of P.L.1968, c.420 (C.54:39-6.1) is amended to read as follows:

C.54:39-6.1 “Gasoline jobber” defined.

1. As used in this act “gasoline jobber” means a motor fuels wholesale dealer who regularly makes 95% or more of his gasoline sales to not less than 25 retail dealers, fleet operators or other large consumers, including farm accounts.

72. This act shall take effect on July 1, 1992.

Approved June 22, 1992.

CHAPTER 24

AN ACT concerning the taxation of certain business property, amending R.S.54:4-1 and P.L.1986, c.117, 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.54:4-1.13 Short title.

1. This act shall be known and may be cited as the "Business Retention Act."

C.54:4-1.14 Findings, declarations.

2. The Legislature finds and declares that since 1979 New Jersey has lost a major share of its manufacturing jobs and manufacturing plants and this trend has persisted throughout periods of economic recovery and periods of recession. The Legislature also finds that New Jersey's manufacturing sector, notwithstanding the recent losses, continues to be an important source of relatively high-paying employment for a large portion of the work force and an essential foundation for the rest of the economy, serving as a larger multiplier of jobs in the economy than any other sector. The Legislature further finds that in order to retain manufacturing jobs it is in the interest of the business community, municipalities and the State of New Jersey to maintain a policy regarding the taxation of business personal property which is historically consistent, equitable and competitive with neighboring states and which creates and maintains reasonable incentives for manufacturing interests to exist and thrive in New Jersey. The Legislature, therefore, declares that it is the policy of the State, through this act, to refine the definitions of real property and personal property in order to reaffirm the broad exclusion from local property taxes of business personal property used or held for use in business.

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

Property subject to taxation.

54:4-1. All property real and personal within the jurisdiction of this State not expressly exempted from taxation or expressly excluded from the operation of this chapter shall be subject to taxation annually under this chapter. Such property shall be valued and assessed at the taxable value prescribed by law. Land in

agricultural or horticultural use which is being taxed under the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), shall be valued and assessed as provided by that act. An executory contract for the sale of land, under which the vendee is entitled to or does take possession thereof, shall be deemed, for the purpose of this act, a mortgage of said land for the unpaid balance of purchase price. Personal property taxable under this chapter shall include, however, only the machinery, apparatus or equipment of a petroleum refinery that is directly used to manufacture petroleum products from crude oil in any of the series of petroleum refining processes commencing with the introduction of crude oil and ending with refined petroleum products, but shall exclude items of machinery, apparatus or equipment which are located on the grounds of a petroleum refinery but which are not directly used to refine crude oil into petroleum products and the tangible goods and chattels, exclusive of inventories, used in business of local exchange telephone, telegraph and messenger systems, companies, corporations or associations subject to tax under P.L.1940, c.4 (C.54:30A-16 et seq.), as amended, and shall not include any intangible personal property whatsoever whether or not such personalty is evidenced by a tangible or intangible chose in action except as otherwise provided by R.S.54:4-20. As used in this section, "local exchange telephone company" means a telecommunications carrier providing dial tone and access to substantially all of a local telephone exchange. Property omitted from any assessment may be assessed by the county board of taxation, or otherwise, within such time and in such manner as shall be provided by law. Real property taxable under this chapter means all land and improvements thereon and includes personal property affixed to the real property or an appurtenance thereto, unless:

- a. (1) The personal property so affixed can be removed or severed without material injury to the real property;
- (2) The personal property so affixed can be removed or severed without material injury to the personal property itself; and
- (3) The personal property so affixed is not ordinarily intended to be affixed permanently to real property; or
- b. The personal property so affixed is machinery, apparatus, or equipment used or held for use in business and is neither a structure nor machinery, apparatus or equipment the primary purpose of which is to enable a structure to support, shelter, contain, enclose or house persons or property. For purposes of this subsection, real property shall include pipe racks, and piping and electrical wiring up to the point of connections with the machin-

ery, apparatus, or equipment of a production process as defined in this section.

Real property, as defined herein, shall not be construed to affect any transaction or security interest provided for under the provisions of chapter 9 of Title 12A of the New Jersey Statutes (N.J.S.12A:9-101 et seq.). The provisions of this section shall not be construed to repeal or in any way alter any exemption from, or any exception to, real property taxation or any definition of personal property otherwise provided by statutory law.

The Director of the Division of Taxation in the Department of the Treasury may adopt rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be deemed necessary to implement and administer the provisions of this act.

C.54:4-1.15 Definitions.

4. As used in R.S.54:4-1 and section 3 of P.L.1986, c.117 (C.54:4-1.12):

"Machinery, apparatus or equipment" means any machine, device, mechanism, instrument, tool, tank or item of tangible personal property used or held for use in business.

"Production process" means the process commencing with the introduction of raw materials or components into a systematic series of manufacturing, assembling, refining or processing operations and ceasing when the product is in the form in which it will be sold to the ultimate consumer.

"Structure" means any assemblage of building or construction materials fixed in place for the primary purpose of supporting, sheltering, containing, enclosing or housing persons or property.

"Used or held for use in business" means any item of machinery, apparatus or equipment used or held for use in a business transaction, activity, or occupation conducted for profit in New Jersey.

5. Section 3 of P.L.1986, c.117 (C.54:4-1.12) is amended to read as follows:

C.54:4-1.12 Storage tank deemed real property.

3. For the purposes of chapter 4 of Title 54 of the Revised Statutes and notwithstanding the provisions of R.S.54:4-1, a storage tank having a capacity of more than 30,000 gallons is deemed to be real property. The fact that products are mixed, blended, heated or subjected to a similar non-production process within a storage tank shall not in itself render that tank personal property.

C.54:4-1.16 Schedule for reducing assessment.

6. If a determination shall be made, either by an assessor or in a judicial proceeding, that a taxpayer is entitled to a reduction in assessment on the grounds that a municipality, on the date of this enactment, was taxing as real property items of machinery, apparatus, and equipment excluded from taxation by this enactment, the municipality shall be entitled to assess that property as personal property and to tax that property in decreasing amounts over a period of five years, at the municipality's general tax rate, in accordance with all laws and procedures established for taxing real property, and in accordance with the following schedule:

First year of reduction: 20% of the total reduction that the taxpayer would otherwise be entitled to;

Second year of reduction: 40% of the total reduction that the taxpayer would otherwise be entitled to;

Third year of reduction: 60% of the total reduction that the taxpayer would otherwise be entitled to;

Fourth year of reduction: 80% of the total reduction that the taxpayer would otherwise be entitled to;

Fifth year of reduction and all years thereafter: 100% of the total reduction;

Provided, however, that the taxpayer may challenge an assessor's determination under this section in a judicial proceeding, and that in such a proceeding the municipality shall bear the burden of proving by a preponderance of the evidence (a) that the item or items had previously been assessed and (b) the assessed value of the item or items.

7. This act shall take effect immediately and shall only apply to property assessments made after the date of enactment and to all tax appeals pending at the time of enactment regardless of the tax year in question.

Approved June 26, 1992.

CHAPTER 25

AN ACT concerning the New Jersey Health Care Trust Fund and amending P.L.1991, c.187.

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

1. Section 5 of P.L.1991, c.187 (C.26:2H-18.28) is amended to read as follows:

C.26:2H-18.28 Determination of uniform Statewide uncompensated care add-on.

5. a. For the periods beginning January or July of the hospitals' rate year, the department shall determine a uniform Statewide uncompensated care add-on. The commission shall approve the add-on before it is included in hospital rates.

The add-on shall be determined by dividing the Statewide amount of approved uncompensated care plus an amount adequate to fund the reasonable cost of administering the fund pursuant to subsection a. of section 4 of P.L.1991, c.187 (C.26:2H-18.27) and to maintain the reserve pursuant to subsection c. of section 4 of P.L.1991, c.187 (C.26:2H-18.27), by the Statewide amount of approved revenue for all payers and approved revenue for medically indigent persons less the Statewide amount of approved uncompensated care.

The Medicaid program shall provide its share of the uncompensated care add-on, as determined by the commission, through a direct contribution to the fund of an amount equal to the Medicaid program's State share of the uncompensated care add-on.

The add-on and any increases made to the add-on are an allowable cost and shall be included as part of the hospital's rates as established by the commission.

b. The amount of money raised by the uniform Statewide uncompensated care add-on, as a percentage of all governmental and nongovernmental approved revenue, shall not exceed 13%, except that the add-on shall not exceed 19.1%.

The commissioner shall establish the following target levels for the add-on: 16% by July 1, 1993, 13% by July 1, 1994 and 10% by July 1, 1995.

c. The uniform Statewide uncompensated care add-on for patients whose hospital bills are paid by a health maintenance organization or other payer which has negotiated a discounted rate of payment with the hospital shall be based on the full rate of reimbursement for the services provided by the hospital to the patient under the hospital reimbursement system established pursuant to P.L.1978, c.83, rather than on the discounted rate of payment.

d. No provision of this section shall be construed to preclude the commission from approving individual hospital rate increases for uncompensated care in addition to the add-on. Such increases, however, shall not be paid from the moneys in the Health Care Trust Fund.

2. Section 7 of P.L.1991, c.187 (C.26:2H-18.30) is amended to read as follows:

C.26:2H-18.30 Remission of mandatory assessment to fund by hospital.

7. a. A hospital shall remit the mandatory assessment to the fund at the end of every month except that a hospital shall remit the first payment under this act by August 30, 1991.

b. If a hospital is delinquent in its payment of the mandatory assessment to the fund, the commission may, pursuant to rules and regulations adopted by the commissioner, remove from that hospital's schedule of rates the uniform Statewide uncompensated care add-on or levy a reasonable penalty on the hospital. The penalty shall be recovered in a summary civil proceeding brought in the name of the State in the Superior Court pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Penalties collected pursuant to this section shall be deposited in the fund established pursuant to this act.

c. A hospital authorized to receive payments from the Division of Medical Assistance and Health Services in the Department of Human Services pursuant to subsection b. of section 6 of P.L.1991, c.187 (C.26:2H-18.29), shall receive the payments on a monthly basis. The first payment shall be made within 45 days of the effective date of this section.

3. Section 24 of P.L.1991, c.187 (C.26:2H-18.46) is amended to read as follows:

C.26:2H-18.46 Report on status of fund.

24. The commissioner shall report to the Governor, the presiding officers of the Senate and the General Assembly, and the chairmen of the Senate and the General Assembly Health and Human Services Committees, six and 11 months after the effective date of this act and annually thereafter, by June 30 of each year, on the status of the fund.

a. The commissioner shall include in the first report a summary of the findings of the 1990 annual audit of each hospital's uncompensated care conducted pursuant to section 12 of P.L.1991,

c.187 (C.26:2H-18.34). The summary shall include the percentage of uncompensated care for each hospital that is classified as charity care and as bad debt, respectively. The report shall also include a compilation of the information collected pursuant to section 13 of P.L.1991, c.187 (C.26:2H-18.35).

b. The commissioner shall include in the second report a compilation of the information collected pursuant to section 13 of P.L.1991, c.187 (C.26:2H-18.35) and provided by the Department of the Treasury pursuant to section 14 of P.L.1991, c.187 (C.26:2H-18.36).

4. Section 86 of P.L.1991, c.187 is amended to read as follows:

86. This act shall take effect on the 30th day after enactment, except that sections 1 through 26, inclusive, shall take effect on July 1, 1991, sections 1 through 8 and 11 through 24, inclusive, and section 26 shall expire on November 30, 1992, section 29 shall take effect on the 120th day after enactment, sections 31 and 32 shall take effect on January 1, 1992 and sections 50, 52, 54, 56 and 58 shall take effect on the 90th day after enactment.

5. This act shall take effect immediately but if enacted after June 30, 1992, shall be retroactive to June 30, 1992.

Approved June 29, 1992.

CHAPTER 26

AN ACT requiring the provision of certain information to the Legislature concerning the adoption of the new municipal fiscal year and supplementing P.L.1991, c.75 (C.40A:4-3.1 et al.).

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

C.40A:4-3.4 Report to Legislature on which municipalities have adopted State fiscal year.

1. On or before October 15, 1992 and for five years annually thereafter, the Director of the Division of Local Government Services in the Department of Community Affairs shall issue a preliminary report to the Legislature regarding which municipali-

ties have adopted the State fiscal year, as authorized pursuant to P.L.1991, c.75 (C.40A:4-3.1 et al.) during that calendar year. On or before February 1, next succeeding that calendar year and for five years annually thereafter, the director shall issue a final report to the Legislature for that previous calendar year. Data for any municipality for which complete data are not reported in the February 1 final report shall be reported in the succeeding October 15 preliminary report in those years in which a preliminary report is required to be issued, as set forth hereunder. On or before February 1, 1998 and annually thereafter, the division shall issue one annual report, which shall be included as part of the annual report of the Division of Local Government Services. The director shall set forth in the report those municipalities which have issued or in which an ordinance has been proposed authorizing the issuance of "fiscal year adjustment bonds," as authorized pursuant to section 5 of that act, the following information:

- a. the amount of the proposed or issued "fiscal year adjustment bonds";
- b. the amount of the actual or proposed issuance costs;
- c. the amount of the actual or proposed total issue;
- d. the amount of the proposed interest costs;
- e. the proposed total costs of the issue;
- f. the proposed or actual interest rate;
- g. the proposed or actual term;
- h. the current amount of tax anticipation notes outstanding;
- i. the current credit ratings by Moody's Investors Service and Standard & Poors Corporation;
- j. whether there is bond insurance for the issue;
- k. the method of issuance;
- l. the amount of outstanding debt prior to issue;
- m. the percentage of net debt prior to issue;
- n. the percentage of net debt following issue;
- o. the amounts paid or to be paid to the financial advisor, the bond counsel, the local attorney, the accountant, the auditor, and the underwriter;
- p. the amounts paid or to be paid for any other issuance costs; and
- q. identification of the financial advisor, the bond counsel, the local attorney, the accountant, the auditor, and the underwriter.

2. This act shall take effect immediately.

Approved June 29, 1992.

CHAPTER 27

AN ACT concerning major hazardous waste facilities, and amending P.L.1981, c.279.

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

1. Section 32 of P.L.1981, c.279 (C.13:1E-80) is amended to read as follows:

C.13:1E-80 Taxation of hazardous waste facilities; collection of excess amounts; lower payments directed by commission.

32. a. All major hazardous waste facilities shall, for the purposes of local property taxation, be assessed and taxed in the same manner as other real property.

In the event that a major hazardous waste facility is constructed or operated on a site which is exempt from local property taxation by virtue of the ownership thereof by any public agency, the owner or operator of the facility shall, the provisions of any law, rule, regulation, ordinance, resolution or contract to the contrary notwithstanding, annually pay to the affected municipality a sum equal to the amount which would annually be due if the land on which the facility is located and any improvements thereto were assessed and taxed as real property subject to local property taxation. Such payments shall be made to the chief fiscal officer of the affected municipality by December 31 of each year.

b. Subsequent to the effective date of this act, the owner or operator of every major hazardous waste facility shall, on or before January 25 of each year, file with the chief fiscal officer of the municipality wherein the facility is located a statement, verified by oath, showing the gross receipts from all charges imposed during the preceding calendar year upon any person for the treatment, storage or disposal of hazardous waste at the facility, and shall at the same time pay to the chief fiscal officer a sum equal to 5% of those receipts.

c. (Deleted by amendment, P.L.1992, c.27).

d. Any municipality in which a major hazardous waste facility is located may petition the commission for approval to collect an amount in excess of the amount prescribed in subsection b. of this section. The commission, after affording the affected owner or operator with notice of such petition and an opportunity to be heard thereon, may grant the petition, but only if the commission

is satisfied that such grant is warranted as a result of the operation of the major hazardous waste facility.

e. The commission may, upon the petition of the owner or operator of a solvent or oil recycling facility or upon its own motion, direct that the amount to be paid by that owner or operator pursuant to subsection b. of this section be reduced to a lower percentage if, after affording the affected municipality notice of such petition or commission intent to decrease such amount and an opportunity to be heard thereon, the commission finds that such lower amount is sufficient to cover the expenses imposed upon the municipality as a result of the operation of the solvent or oil recycling facility.

f. Any commission action taken pursuant to subsection d. or e. of this section shall be considered to be final agency action thereon for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject only to judicial review as provided in the Rules of Court.

2. This act shall take effect immediately.

Approved June 29, 1992.

CHAPTER 28

AN ACT concerning certain vehicle leases and supplementing chapter 10 of Title 39 of the Revised Statutes.

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

C.39:10-5.1 Terminal rental adjustment clause in motor vehicle lease; definitions.

1. a. Notwithstanding any other provision of law to the contrary, no agreement stating that it is for the lease of a vehicle shall be deemed to create a conditional sale of, or security interest in, the property which is the subject of the agreement merely because the agreement contains a terminal rental adjustment clause.

b. For purposes of this section:

(1) "terminal rental adjustment clause" means a provision of an agreement which permits or requires the rental price to be

adjusted upward or downward by reference to the amount realized by the lessor upon sale or other disposition of the vehicle.

(2) "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. This act shall take effect immediately and shall apply to any lease agreement entered into or renewed on or after the date of enactment.

Approved June 29, 1992.

CHAPTER 29

AN ACT permitting the termination of the right to occupy or visit certain premises in certain cases and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:43-8.1 Seasonally leased premises; termination of right to occupy, visit.

1. In addition to any other disposition authorized by law, if a person is convicted of a disorderly persons offense, a petty disorderly persons offense or a violation of a municipal ordinance and the offense or violation occurred at or involved the use of a seasonally leased premises, the court may order the termination of that person's right to occupy or visit the seasonally leased premises for a period not to exceed 125 days.

As used in this section, "seasonally leased premises" means premises leased as a residence for a period of less than 125 consecutive days. The term "seasonally leased premises" shall not include any structure provided by an employer on the employer's property which is used as living quarters for seasonal, temporary or migrant workers nor shall it include any premises used as the principal residence of a tenant pursuant to the terms of a month to month or week to week lease.

2. This act shall take effect immediately.

Approved June 29, 1992.

CHAPTER 30

AN ACT concerning eligibility for the Pharmaceutical Assistance to the Aged and Disabled program and supplementing P.L.1975, c.194 (C.30:4D-20 et seq.).

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

C.30:4D-21.2 Reparations to Japanese Americans not counted as income for PAAD eligibility.

1. Funds received from the federal government pursuant to sections 105 and 106 of the "Civil Liberties Act of 1988," Pub.L.100-383 (50 U.S.C. App. § 1989b-4 and § 1989b-5) shall not be counted as income for the purpose of determining eligibility for the Pharmaceutical Assistance to the Aged and Disabled program established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).

2. This act shall take effect immediately.

Approved June 29, 1992.

CHAPTER 31

AN ACT concerning the State Health Plan and amending P.L.1991, c.187 and P.L.1971, c.136.

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

1. Section 34 of P.L.1991, c.187 (C.26:2H-5.8) is amended to read as follows:

C.26:2H-5.8 State Health Plan, prepared, revised by State Health Planning Board.

34. a. The State Health Planning Board shall prepare and revise annually, a State Health Plan. The State Health Plan shall identify the unmet health care needs in an area by service and location and it shall serve as an advisory document which may be considered when certificate of need applications are reviewed for approval. Upon completion of the entire State Health Plan, the

New Jersey State Library

State Health Planning Board shall submit the plan to the commissioner and the board for their use on an advisory basis.

Effective May 15, 1992, notwithstanding any other provision of law to the contrary, neither the Health Care Administration Board or the Department of Health shall adopt any regulation which implements any goals, objectives or any other health planning recommendations that have been included in the State Health Plan prepared by the State Health Planning Board.

The State Health Planning Board shall consider the recommendations of the local advisory boards in preparing and revising the plan to incorporate specific regional and geographic considerations of access to, and delivery of, health care services at a reasonable cost. The State Health Planning Board shall incorporate the recommendations of the local advisory boards into the plan unless the recommendations are in conflict with the best interests of Statewide health planning. If any recommendations of the local advisory boards are not incorporated into the plan, the State Health Planning Board shall identify those recommendations, which shall be listed separately for each local health planning region, in an addendum to the plan and shall state the specific reason that each recommendation is in conflict with the best interests of Statewide health planning.

For each unmet health care service identified in the plan, the plan shall specify the period of time for which a certificate of need for that service shall be valid.

b. The State Health Planning Board shall review applications for certificates of need and make recommendations to the Commissioner of Health, for which purpose it may consider the State Health Plan on an advisory basis.

2. Section 8 of P.L.1971, c.136 (C.26:2H-8) is amended to read as follows:

C.26:2H-8 Requirements for certificate of need.

8. No certificate of need shall be issued unless the action proposed in the application for such certificate is necessary to provide required health care in the area to be served, can be economically accomplished and maintained, will not have an adverse economic or financial impact on the delivery of health care services in the region or Statewide, and will contribute to the orderly development of adequate and effective health care services. In making such determinations there shall be taken into consider-

ation (a) the availability of facilities or services which may serve as alternatives or substitutes, (b) the need for special equipment and services in the area, (c) the possible economies and improvement in services to be anticipated from the operation of joint central services, (d) the adequacy of financial resources and sources of present and future revenues, (e) the availability of sufficient manpower in the several professional disciplines, and (f) such other factors as may be established by regulation. The State Health Plan may also be considered in determining whether to approve a certificate of need application.

In the case of an application by a health care facility established or operated by any recognized religious body or denomination the needs of the members of such religious body or denomination for care and treatment in accordance with their religious or ethical convictions may be considered to be a public need.

3. Section 9 of P.L.1971, c.136 (C.26:2H-9) is amended to read as follows:

C.26:2H-9 Issuance of certificate of need.

8. Certificates of need shall be issued by the commissioner in accordance with the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and based upon criteria and standards therefor promulgated by the commissioner. The commissioner may approve or deny an application for a certificate of need. If an application is denied, the applicant may appeal the decision to the board. No decision shall be made by the commissioner contrary to the recommendations of the State Health Planning Board or the local advisory board concerning a certificate of need application or any other matter, unless the State Health Planning Board and the applicant shall have been granted opportunity for hearing. Requests for a fair hearing shall be made to the Department of Health within 30 days of receipt of notification of the commissioner's action. The department shall arrange within 60 days of a request, for fair hearings on all such cases and after such hearing the commissioner or his designee shall furnish the board, the State Health Planning Board and the applicant in writing the hearing examiner's recommendations and reasons therefor. The board within 30 days of receiving all appropriate hearing records or, in the absence of a request for a hearing within 30 days of receiving the denial recommendations of the commissioner, shall make its determination.

For the three-year period beginning January 1, 1992 through December 31, 1994, the commissioner shall limit approval of cer-

tificates of need for capital construction projects for hospitals that would be financed by the New Jersey Health Care Facilities Financing Authority pursuant to P.L.1972, c.29 (C.26:2I-1 et seq.), to a Statewide total of \$225 million per year for all projects, exclusive of the refinancing of approved projects.

For the purposes of this section, capital construction project shall include the purchase of any major moveable equipment as well as any modernization, construction, or renovation project.

4. Section 35 of P.L.1991, c.187 (C.26:2H-5.9) is amended to read as follows:

C.26:2H-5.9 Local health planning program established.

35. There is established a program to provide local health planning on a Statewide basis in a minimum of five specific geographic regions to be designated by the Governor, in consultation with the Commissioner of Health. Each region shall, to the extent possible, include sufficient resources to provide a comprehensive range of health care facilities and services and the designation of each region shall take into account the compatibility of social, economic, transportation and geographic characteristics.

a. Local health planning in each region shall be conducted by a local advisory board approved by the Commissioner of Health, which shall be organized as a nonprofit corporation.

The commissioner shall establish requirements for the composition of the governing body of each corporation and shall specify, under the terms of an agreement with the corporation for the awarding of a grant pursuant to this section, those functions which the board, at a minimum, shall perform. The commissioner shall award to each corporation a grant of such monies as shall be determined by the commissioner.

The membership of the governing body of the corporation approved as a local advisory board shall be composed of consumers and providers of health care who reside or have their principal place of business within the geographic region designated by the commissioner, except that no less than 51% but no more than 60% of the members shall be persons who are not providers of health care.

b. The local advisory board shall conduct local health planning for its designated region and make recommendations at least annually to the State Health Planning Board for incorporation into the State Health Plan. The local advisory board shall also review

certificate of need applications for any proposed project in its region and make recommendations to the Commissioner of Health.

c. A member of the governing body or employee of the corporation shall not, by reason of his performance of any duty, function or activity required of, or authorized to be undertaken by the corporation, be held civilly or criminally liable if that person acted within the scope of his duty, function or activity as a member of the governing body or employee of the corporation and without gross negligence or malice toward any person affected thereby.

A corporation shall not, by reason of the performance of any duty, function or activity required of, or authorized to be undertaken by the corporation, be held civilly or criminally liable if the member of the governing body or the employee of the corporation who acted on behalf of the corporation in the performance of that duty, function, or activity acted within the scope of his duty, function or activity as a member of the governing body or employee of the corporation, exercised due care and acted without gross negligence or malice toward any person affected thereby.

5. This act shall take effect immediately.

Passed June 29, 1992.

CHAPTER 32

AN ACT concerning traffic congestion and air pollution control, amending R.S.39:1-1 and creating chapter 26A of Title 27 of the Revised Statutes.

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

C.27:26A-1 Short title.

1. Sections 1 through 13 and section 15 of this act shall be known and may be cited as the "New Jersey Traffic Congestion and Air Pollution Control Act."

C.27:26A-2 Findings, declarations.

2. The Legislature finds and declares that:

a. In recent years New Jersey has experienced tremendous growth in certain regions of the State, often along highway

routes. This growth, as well as other factors, has led to an increase in vehicular traffic on the highways of the State, resulting in traffic congestion in various parts of the State, reaching very high levels on certain highways, resulting in "gridlock" conditions. This traffic congestion has generally outpaced the capacity of the highways of this State to deal with it, particularly so in the most highly congested areas. It interferes with the safe and efficient movement of traffic and creates constraints on future economic development.

b. This high level of traffic congestion, particularly during peak hour periods, results in various economic, social and environmental costs and effects. The direct costs of congestion that affect business production costs include additional labor costs associated with longer trips made by employees during business hours, higher vehicle operating costs, and less than optimal vehicle use. Indirect costs of traffic congestion include increases in accidents and insurance premiums, the degradation or loss of employee productivity, and increases in delivery costs, employee turnover, and recruiting problems. Reliance on the use of single occupancy vehicles for commutation purposes is costly to commuters and increases the consumption of gasoline, thereby rendering this State and Nation more dependent on foreign energy sources. The use of alternative means of commuting will reduce this energy dependence and render the State less vulnerable to possible interruption of gasoline supplies. This would support the national goal of energy conservation.

There are also various social costs incurred as a result of excessive levels of congestion, particularly as they affect commuters. Excessive amounts of time spent in daily commutation affect the amount of time available to commuters for necessary recreational and family-related activities, and under certain conditions may cause excessive stress leading to increases in heart rate, blood pressure and heart rate irregularities, and may lead to employees arriving at work feeling annoyed and being therefore less productive.

c. Levels of traffic congestion in this State are related to levels of air pollution, particularly ozone, carbon monoxide and particulate matter. The federal Clean Air Act (42 U.S.C. § 7401 et seq.), as amended in 1990 by Public Law 101-549, sets attainment standards for these various pollutants. New Jersey is considered as a non-attainment area in terms of level of ozone while parts of the State in which there is severe traffic congestion have failed to attain the federally mandated carbon monoxide lev-

els. In New Jersey, 50% of the ozone pollution and almost 90% of the carbon monoxide pollution is caused by mobile sources, such as cars and trucks.

The major source of elevated concentrations of carbon monoxide in the air is motor vehicle exhaust. Carbon monoxide is a colorless, odorless, and tasteless gas. This gas interferes with oxygen carrying capacity in the blood, and, depending upon the concentration, may cause reduced awareness, dizziness, headache and fatigue, loss of consciousness, and possibly death.

Ozone is a gas formed when volatile organic substances and nitrogen oxides react in the presence of sunlight. It is a major component of smog. This respiratory irritant causes coughing, chest discomfort, upper respiratory illness, increases asthmatic problems, and reduces pulmonary functions.

The Clean Air Act:

- (1) Sets deadlines for achieving attainment levels for each pollutant;
- (2) Mandates clean fuel, vehicle, and State Implementation Plan (SIP) requirements for each pollutant; and

- (3) Authorizes the Environmental Protection Agency (EPA) to use sanctions against those states not meeting the requirements or deadlines.

d. Section 182(d)(1)(B) of the Clean Air Act requires the states which are in severe non-attainment areas for ozone to submit a revision to their State Implementation Plans (SIPs) by November 15, 1992 requiring that employers in the area implement programs to reduce work related vehicle trips and miles travelled by employees. The revision is to be developed in accordance with guidance issued by the EPA pursuant to section 108(f) of the Clean Air Act, "Transportation Control Measures," and shall, at a minimum, require that each employer of 100 or more persons in such area achieve average passenger occupancy (APO) per vehicle in commuting trips between home and the workplace during peak travel periods of not less than 25% above the average vehicle occupancy (AVO) for all such trips in the area. Every effort should be made to ensure that the minimum federal standards are not exceeded. The State Implementation Plan must document how the State plans to implement the AVO requirement. In addition, the Clean Air Act requires affected employers to submit a plan by November 15, 1994 which "convincingly demonstrates compliance" by November 15, 1996.

e. In order to deal with the economic, social and environmental costs and effects enumerated above and to avoid or delay expensive or environmentally costly new highway construction

and to preclude the withholding of federal funds for New Jersey's infrastructure, it is in the public interest for the State of New Jersey to develop a comprehensive program of transportation control measures to deal with traffic congestion and air pollution. In furtherance of this policy it is the intent of the Legislature that the Department of Transportation:

(1) Take steps to analyze already existing data related to commutation patterns and to engage in or analyze comprehensive traffic congestion studies in order to provide for a more complete and detailed picture of the level and sources of congestion on the State's roads and highways.

(2) Place special emphasis on the completion of "missing links" in the State's highway system, the adoption of transportation control measures intended to facilitate the smooth flow of traffic, such as improved signage, synchronization of traffic lights, resurfacing of highways, the use of "intelligent vehicle" highways that incorporate electronic monitoring and traffic warning systems, electronic toll management systems, the maximum possible use of public transportation, and other appropriate measures.

(3) Establish by regulation a Travel Demand Management Program, as a result of recommendations made from representatives of government and the private sector which would require employers employing 100 or more persons at one location in affected areas of the State to undertake surveys of the commutation patterns of their employees and to prepare compliance plans. The survey shall, at a minimum, document the employer's average passenger vehicle occupancy rate during designated peak hours. The plan shall identify what transportation demand management strategies are being initiated or are in place by the employer. The employer shall sponsor travel demand management programs and offer incentives as necessary to reduce the number of single occupancy vehicles at the employer's work locations and as a general rule increase the average vehicle occupancy rate by not less than 25% above the average vehicle occupancy for all such trips in the region not later than November 15, 1996. However, as a matter of equity it is the Legislature's intent to give credit to employers who have instituted travel demand management programs prior to the State's institution of such a program and not to penalize them for their current or past travel demand management practices. Therefore, no employer is expected to attain a higher average passenger occupancy (APO)

rate greater than 25% above the average vehicle occupancy (AVO) set for the region as a whole.

C.27:26A-3 Definitions.

3. As used in this amendatory and supplementary act:

“Affected area” means a geographic area designated by regulation of the department pursuant to section 5 of this amendatory and supplementary act which is considered a highly congested area or is a non-attainment area for which transportation control measures are required under the Clean Air Act.

“Affected employer” means an employer which employs 100 or more employees at a work location and which is required by this amendatory and supplementary act to file a compliance plan.

“Alternative means of commuting” means travel between a person’s place of residence and place of employment or termini near those places, other than in a motor vehicle occupied by one person. Alternative means of commuting include, but are not limited to, public transportation, car pools, van pools, bus pools, ferries, bicycling, telecommuting and walking, which may be used in conjunction with such strategies as flextime, staggered work hours, compressed work weeks and like measures.

“Average Passenger Occupancy” or “(APO)” means the average passenger occupancy of vehicles commuting to an employer’s worksite during peak periods, as specified by formula or formulas prescribed by regulation of the department.

“Average Vehicle Occupancy” or “(AVO)” means the average vehicle occupancy of the region as a whole of vehicles commuting to worksites during peak periods, as specified by a formula or formulas prescribed by regulation of the department.

“Bus pool” means a bus service, usually administered by an employer, with limited pickup at destination stops, guaranteed seats, and advanced ticket purchase. Club buses are bus pools administered by the riders.

“Car pool” means a group of two or more persons commuting on a regular basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

“Clean Air Act” means the federal Clean Air Act, as amended by Pub. L. 101-549 (42 U.S.C. § 7401 et seq.) and as subsequently amended or supplemented.

“Commissioner” means the Commissioner of Transportation.

“Commuter transportation benefit” means the cost to employers of providing benefits to an employee for utilizing an alternative

means of commuting and the cost of providing services and facilities which would encourage or facilitate use by employees of alternative means of commuting. The benefit shall include the costs of parking by employees at park-and-ride lots.

"Compliance plan" or "plan" means the plan required by section 5 of this amendatory and supplementary act and any regulations issued thereunder.

"Department" means the New Jersey Department of Transportation.

"Employee" means an employee hired or employed by the employer and who reports to the employer's work location, as specified by regulation of the department.

"Employee vehicle" means a motor vehicle used by employees in commutation to work.

"Employer" means any person, partnership, association, corporation, trust, legal representative or any organized group of persons which hires or employs employees and shall also include all public and quasi-public employers, including without limitation the United States and any of its governmental instrumentalities, the State of New Jersey and its instrumentalities and subdivisions, and all State and bi-State authorities, corporations, commissions, boards and like bodies.

"Government employer" means the United States and any of its governmental instrumentalities, the State of New Jersey and any of its instrumentalities and subdivisions, except independent government employers.

"High occupancy vehicle" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool and other vehicles as determined by regulation of the department.

"Independent government employer" means an independent or semi-autonomous State authority, corporation, commission, board or like body which does not receive State appropriations and shall also include any bi-State authority which has work locations within the State and the South Jersey Port Corporation notwithstanding that it may receive a State appropriation.

"Peak periods" means those hours of peak travel as designated by regulation of the department.

"Program" means the Travel Demand Management Program to be established pursuant to section 5 of this amendatory and supplementary act.

"Public transportation" means rail passenger service, motorbus regular route service, paratransit service, and motorbus charter

service or other transportation services available to the traveling public whose purpose is to carry passengers between two or more points, as may be determined by regulation of the department.

“Region” means a geographic area in which the level of average vehicle occupancy is determined by the department and may be coterminous or not with an affected area.

“State department or agency” means a department or agency of the Executive, Legislative or Judicial branch of State Government other than independent government employers.

“Transportation management association” means a nonprofit corporation approved by the department as coordinating transportation services, including but not limited to public transportation, van pools, car pools, bicycling and pedestrian modes, as well as strategies such as flextime, staggered work hours, and compressed work weeks, for corporations, employees, developers, individuals and other groups.

“Travel demand management” or “TDM” means a system of actions whose purpose is to alleviate traffic-related problems through improved management of vehicle trip demand. These actions, which are primarily directed at commuter travel, are structured to reduce the dependence on and use of single occupancy vehicles, or to alter the timing of travel to other, less congested time periods or both.

“Van pool” means seven or more persons commuting on a regular basis to and from work by means of a vehicle with a seating arrangement designed to carry not more than 15 adult passengers.

“Work location” or “location” means an area, building, grouping of buildings or set of contiguous buildings or portion thereof, under the ownership, operation, or control of a single employer where employees perform work.

C.27:26A-4 Analysis of data, development of strategy.

4. a. To the end that the problems of traffic congestion and its attendant economic, social and environmental costs and effects shall be dealt with in a comprehensive manner, the department shall analyze already existing data related to commutation patterns, including origin-destination data; and shall engage in or analyze comprehensive traffic congestion studies in order to provide for a more complete and detailed picture of the level and sources of congestion on State highways, county and municipal roads, as well as toll bridges and toll roads.

b. Based upon this analysis or study, the department shall develop a comprehensive strategy of transportation control mea-

asures to deal with congestion and air pollution problems in the State, including but not limited to placing special emphasis on the completion of "missing links" in the State highway system, use of high occupancy vehicle lanes, priority treatment of high occupancy vehicles, the adoption of traffic system management, such as improved signage, synchronization of traffic lights, resurfacing of highway pavements, the use of "intelligent vehicle" highways, the maximum possible use of public transportation and other appropriate measures to facilitate the smooth flow of traffic in the State. No high occupancy vehicle lanes shall be established on a highway unless public transit alternatives are evaluated and marketed for that highway.

C.27:26A-5 Travel Demand Management Program established.

5. a. Based upon the analysis or study provided for in subsection a. of section 4 of this amendatory and supplementary act and in conjunction with the transportation control measures to be developed pursuant to subsection b. of section 4 of this amendatory and supplementary act, the Department of Transportation, in consultation with the Department of Environmental Protection, shall establish by regulations adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a Travel Demand Management Program to reduce the demand for travel on the State's highway system by reducing the number of trips and mileage travelled by vehicles on that system, and managing their flow on the State's transportation system, with a copy of any notice of proposed filing of any such regulation to be submitted to the Senate Transportation Committee and the Assembly Transportation and Communications Committee at least 60 days before it is submitted to the Office of Administrative Law for publication in the New Jersey Register; the committee shall review the proposed regulations and provide written comments thereon within 60 days of the receipt thereof. These goals may be accomplished in part by the implementation of various requirements intended to increase the use by commuters of alternative means of commuting and the management of commuter arrival and departure times by the use of work hours management, telecommuting and other methods. The program shall be designed to bring New Jersey into compliance with the Clean Air Act.

b. As part of the program, the Department of Transportation, in consultation with the Department of Environmental Protection and pursuant to provisions of the Clean Air Act, shall, not later

than one year after the effective date of this amendatory and supplementary act, designate those affected areas of the State in which the program is to be implemented, determine the average vehicle occupancy level in designated regions in the State and set an average passenger occupancy rate to be achieved by employers in those regions. Those areas and regions so designated are to be listed in the comprehensive master plan required to be developed pursuant to subsection (a) of section 5 of P.L.1966, c.301 (C.27:1A-5).

c. Within 120 days of the designation of affected areas provided for by subsection b. of this section, the Department of Transportation shall prepare a notice and registration form to be mailed annually to employers. The notice and form may be revised from time to time. The notice and form shall, at the request of the Department of Transportation, be mailed by the Department of Labor, as specified by the Department of Transportation. At least the first annual mailing shall be by certified mail. The Department of Labor shall annually provide the Department of Transportation with the mailing list of notified employers and shall include the name and address of the employer and number of employees employed by the employer at the employer's work locations. The notice shall inform each employer that an employer having 100 or more employees at a work location in an affected area shall submit to the Department of Transportation the following information, or such information as may be required by the Department of Transportation, on the registration form mailed to the employer within 60 days of the receipt thereof:

- (1) Name and address of the employer.
- (2) Name and address of a designated person, or persons, to receive the survey form required by subsection d. of this section, and who may be contacted by the department.
- (3) The address of each work location employing 100 or more employees and the number of employees at such work location.

Notwithstanding that an employer may not have been mailed or received the notice or form from the Department of Labor, an employer employing 100 or more employees at a work location shall in any event complete the prescribed form, copies of which may be obtained upon request from the Department of Transportation. The form so obtained shall be submitted to the Department of Transportation no later than the time prescribed in a general informational notice to all employers concerning this requirement to be published annually in at least six newspapers having circulation in various parts of the State.

d. Within 180 days of the receipt of the initial form required to be submitted pursuant to subsection c. of this section, the department shall notify, in the manner provided in this subsection, each affected employer that the employer shall cause a survey or surveys to be done of the commutation patterns of the employees at each work location having 100 or more employees, the results of which are to be included as part of a compliance plan to be submitted to the department. The department shall include with the notification a copy of the survey form or forms which shall be used by the employer. It is the intent of the Legislature that such forms be as simple as possible, not include information not actually required by the program, and not be unduly burdensome to employers filing them. The forms shall be prescribed by the department and shall include but not be limited to the following information:

- (1) Name and address of the employer.
- (2) Name and telephone number of a person who may be contacted by the department.
- (3) Number of employees employed at the location.
- (4) The number of employees absent from work on the day the survey was done. An absentee count shall not include employees working at home during the time the survey was completed.
- (5) The mode of travel used by employees in commutation to work, including the use of single occupancy vehicles, car pools, van pools, public transportation, bus pools and other alternative means of commuting. Subject to departmental guidelines, a employer may, in addition to surveying the commutation patterns of employees at each work location, count the number of vehicles entering or leaving the work location during peak periods. The department shall prescribe the form of the survey and the method of obtaining the count and the employer shall provide a description of how the count was obtained. Handicapped persons who require the use of a single occupancy vehicle for commutation to work shall not be included in the survey.

e. The employer shall prepare and submit a compliance plan which shall conform to regulations issued by the department, a copy of which shall be included with the notice required by this subsection. The plan shall include the following, or such information as may be required by the department:

- (1) A summary of the survey results, including a description of the method used, and the current average passenger occupancy (APO) at each work location.

(2) A list of transportation demand management strategies presently used by the employer.

(3) Identification of employees' use of telecommuting, flex-time, staggered work hours, compressed work weeks, or other techniques employed to reduce traffic congestion or air pollution.

(4) A list and description of additional transportation demand management strategies planned.

The compliance plan shall contain the name, title and signature of the person preparing the plan who shall attest to the correctness of the information supplied. In addition, the plan shall be certified as to its accuracy and efficacy by an employee of a transportation management association who shall be approved by the department as being qualified to certify the accuracy and efficacy of the compliance plan, or by another person or entity independent of the employer who is also so approved.

The compliance plan shall also contain the name, title and signature of the employer, or of a person designated by the employer, who shall certify that the employer intends to implement the additional transportation demand management strategies planned. The person designated by the employer may be the transportation coordinator required to be appointed pursuant to this amendatory and supplementary act or another officer of the employer, as provided by regulation.

An employer shall return the completed plan to the department not later than November 15, 1994 along with the appropriate filing fee, as provided in section 10 of this amendatory and supplementary act. The department shall notify an employer not later than May 1, 1994 of the survey and plan requirements. In any event the department shall give each employer at least 180 days to complete the compliance plan upon notification.

f. Following the submittal of the initial plan, each affected employer shall submit a subsequent compliance plan by November 15, 1996 in accordance with regulations issued by the department unless a more frequent submittal is required by federal guidelines. Each such plan shall document the average passenger occupancy at each work location and any other information deemed necessary by the department.

After November 15, 1996, additional compliance plans shall be required if mandated by the federal Environmental Protection Agency, or if required by the Department of Environmental Protection to comply with the federal Environmental Protection Agency's mandated State Implementation Plan requirements, or if an affected

employer is not in compliance with the required average passenger occupancy rate increase. Employers not in compliance by November 15, 1996 shall be required to file an amended plan pursuant to subsection g. of this section and shall be further required to document their average passenger occupancy rate to the department at the end of the year covered by the amended plan in compliance with the regulations established by the department.

g. Except as otherwise provided in this amendatory and supplementary act, within three years of the submission of the initial compliance plan, or by November 15, 1996, whichever is first, each affected employer shall achieve an average passenger occupancy rate of not less than 25% above the average vehicle occupancy rate set for all such trips in the region.

h. Affected employers submitting a plan shall have the plan evaluated by the department within 180 days of submittal for completeness and consistency with the regulations, and any plan shall be returned to the employer for resubmittal if the department determines that it is incomplete or inconsistent with the rules and regulations promulgated pursuant to this amendatory and supplementary act. The department shall specify what aspects of the plan are incomplete or inconsistent. An incomplete or inconsistent plan returned to an employer shall be resubmitted to the department by the affected employer within 60 days of the notice that the plan is deemed incomplete or inconsistent, the notice having been issued not later than the end of the 180-day period. A plan not returned within the 180-day period shall be deemed approved.

The plan may, however, also be returned by the department within the 180-day period if the department determines that it is not in compliance with the required average passenger occupancy rate required to be achieved pursuant to this amendatory and supplementary act. The plan shall be resubmitted to the department in amended form within 90 days of the notice that the plan is deemed in noncompliance, the notice having been issued not later than the end of the 180-day period. The amended plan shall include a full description of the employer's current efforts to achieve the required average passenger occupancy, documenting the employer's "good faith" efforts and shall specifically identify how the employer plans to achieve the required average passenger occupancy rate within one year of the date of submittal. The amended plan shall be certified by a transportation management association employee or another person or entity approved by the department, as in the original plan, and shall be approved by the

department to avoid noncompliance penalties established in section 13 of this amendatory and supplementary act.

i. An affected employer may elect to comply with the provisions of this amendatory and supplementary act by participating in a consolidated plan with other employers in the surrounding area or in a development or complex, in accordance with guidelines established by the department.

j. The department is authorized to prescribe what records relating to the program shall be preserved by the employer and for what length of time. The department is authorized to inspect, verify and audit these records, subject to the privacy and confidentiality laws of the State, in order to determine compliance with the program, as provided by regulation.

k. Employers required to submit compliance plans after November 15, 1996 shall conform to regulations to be adopted by the department dealing with the requirements of the program after that date. An employer who has been found by the department to be in compliance with respect to two successive plan submissions may, after November 15, 1996, itself certify the plan's accuracy and efficacy.

An employer not required to submit an initial compliance plan by November 15, 1994 but who is required to submit such a plan on or before November 15, 1996 shall receive a grace period of one year before being required to comply with the average passenger occupancy requirements of the program in effect on the date of initial submittal.

l. Affected employers are encouraged, where feasible, to reduce the number of parking spaces available for employees at work locations and reserve the most desirable parking spaces for high occupancy vehicles. The provisions of this subsection shall not be construed as affecting those spaces reserved for handicapped persons. The department shall work with the Director of the Division of Motor Vehicles in developing regulations which would authorize the issuance of high occupancy vehicle (HOV) license plates for uses and classes of operators to be specified by regulation.

C.27:26A-6 Travel Demand Management Advisory Council established.

6. a. There is established in the Department of Transportation a Travel Demand Management Advisory Council which shall consist of the following voting members: the Commissioner of Transportation, the Executive Director of the New Jersey Transit Corporation, the Commissioner of Environmental Protection, the Commissioner of Commerce, Energy and Economic Develop-

ment, the Commissioner of Labor, and the Commissioner of Personnel, ex officio or their designees, and four representatives from the following: one each from an affected employer having between 100 and 500 employees, an affected employer having more than 500 employees, a labor interest group and an environmental interest group, appointed for a term of five years by the Governor with the advice and consent of the Senate within 180 days of the effective date of this amendatory and supplementary act. Any vacancies in the membership of the council from among the appointed members shall be filled in the same manner as the original appointment but for the unexpired term only. The chairman of the council shall be selected by the members. The members of the council shall not receive compensation for their services as members of the council.

b. It shall be the duty of the council to study and make recommendations to the department concerning the Travel Demand Management Program to be established pursuant to this amendatory and supplementary act. The department shall submit preliminary drafts of regulations to be adopted under this amendatory and supplementary act to the council for comment. In addition, the council shall receive a copy of any notice of proposed filing of the regulation at least 60 days before it is submitted to the Office of Administrative Law for publication in the New Jersey Register. In its evaluation of the regulations, the council shall consider the environmental and economic interests of the State.

c. The council shall be dissolved upon the determination of the commissioner that it has fully discharged its advisory functions but in no event earlier than five years after the effective date of this amendatory and supplementary act.

d. The council shall establish a Travel Demand Management Technical Advisory Committee to consist of 11 members and may establish such other advisory committees as it deems appropriate. The Travel Demand Management Technical Advisory Committee shall consist of one designee from each of the ex officio members of the Travel Demand Management Advisory Council, a representative of the New Jersey Business and Industry Association, a representative of the New Jersey Chamber of Commerce, and three members chosen by a majority vote of the Travel Demand Management Advisory Council. The chairman of the committee shall be the person serving as the designee of the Commissioner of Transportation. The committee is charged with the responsibility of advising the department concerning the survey forms and

the compliance plans to be developed by the department so that they are kept as simple as possible for the employer and are in compliance with this amendatory and supplementary act and the Clean Air Act. The committee shall make such recommendations to the Department of Transportation no later than one year after the effective date of this amendatory and supplementary act.

C.27:26A-7 Duties, responsibilities in relation to Travel Demand Management Program.

7. The following are the duties and responsibilities of various public and private entities in relation to the Travel Demand Management Program, in addition to the duties and responsibilities otherwise provided for these entities in this amendatory and supplementary act:

a. The Department of Transportation shall serve as the primary implementer of this program and to this end shall ensure that the department's resources are sufficient to meet the demands of the program. The department shall approve transportation management associations, or other persons or entities who would serve as primary resources to employers in carrying out their responsibilities under this program. In the case of State departments and agencies the department may serve as the primary resource, assisted by those departments and agencies of State government whose assistance the department shall deem appropriate.

b. Both the Department of Environmental Protection and the Department of Transportation shall coordinate their policies relating to the State Implementation Plan and any revisions thereto required under the Clean Air Act. The Department of Transportation shall obtain the approval of the federal Environmental Protection Agency, through the Department of Environmental Protection, on all aspects of the Travel Demand Management Program to avoid potential conflicts with the Clean Air Act and to avoid the imposition of sanctions.

c. The Commissioner of Labor, upon request of the Commissioner of Transportation, shall supply such information and make such mailings as are necessary to assist the Department of Transportation to carry out its responsibilities under this amendatory and supplementary act and may make any stipulations as to confidentiality of this information as the Commissioner of Labor deems advisable.

d. The New Jersey Transit Corporation, in consultation with the Department of Transportation, shall implement policies to

make available, where feasible, public transportation services, programs and activities which support public transportation services, technical assistance, or any other activity authorized by the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) or approved by the Board of Directors of the New Jersey Transit Corporation.

e. If a county or municipality has adopted a travel demand management ordinance or similar measure prior to the effective date of this amendatory and supplementary act, which is certified by the department as being in substantial compliance with this amendatory and supplementary act, an affected employer meeting the requirements of the ordinance or similar measure shall be eligible to apply for exemption from the requirements of this amendatory and supplementary act, in accordance with procedures provided for by regulation.

f. Transportation management associations, or other persons or entities approved by the department are to serve as primary resources to employers at the employer's request, to assist the employers in carrying out their responsibilities under the program. They also shall be responsible for coordinating any assistance needed from the State, county or municipal government or from the New Jersey Transit Corporation.

g. Affected employers shall carry out in good faith the compliance plan submitted to and approved by the department. They shall, in addition, appoint a Transportation Coordinator at each work location employing 100 or more employees, who shall make efforts to inform employees of the travel demand management strategies available to them and to offer them incentives for the use of these strategies. The employer may enter into a contract or agreement with a transportation management association or other approved person or entity to assist in the development and preparation of a plan but the responsibility of submitting and implementing the plan shall be that of the employer. Employers, as well as employees, are encouraged, wherever possible, to utilize alternative fuel vehicles in order to reduce air pollution levels in this State, and that utilization shall receive appropriate recognition in the regulations adopted by the department pursuant to this amendatory and supplementary act. The Department of Environmental Protection shall also determine, in consultation with the United States Environmental Protection Agency and the Department of Transportation, whether the use of alternative fuel vehicles may be considered as offsetting any portion of the (APO)

rate required by this amendatory and supplementary act. As used in this subsection, "alternative fuel vehicle" means a vehicle fueled or propelled by energy sources which shall include, but not be limited to, electricity, natural gas, and propane.

C.27:26A-8 Development of public education program.

8. The department, in cooperation with the Department of Commerce, Energy and Economic Development, the Department of Environmental Protection, and the Department of Education, shall develop a comprehensive public education program on the benefits of travel demand management. The public education program shall focus its efforts on the driving public and it shall be an element of the travel demand management program.

C.27:26A-9 "Travel Demand Management Program Account" created.

9. There is created in the General Fund a special nonlapsing account to be known as the "Travel Demand Management Program Account." All moneys from penalties and fees collected pursuant to the provisions of this amendatory and supplementary act or otherwise appropriated to the account shall be deposited in the account. Moneys in the account shall be administered exclusively by the department to implement the program and may be used by the department for all costs of implementing the program as well as for grants to transportation management associations or other public or private entities whose activities in the opinion of the department would contribute to the implementation of the program throughout the State.

C.27:26A-10 Employers filing compliance plan to pay fee.

10. a. An affected employer filing a compliance plan as required pursuant to section 5 of this amendatory and supplementary act shall pay a fee to the Department of Transportation in accordance with the following schedule:

For locations with 1,000 or more employees, \$800 for an initial filing and \$1,600 for each subsequent biennial filing.

For locations with 750 to 999 employees, \$600 for the initial filing, and \$1,200 for each subsequent biennial filing.

For locations with 500 to 749 employees, \$400 for the initial filing, and \$800 for each subsequent biennial filing.

For locations with 100 to 499 employees, \$200 for the initial filing, and \$400 for each subsequent biennial filing.

In the event that subsequent filings are annual rather than biennial, the fee for those filings shall be the same as the initial filing.

b. Notwithstanding the provisions of subsection a. of this section, for an employer which has more than five locations subject to the filing requirement, the maximum aggregate total amount of the fees that an employer shall be subject to shall not be greater than \$4,000 for the initial or annual filing and \$8,000 for each subsequent biennial filing.

c. The department may by regulation revise the schedule of fees provided for by subsections a. and b. of this section after four years following the effective date of this amendatory and supplementary act.

d. Government employers other than independent government employers shall be exempt from the payment of fees under this amendatory and supplementary act.

C.27:26A-11 Application for exemption, waiver, fee.

11. The commissioner is authorized, in consultation with the Commissioner of Environmental Protection, to establish by regulation procedures for affected employers to make application for exemption from, or waiver of, the provisions of this amendatory and supplementary act or of the other regulations issued thereunder. The regulations shall specify those classifications of affected employers which would be eligible to make application for such relief and may include but not be limited to employers who would suffer extreme hardship or would be unable to comply with the provisions of this amendatory and supplementary act or of the regulations despite the affected employer's demonstration of good faith efforts to comply. The department may charge an application fee not in excess of \$250, a portion of which may be refunded to the applicant in an amount to be determined by the department if the application is favorably acted upon. All fees charged by the department pursuant to this section may be waived, reduced or refunded by the department in its discretion.

C.27:26A-12 Adoption of regulations for compliance with Clean Air Act.

12. In the event that any provision of this amendatory and supplementary act or any regulation issued thereunder is determined by the Environmental Protection Agency not to be in compliance with the requirements of the Clean Air Act or the regulations issued thereunder, the commissioner is authorized to adopt regulations to the extent required to comply with the Clean Air Act and regulations issued thereunder. However, this section shall not be construed as permitting the commissioner to take any action prohibited by law or regulation or as exceeding any com-

mitment made to the federal government in a revised State Implementation Plan.

C.27:26A-13 Penalty for noncompliance.

13. An employer other than a government employer which fails to comply with the provisions of this amendatory and supplementary act or of any of the regulations issued thereunder shall be subject to a civil administrative penalty of not more than \$250 for each violation except that in the case of the following violations the following penalties are prescribed:

a. A penalty of not more than \$250 a month for the first two months and not more than \$500 a month thereafter for each work location for which an employer fails to submit a registration form as required by subsection c. of section 5 of this amendatory and supplementary act.

b. A penalty of not more than \$1,000 a month for each work location for which an employer has not filed a plan as required by section 5 of this amendatory and supplementary act.

c. A penalty of not more than \$5,000 a month for each work location which fails to achieve the average passenger occupancy rate as required by the provisions of section 5 of this amendatory and supplementary act.

The commissioner is authorized to assess in the commissioner's discretion the civil administrative penalties provided for in this section, taking into account the nature, seriousness and circumstances of the violation, whether there is a pattern of noncompliance, and efforts which are being made by the employer to achieve compliance.

These penalties shall be deposited in the account created by section 9 of this amendatory and supplementary act. Each month of noncompliance with the provisions of this amendatory and supplementary act cited in this section shall constitute an additional, separate and distinct offense. However, no initial penalty shall be imposed by the commissioner during one year following the date of adoption of the regulation establishing the program, unless the employer has received a notice of the violation, has been given a 30-day grace period from the date of transmittal of the notice to comply with the provisions of this amendatory and supplementary act, and has failed to do so within that period. An employer filing a plan during the grace period shall be subject to a \$100 late filing fee.

An employer filing an amended plan pursuant to subsection h. of section 5 of this amendatory and supplementary act which is approved by the department shall not be subject to the \$5,000

penalty for noncompliance provided for in subsection c. of this section until the expiration of one year from the last date on which the amended plan is required to be filed, or from the date on which it is filed, if not later than the required date.

An employer which has been found to be in noncompliance with this amendatory and supplementary act and which has been assessed a civil administrative penalty may appeal such penalty upon submission of the appropriate application accompanied by an application fee set by regulation.

A government employer failing to comply with the provisions of this amendatory and supplementary act or of any regulations issued hereunder shall, in the case of the State departments or agencies, receive a notice of violation addressed to the head of the department or agency in question. Upon receipt of the notice the head of the department or agency shall consult with the Commissioner of Transportation as to actions to be taken by the department or agency to comply with this amendatory and supplementary act, and, failing appropriate action by the department or agency, the commissioner may recommend to the Attorney General that action be taken to effect compliance as is provided in the case of government employers other than State departments or agencies. In the case of government employers other than State departments or agencies, the department may request the Attorney General to institute civil proceedings in the Superior Court to enjoin the government employers to comply with the provisions of this amendatory and supplementary act or the regulations issued hereunder, and the court is authorized to impose fines for continued noncompliance in the same amount as the civil administrative penalties provided for in this section which are in effect for employers other than government employers at the time the fines are imposed.

14. R.S.39:1-1 is amended to read as follows:

Words and phrases defined.

39:1-1. Words and phrases defined.

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 vehi-

cles 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.

“Car pool” 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 seven nor more than 15 adult passengers, in which seven 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 combustible 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.

“High occupancy vehicle” or “HOV” means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation.

“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 car pools and van pools.

“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 seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven 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.

C.27:26A-14 Annual progress report.

15. The travel demand management advisory council shall submit an annual progress report to the Governor and the Legislature by October 1 of each year covering the period of the previous State fiscal year. The report shall cover the status of the program to be established pursuant to this amendatory and supplementary act and any recommendations to alter or improve the program, including any proposed legislative changes.

16. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 33

AN ACT concerning payments in lieu of transportation to parents, guardians or other persons having legal custody of pupils attending schools other than public schools, amending N.J.S.18A:39-1 and P.L.1981, c.57 and supplementing chapter 39 of Title 18A of the New Jersey Statutes.

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

1. N.J.S.18A:39-1 is amended to read as follows:

Transportation of pupils remote from school.

18A:39-1. Whenever in any district there are elementary school pupils who live more than two miles from their public school of attendance or secondary school pupils who live more than 2 1/2 miles from their public school of attendance, the district shall provide transportation to and from school for these pupils.

When any school district provides any transportation for public school pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the pupil; except that if the district is located in a county of the third class with a population of not less than 80,000 and

not more than 120,000 transportation shall be provided to a non-public school located outside the State not more than 20 miles from the residence of the pupil, if there is no appropriate nonpublic school within the State located closer to the residence of the pupil; provided the per pupil cost of the lowest bid received does not exceed \$675 for the 1992-93 school year or the amount determined for subsequent years pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), and if such bid shall exceed that cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive \$675 for the 1992-93 school year or the amount determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years toward the cost of his transportation to a qualified school other than a public school, regardless of whether such transportation is along established public school routes. It shall be the obligation of the parent, guardian or other person having legal custody of the pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil with the office of the secretary of the board of education at the time and in the manner specified by rules and regulations of the State board in order to be eligible for the transportation provided by this section. If the registration of any such pupil is not completed by September 1 of the school year and if it is necessary for the board of education to enter into a contract establishing a new route in order to provide such transportation, then the board shall not be required to provide it, but in lieu thereof the parent, guardian or other person having legal custody of the pupil shall be eligible to receive \$675 or the amount determined pursuant to section 2 of P.L.1981, c.57 (18A:39-1a), or an amount computed by multiplying $1/180$ times the number of school days remaining in the school year at the time of registration, times \$675 for the 1992-93 school year or the amount determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years, whichever is the smaller amount. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, said regional district shall assume responsibility for the transportation of all such pupils, and the cost of such transportation for pupils below the grade level for which the regional district was organized shall be prorated by the regional district among the constituent districts on a per pupil basis, after approval of such costs by the county superintendent. This section shall not require school districts to provide any trans-

portation for pupils attending a school other than a public school, where the only transportation presently provided by said district is for school children transported pursuant to chapter 46 of Title 18A of the New Jersey Statutes or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board as governs transportation to any public school.

The board of education may make rules and contracts for the pupil transportation provided pursuant to this section.

Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of pupils to a school in an adjoining district, when such pupils are transferred to the district by order of the county superintendent, or when any pupils shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Nothing herein contained shall limit or diminish in any way any of the provisions for transportation for children pursuant to chapter 46 of this Title.

2. Section 2 of P.L.1981, c.57 (C.18A:39-1a) is amended to read as follows:

C.18A:39-1a Adjustment of nonpublic school transportation costs.

2. Beginning in the 1993-94 school year and in each subsequent year, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall be increased or decreased in direct proportion to the increase or decrease in the State transportation aid per pupil in the year prior to the prebudget year compared to the amount for the prebudget year. As used in this section, State transportation aid per pupil shall equal the total State aid payments made pursuant to section 16 of P.L.1990, c.52 (C.18A:7D-18) divided by the number of pupils eligible for transportation.

C.18A:39-1b Furnishing of district information.

3. Each school district shall furnish to the Department of Education the information necessary for the department to complete a comparison of transportation costs, so that equitable adjustments may be made in the amount of the payments in lieu of transportation required pursuant to N.J.S.18A:39-1.

4. This act shall take effect immediately and shall first apply to the calculation of payments in lieu of transportation in the 1992-93 school year.

Approved June 30, 1992.

CHAPTER 34

AN ACT concerning the district of residence of pupils attending certain regional school districts and making an appropriation.

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

1. The Legislature finds and declares that all persons of school age who reside in a municipality which lacks elementary and high school facilities are entitled under the New Jersey Constitution and the laws of this State to a free public education.

2. Persons of school age who reside in an eligible municipality shall be deemed to be domiciled in a single school district to be designated by the county superintendent of schools. A district so designated shall be an all purpose regional school district which is adjacent to and in the same county as the municipality. The designation shall be made by the county superintendent and certified to the Commissioner of Education on or before July 1, 1992. Once the county superintendent has certified the designated district, the county superintendent shall not revoke or alter that certification.

For the purposes of this act, an eligible municipality shall be a municipality in a county of the second class with a population greater than 390,000 but less than 400,000 as of the 1990 federal decennial census which lacks elementary and high school facilities.

3. Any all purpose regional district certified as a designated district of residence pursuant to section 2 of this act shall be reconstituted, as of July 1, 1992, as a new all purpose regional school district composed of the current constituent municipalities of that designated regional school district and the eligible municipality, and shall be governed by the provisions of Title 18A of the

New Jersey Statutes as they apply to all purpose regional school districts, except as otherwise provided by this act.

a. All pupils in each of the municipalities shall be included in the resident enrollment and adjusted resident enrollment of the newly established all purpose regional school district for all State aid purposes and shall be entitled to receive State aid and any federal funds provided for all pupils in each of the municipalities.

b. Equalized valuations and district income for the newly created all purpose regional district for the purpose of calculating State aid shall include the equalized valuation and district income of each of the municipalities in that regional school district.

c. Allocations of equalized valuations for the purpose of apportioning the amounts to be raised by taxes shall be pursuant to N.J.S.18A:13-23 and shall include each of the municipalities in that all purpose regional district.

4. For the 1992-93 school year, the board of education of a new all purpose regional school district established pursuant to section 3 of this act shall consist of a tenth member who shall be selected by, and appointed from, the current members of the board of education of an eligible municipality and who shall serve until the appointment and qualification of a successor at the next annual school election. Upon the selection of one member to serve on the board of education of the newly established all purpose regional school district, the board of education of the eligible municipality shall be abolished. At the next annual school election the board of education of the newly established all purpose regional district shall consist of nine members pursuant to N.J.S.18A:13-8.

5. For the 1992-93 school year, the commissioner shall determine and certify and shall apportion among the constituent municipalities of the newly established regional school district, the amount of money which is necessary to be appropriated to provide a thorough and efficient system of schools based upon the budgets proposed to the voters of each municipality at the last annual school election. Thereafter, the amount shall be apportioned among the constituent municipalities of the new all purpose regional school district pursuant to N.J.S.18A:13-23.

6. In the event the board of education of an eligible municipality is indebted, for tuition, to an all purpose regional school district designated pursuant to section 2 of this act, the Department of Edu-

cation shall pay that tuition, up to a maximum of \$250,000, to that all purpose regional school district. In addition, the department shall provide funds, up to a maximum of \$100,000, to the constituent municipalities of the designated all purpose regional school district in an amount sufficient to ensure that there is no impact on the property taxes in those municipalities as a consequence of the establishment of a new all purpose regional school district. In the event that the amount required for property tax stabilization is less than \$100,000, the balance shall accrue to the eligible municipality. All remaining assets and liabilities of the board of education of the eligible municipality, including any other tuition payable, shall accrue to the eligible municipality.

7. There is hereby appropriated from the General Fund to the Department of Education \$350,000 for the purposes of this act.

8. This act shall take effect immediately and apply only to those all purpose regional school districts created pursuant to this act as of July 1, 1992.

Approved June 30, 1992.

CHAPTER 35

AN ACT relating to the acquisition of certain railroad rights-of-way and making an appropriation from the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989."

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

1. There is appropriated to the Department of Transportation from the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989," established pursuant to section 14 of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180, the sum of \$15,000,000 for the preservation and acquisition, primarily for

rail transit use, of part or all of the following railroad rights-of-way known as:

- a. Rahway Valley Railroad, Inc.:
From City of Summit to Cranford Junction in Cranford Township and to Roselle Park Borough, Union County.
- b. Former Lehigh and Hudson River Railroad Line:
From vicinity of Limecrest in Sparta Township to vicinity of Trinca Airport in Green Township, Sussex County.
- c. Southern Branch, Former Central Railroad of New Jersey:
From Lakehurst Borough, Ocean County to Woodmansie in Woodland Township, Burlington County.
- d. Staten Island Railway Corporation:
From Cranford Township to the City of Linden, Union County.

2. The Commissioner of Transportation is empowered to enter into agreements with the federal government for the purpose of railroad right-of-way preservation and acquisition and to receive any federal assistance or grants available or advantageous for that purpose.

3. The funds herein appropriated shall be expended by the Commissioner of Transportation for the uses and purposes enumerated herein, subject to the provisions and conditions of P.L.1989, c.180, and further subject to specific expenditure allocation among the railroad rights-of-way set forth in section 1 of this act, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury and the Joint Budget Oversight Committee or its successor committee. In the event that any funds herein appropriated are not expended for the railroad rights-of-way set forth in section 1 of this act, those funds shall be expended only with the specific appropriation of those funds by the Legislature.

4. From the amount provided in this act for the acquisition and preservation of railroad rights-of-way, there may be allocated such amounts as the Commissioner of Transportation shall determine, with the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor committee, for personal services by contract or, in lieu thereof, by State employees for inspection, planning, engineering, design, research, construction, appraisals or any other cost related to railroad right-of-way preservation and acquisition, provided that those amounts so allocated do not exceed 8% of the amount

provided in this act for the acquisition and preservation of railroad rights-of-way.

5. Costs of preservation and acquisition of railroad rights-of-way authorized pursuant to the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180, shall be paid from the fund established in section 14 thereof. The Director of the Division of Budget and Accounting, where appropriate and practicable, may charge the fund and credit to the General Fund or other expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the costs of the preservation and acquisition of the railroad rights-of-way set forth in section 1 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor committee, provided that those sums so charged do not exceed 8% of the amount provided in this act for the acquisition and preservation of railroad rights-of-way.

6. The Commissioner of Transportation shall, within one year of the effective date of this act, report to the Joint Budget Oversight Committee, or its successor committee, the administrative costs, by project, related to the projects for which sums are provided in this act.

7. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 36

AN ACT concerning the hours of operation of casinos and amending P.L.1977, c.110.

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

1. Section 97 of P.L.1977, c.110 (C.5:12-97) is amended to read as follows:

C.5:12-97 Hours of operation.

97. Hours of Operation. a. No casino licensed pursuant to this act shall operate between the hours of 6 a.m. and 10 a.m. on Saturdays,

Sundays and State and federal holidays, or between the hours of 4 a.m. and 10 a.m. on all other days, except that the commission may extend the hours of operation, up to and including 24 hours of operation, on any Saturday, Sunday, or State or federal holiday, or on any day that an extension of operating hours would, in the judgment of the commission, have an economic impact on the casino industry and on Atlantic City which would justify the extension of those hours. In making this finding, the commission shall consider, among other factors: (1) the anticipated volume of visitor, convention, or tourist traffic in Atlantic City as a result of any scheduled meetings or events; (2) any special promotions or market expansion programs undertaken by the casino industry or others to increase such traffic; or (3) any other basis for the conclusion that an extension of operating hours would, under the circumstances, effect a significant impact on the volume of casino business and thereby on the State revenues dependent thereupon. Any resolution approving an extension of operating hours shall be considered at a regularly scheduled meeting of the commission held pursuant to the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

b. A casino licensee shall file with the commission a schedule of hours prior to the issuance of an initial operation certificate. If the casino licensee proposes any change in scheduled hours, such change may not be effected until such licensee files a notice of the new schedule of hours with the commission. Such filing must be made 30 days prior to the effective date of the proposed change in hours.

c. Nothing herein shall be construed to limit a casino licensee in opening its casino later than, or closing its casino earlier than, the times stated in its schedule of operating hours; provided, however, that any such alterations in its hours shall comply with the provisions of subsection a. of this section and with regulations of the commission pertaining to such alterations.

2. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 37

AN ACT authorizing the expenditure of funds by the New Jersey Wastewater Treatment Trust for the purpose of making loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects, and supplementing P.L.1985, c.334 (C.58:11B-1 et seq.).

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

1. The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), is authorized to expend the aggregate sum of up to \$75,000,000, and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.1988, c.132, section 1 of P.L.1989, c.190, section 1 of P.L.1990, c.97 and section 1 of P.L.1991, c.324 for the purpose of making loans, to the extent sufficient funds are available, to local government units to finance a portion of the costs of construction of wastewater treatment system projects listed in sections 2, 3 and 4 of this act. The trust is also authorized to increase the aggregate sums by the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act and by the amounts of reserve capacity expenses and the associated debt service reserve fund requirements for such reserve capacity expenses as provided in subsection c. of section 7 of this act. For the purposes of this act, "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds; "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, municipal bond insurance premiums, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents and any other costs related to the issuance of trust bonds; and "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

2. a. The New Jersey Wastewater Treatment Trust is authorized to expend funds for the purpose of making a supplemental loan to the local government unit listed below for the following wastewater treatment system project:

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340708-05-1	Camden County MUA	\$4,642,920
	Total	<u>\$4,642,920</u>

b. The loan authorized in this section shall be made for the difference between the loan amount certified by the chairman of the trust in State fiscal year 1991 and the allowable loan amount required by this project based upon the low bid or final building cost pursuant to subsection a. of section 7 of this act. The loan authorized in this section shall be made to the local government unit listed, up to the individual amount indicated, to the extent sufficient funds are available, except as this project fails to meet the requirements of section 6 of this act.

c. The loan authorized in this section shall have priority over the wastewater treatment system projects listed in section 4 of this act.

3. The New Jersey Wastewater Treatment Trust is authorized to make loans to the local government units for the wastewater treatment system projects listed in section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act.

4. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1993 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340699-04	Middlesex County UA	\$ 8,975,150
S340794-04	Delran SA	5,424,600
S340929-02	Wayne Township	3,342,715
S340881-01	Hawthorne Borough	2,169,000
S340927-01	Hammononton Town of	9,213,200
S340921-01	Millville City of	5,300,000
S340628-03	Woodstown SA	2,619,086
S340924-01	Clinton Town	3,729,638
S340818-04	Burlington Co.Bd.Chos.Freehldr.	4,707,323
S340480-03	Pequannock Township	2,073,963
S340937-01	Berkeley Township SA	1,864,271
S340874-03	Phillipsburg, Town of	318,338
	Total	<u>\$49,737,284</u>

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), any proceeds

from bonds issued by the trust to make loans for priority wastewater treatment system projects listed in sections 2, 3 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity or earlier upon redemption.

A portion of the proceeds from bonds issued by the trust to make loans for priority wastewater treatment system projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; and for the payment of reserve capacity expenses and the associated debt service reserve fund requirements.

6. Any loan made by the New Jersey Wastewater Treatment Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1985, c.334 and any rules and regulations adopted pursuant thereto;

b. The loan shall be conditioned upon approval of a zero interest loan from the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329;

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed 50% of the total estimated allowable project cost of the wastewater treatment system, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, and reserve capacity expenses and the associated debt service requirements as provided in subsection c. of section 7 of this act;

e. The loan shall bear interest at or below the interest rate paid by the trust on the bonds issued to make the loans authorized by this act, adjusted for underwriting discount, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21).

The priority list and authorization for the making of loans pursuant to this act shall expire on July 1, 1993, and any local

government unit which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Wastewater Treatment Trust is authorized to reduce the individual amount of loan funds made available to local government units pursuant to sections 2, 3 and 4 of this act based upon low bid or final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2, 3 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, municipal bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2, 3 and 4 of this act by the amount of reserve capacity expense, including the debt service reserve fund requirement associated with such reserve capacity expense, as may be allowed the project by the trust in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

8. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1985, c.329 and P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto.

9. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 38

AN ACT appropriating moneys from the Wastewater Treatment Fund for the purpose of making zero interest loans to local government units to finance a portion of the costs of construction of wastewater treatment system 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 "Wastewater Treatment Fund - State Revolving Fund Accounts" (hereinafter referred to as the "State Revolving Fund Accounts") contained within the "Wastewater Treatment Fund" and established pursuant to section 1 of P.L.1988, c.133 an amount not exceeding \$110,000,000 in federal funds and any fees and penalties received pursuant to the "Marine Protection, Research, and Sanctuaries Act of 1972," (33 U.S.C. §1401 et seq.), and any amendatory and supplementary acts thereto, as may be deposited in the State Revolving Fund Accounts, together with any net earnings resulting from the investment or reinvestment of these moneys. Any such amount shall be for the purpose of making zero interest loans, to the extent sufficient funds are available, to local government units to finance a portion of the costs of construction of wastewater treatment system projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the "Water Quality Act of 1987" (33 U.S.C. §1251 et seq.), the "Marine Protection, Research, and Sanctuaries Act of 1972," and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest loans to the local government units for the wastewater treatment system projects listed in sections 2 and 3 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act, or if a project fails to meet the requirements of section 4 of this act.

c. The department is also authorized to make zero interest loans to the local government units for the wastewater treatment system projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, or section 1 of P.L.1991, c.325, including amounts resulting from the low bid or final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, and section

6 of P.L.1991, c.325, and from any repayments of loans deposited in the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, including any State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," together with any net earnings resulting from the investment or reinvestment of these moneys.

2. a. The department is authorized to expend funds for the purpose of making a supplemental zero interest loan to the local government unit listed below for the following wastewater treatment system project:

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340708-05-1	Camden County MUA	\$4,642,920
	Total	\$4,642,920

b. The loan authorized in this section shall be made for the difference between the loan amount certified by the commissioner in State fiscal year 1991 and the allowable loan amount required by this project based upon low bid or final building costs pursuant to section 6 of this act. The loan authorized in this section shall be made to the local government unit listed, up to the individual amount indicated, to the extent sufficient funds are available, except as this project fails to meet the requirements of section 4 of this act.

c. The zero interest loan for the project authorized in this section shall have priority over projects listed in section 3 of this act.

3. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1993 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340699-04	Middlesex County UA	\$8,975,150
S340794-04	Delran SA	5,424,600
S340929-02	Wayne Township	3,342,715
S340881-01	Hawthorne Borough	2,169,000
S340927-01	Hammonton Town of	9,213,200
S340921-01	Millville City of	5,300,000
S340628-03	Woodstown SA	2,619,086
S340924-01	Clinton Town	3,729,638
S340818-04	Burlington Co.Bd.Chos.Freehldr.	4,707,323
S340480-03	Pequannock Township	2,073,963
S340937-01	Berkeley Township SA	1,864,271
S340874-03	Phillipsburg, Town of	318,338
	Total	\$49,737,284

4. Any loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The commissioner has certified that the project is in compliance with the provisions of P.L.1985, c.329 and any rules and regulations adopted pursuant thereto;

b. The loan amount shall not exceed 50% of the total estimated allowable project cost of the wastewater treatment system;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Wastewater Treatment Trust pursuant to P.L.1992, c.37;

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.1992, c.37 or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. The priority list and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 1993, and any local government unit which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce the individual amount of loan funds made available to local government units pursuant to sections 2 and 3 of this act based upon low bid or final building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1985, c.329 and any rules and regulations adopted by the commissioner pursuant thereto.

8. The Department of Environmental Protection shall provide general technical assistance to any local government unit requesting assistance regarding wastewater treatment system project development or applications for funds for a project.

9. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, repayments of loans made pursuant to this act may be utilized by the New Jersey Wastewater Treatment Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1992, c.37, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the local government units receiving trust loans. To the extent that any loan repayment sums are used to secure trust bond repayments or administrative fee payments, the trust shall repay such sums to the department for deposit into the "Wastewater Treatment Fund."

10. The Commissioner of Environmental Protection is authorized to enter into a capitalization grant agreement as may be required pursuant to the "Water Quality Act of 1987" (33 U.S.C. §1251 et seq.).

11. a. The Director of the Division of Budget and Accounting in the Department of the Treasury is directed to transfer to the "Wastewater Treatment Fund" the entire sum of money appropriated to the Department of Environmental Protection for "Public Wastewater Facilities" in the "State Aid" section of P.L.1992, c.40. The sum transferred to the "Wastewater Treatment Fund" pursuant to this section is appropriated to the New Jersey Wastewater Treatment Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.). The trust shall deposit all or a portion of this sum as it may deem necessary and appropriate into one or more reserve funds established pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11). These reserve funds shall include reserve funds constituted collectively as a water pollution control revolving fund for the purposes of the federal "Water Quality Act of 1987" and shall be known as the Trust Reserve Fund - State Revolving Fund Accounts; except that the trust shall not establish the Trust Reserve Fund - State Revolving Fund Accounts prior to the execution of a capitalization grant agreement entered into by

the Commissioner of Environmental Protection pursuant to section 10 of this act.

b. Any portion of the sum appropriated to the trust pursuant to subsection a. of this section or subsection a. of section 11 of P.L.1989, c.189, subsection a. of section 11 of P.L.1990, c.99 or subsection a. of section 11 of P.L.1991, c.325, plus any net earnings received from the investment or deposit of such moneys by the trust not required by the trust to establish reserve funds as provided in this section, shall be returned to the "Wastewater Treatment Fund" and placed in any account therein as determined by the commissioner to be used by the department for making zero interest loans to local government units to finance a portion of the cost of the wastewater treatment system projects listed in sections 2 and 3 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the commissioner pursuant to section 6 of this act or if a project fails to meet the requirements of section 4 of this act; and except that the commissioner shall certify to the chairman of the trust that such funds are needed for zero interest loans before any transfer is made. In the event that the commissioner fails to make this certification, the unexpended balance not devoted to establishing reserve funds shall remain with the trust but shall not be expended by the trust until such expenditure is authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.).

12. There is appropriated to the New Jersey Wastewater Treatment Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans deposited in any account, including the State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds including the Trust Reserve Fund - State Revolving Fund Accounts established pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11) and section 1 of P.L.1988, c.133; except that the certification shall not be made with respect to the Trust Reserve Fund - State Revolving Fund Accounts prior to the execution of a capitalization grant agreement entered into by the commissioner pursuant to section 10 of this act.

13. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 39

AN ACT concerning the payment of estate tax, amending
R.S.54:38-5.

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

1. R.S.54:38-5 is amended to read as follows:

Estate taxes due upon date of death, extension, interest.

54:38-5. All taxes imposed by R.S.54:38-1 and R.S.54:38-2 shall become due at the date of death of the decedent and if not paid before the expiration of nine months from the date of the death of the decedent shall bear interest at the rate of ten percent per annum from the expiration of said nine months until paid, unless an extension of time to file the federal estate tax return is granted, in which case the director may reduce the interest rate to six percent per annum until the expiration of the extension; provided however, that if the decedent shall have heretofore died or shall hereafter die while a member of the Armed Forces of the United States, no such tax shall commence to bear such interest until the expiration of nine months after receipt of official notification of the death of the decedent by the husband, wife, father, mother, or next of kin of such decedent. The director may, for cause shown, extend the time for payment with interest at the rate of ten percent per annum for such period as the circumstances, in his discretion, may require.

2. This act shall take effect immediately and apply to estates of decedents who die on or after the first day of the third month preceding its enactment.

Approved June 30, 1992.

CHAPTER 40

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1992-93
GENERAL FUND

Undesignated fund balance, July 1, 1992..... \$770,000,000

Major Taxes

Sales	\$3,647,000,000
Corporation business	985,000,000
Motor fuels	403,000,000
Motor vehicle fees	350,000,000
Cigarette	268,000,000
Transfer inheritance	205,000,000
Insurance premiums	215,000,000
Petroleum products gross receipts	175,000,000
Public utility excise	185,000,000
Alcoholic beverage excise	89,000,000
Motor fuels enforcement effort	20,000,000
Corporation business--Banks and financial institutions	37,000,000
Realty transfer	38,000,000
Motor fuel use--Motor carrier	9,000,000
Business personal property	9,000,000
Pari-mutuel	6,000,000
Savings institutions	18,000,000
Tobacco products wholesale sales	5,000,000
Enhanced tax compliance effort	<u>70,000,000</u>
Total--Major Taxes	<u>\$6,734,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch--

Department of Agriculture:

Animal health--laboratory test fees	\$30,000
Fertilizer inspection fees	174,000
Milk control licenses and fees	375,000
Other animal, plant disease and pest control fees	6,000

Department of Banking:

Bank assessments	2,665,000
Examination fees	3,830,000
Licenses and other fees	2,420,000
New Jersey Cemetery Board	85,000

Department of Community Affairs:	
Affordable housing and neighborhood preservation--Fair housing	15,500,000
Boarding home fees	371,000
Construction fees	5,000,000
Fire safety	13,528,000
Housing inspection fees	5,167,000
Planned real estate development fees .	828,000
Truth in renting	33,000
Department of Education:	
Academy for the Advancement of Teaching and Administration	495,000
Katzenbach School for the Deaf--Tuition	3,033,000
Licensing fees--Miscellaneous	1,877,000
Non-public schools textbook recoveries	400,000
State Board of Examiners	1,474,000
Department of Environmental Protection:	
Air pollution fees	6,425,000
Assessments - Cable TV	2,704,000
Assessments - Public utility	17,853,000
Clean water enforcement	3,068,000
Discharge prevention, containment and countermeasures	2,000,000
Endangered species tax check-off	300,000
Environmental Cleanup Responsibility Act	4,000,000
Environmental Services Fund	3,672,000
Examination licensing fees	255,000
Freshwater wetlands	1,000,000
Hazardous waste facilities inspection.	6,075,000
Hunters' and Anglers' License Fund ...	10,112,000
Marina rentals	409,000
Marine lands management--Delineation and title determination	876,000
Medical waste	1,800,000
Miscellaneous revenues	236,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
New Jersey Pollutant Discharge Elimination System	14,500,000
New Jersey Water Supply Authority debt service repayments	770,000
Parks management	4,437,000
Pesticide control	1,900,000
Pesticide fines	100,000
Pollution prevention	1,000,000
Radiation protection	2,249,000
Shellfish and marine fisheries management	166,000
Solid and hazardous waste disclosure.	900,000
Solid waste - fines	500,000
Solid waste management fees	10,652,000

Toxic catastrophe prevention - fines	1,555,000
Treatment works.....	500,000
Underground storage tanks	1,400,000
Water pollution judgments	3,000,000
Water supply management	700,000
Department of Health:	
Animal control act.....	550,000
Consumer health penalties.....	520,000
Hospital rate setting	1,794,000
Narcotic fees	720,000
Rabies control.	453,000
Vital statistics registration.....	150,000
Department of Higher Education:	
Bond interest recoveries	334,000
Department of Human Services:	
Child care licensing/Adoption law	70,000
Marriage license fees.....	300,000
Medicaid uncompensated care Title XIX reimbursement	470,000,000
Patients' and residents' cost recoveries:	
Developmental disability	12,000,000
Psychiatric hospitals	50,000,000
Title XIX health facility rate setting and inspection.....	300,000
Department of Insurance:	
Actuarial services	1,450,000
Licensing and enforcement	13,359,000
Real Estate Commission.....	3,440,000
Department of Labor:	
Licenses, permits and fines	1,085,000
Special Compensation Fund	1,486,000
Workers' compensation assessment ...	8,442,000
Department of Law and Public Safety:	
Amusement games control fees	246,000
Athletic control board fees	400,000
Auto body repair shop licensing.....	492,000
Beverage licenses	3,346,000
Division of Consumer Affairs:	
General revenues:	
Bureau of Securities.....	85,000
Charities Registration Section	13,000
Legalized Games of Chance Control	340,000
Private Employment Agencies.....	310,000
Weights and Measures - General	105,000
Professional examining board fees:	
State Board of Architects.....	897,000
State Board of Audiology and Speech - Language Pathology Advisory.....	134,000
State Board of Certified Public Accountants	1,440,000
State Board of Chiropractors	319,000

State Board of Cosmetology and Hairstyling	1,411,000
State Board of Dentistry	868,000
State Board of Electrical Contractors	454,000
State Board of Marriage Counselor Examiners	124,000
State Board of Master Plumbers	339,000
State Board of Medical Examiners	4,104,000
State Board of Mortuary Science	277,000
State Board of Nursing	2,244,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	212,000
State Board of Optometrists	241,000
State Board of Pharmacy	734,000
State Board of Physical Therapy	282,000
State Board of Professional Engineers and Land Surveyors	1,036,000
State Board of Professional Planners	253,000
State Board of Psychological Examiners	268,000
State Board of Public Movers and Warehousemen	249,000
State Board of Real Estate Appraisers	710,000
State Board of Respiratory Care	334,000
State Board of Shorthand Reporting	65,000
State Board of Social Work Examiners	670,000
State Board of Veterinary Medical Examiners	180,000
Securities Enforcement Fund	2,885,000
Drunk driving fines	1,098,000
FAIR Act civil penalties	5,400,000
Motor Vehicle Security--Responsibility Law administration	7,209,000
Motor vehicle surcharge program	23,600,000
Other boating fees	3,000
Photo licensing	1,000,000
Pleasure boat licenses	2,200,000
Salvage Title Program	585,000
State Police - Fingerprint fees	1,014,000
State Police - Other licenses	275,000
State Police - Private detective licenses	585,000
Uninsured motorists program	3,455,000
Violent crime compensation	3,000,000
Department of Military and Veterans' Affairs:	
Soldiers' Home - Menlo Park	5,051,000
Soldiers' Home - Paramus	4,893,000
Soldiers' Home - Vineland	3,734,000
Department of State:	
Commissions	1,070,000
General revenue--Fees	13,400,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	600,000
Autonomous transportation authorities	24,500,000
Outdoor advertising	240,000
Petitions and Motor Carrier Inspections	145,000

Department of the Treasury:	
Casino fines	500,000
Coin-operated telephones	1,500,000
Municipal Purposes Tax Assistance Fund	60,000,000
Nuclear emergency response assessment	3,500,000
Public Utility Gross Receipts and Franchise	
Taxes (combined)	673,000,000
Public Utility Tax--Administration	250,000
Railroad Tax - Class II	2,300,000
Railroad Tax - Franchise	1,500,000
Surplus property	100,000
Vending machine commissions	130,000
Other Sources:	
Miscellaneous revenue	1,000,000
Inter-Departmental Accounts:	
Administration and investment of pension funds - Recoveries	35,000,000
Employee maintenance deductions ...	1,000,000
Fringe benefit recoveries from colleges and universities	34,000,000
Fringe benefit recoveries from federal and other funds	75,000,000
Fringe benefit recoveries from school districts	21,000,000
Indirect cost recovery - Federal	8,000,000
Rent of State building space	1,000,000
Social Security recoveries from federal and other funds	26,000,000
Judicial Branch--	
Court fees	<u>43,871,000</u>
Total--Miscellaneous Taxes, Fees, Revenues	<u>\$1,847,754,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$183,000
Catastrophic Illness in Children Relief Fund	2,350,000
Clean Communities Account Fund	350,000
Clean Waters Fund	491,000
Community Development Bond Fund	268,000
Correctional Facilities Construction Fund	324,000
Correctional Facilities Construction Fund (Act of 1987)	3,661,000
Emergency Flood Control Fund	181,000
Energy Conservation Fund	1,332,000
Farmland Preservation Fund	144,000
Farmland Preservation Fund 1989	18,000
Fund for the Support of Free Public Schools	5,400,000
General Trust Fund	1,000
Green Trust Fund and Cultural Centers and Historic	
Preservation Fund (1987)	2,945,000
Hazardous Discharge Fund	1,500,000
Hazardous Discharge Site Cleanup Fund	8,456,000
Higher Education Buildings Construction Fund (Act of 1971)	8,000
Housing Assistance Fund	102,000
Human Services Facilities Construction Fund	684,000
Institutional Construction Fund	7,000
Institutions Construction Fund	6,000

Jobs, Education and Competitiveness Fund	2,000,000
Jobs, Science and Technology Fund	400,000
Medical Education Facilities Fund	23,000
Mortgage Assistance Fund.....	397,000
Motor Vehicle Security Responsibility Fund	9,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	2,345,000
Natural Resources Fund	610,000
New Jersey Bridge Rehabilitation and Improvement Fund	400,000
New Jersey Green Acres Fund (1983)	1,218,000
New Jersey Green Acres Fund (1989)	13,000
New Jersey Green Trust Fund (1989)	14,000
New Jersey Spill Compensation Security Fund	16,069,000
Outstanding Checks (6 years and over)	1,500,000
Outstanding Checks Account	1,025,000
Pineland Infrastructure Trust Fund	25,000
Public Buildings Construction Fund.....	59,000
Public Purpose and Community-Based Facilities Construction Fund	2,686,000
Public Purpose Buildings Construction Fund	777,000
Resource Recovery Investment Fund.....	470,000
Safe Drinking Water Fund	1,400,000
Sanitary Landfill Facility Contingency Fund	190,000
School Fund Investment Account	1,578,000
Shore Protection Fund	782,000
Solid Waste Services Tax Fund.....	45,000
State Disability Benefit Fund General Account	24,246,000
State Land Acquisition and Development Fund	405,000
State Lottery Fund	590,000,000
State Lottery Fund Administration	19,368,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971).....	153,000
State Recreation and Conservation Land Acquisition and Development	199,000
State Recycling Fund.....	748,000
State of New Jersey Cash Management Fund	1,120,000
Stormwater Management and Combined Sewer Overflow Abatement Fund	1,620,000
Transportation Rehabilitation and Improvement Fund of 1979	375,000
Unclaimed Personal Property Trust Fund	45,000,000
Unemployment Compensation Tax Auxiliary Fund	11,000,000
Unsatisfied Claim and Judgment Fund	1,462,000
Wage and Hour Trust Fund.....	55,000
Water Conservation Fund	109,000
Water Supply Fund.....	12,245,000
Worker and Community Right to Know Fund	3,189,000
Total--Interfund Transfers	<u>\$773,740,000</u>
Total Revenues, General Fund	<u>\$9,355,494,000</u>
Total Resources, General Fund.....	<u>\$10,125,494,000</u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1992	\$0
Transfer from Transition School Aid Account	85,558,000
Gross Income Tax	<u>4,250,000,000</u>
Total Resources, Property Tax Relief Fund	<u>\$4,335,558,000</u>

Property Tax Relief Fund - Transition School Aid Account

Undesignated fund balance, July 1, 1992	\$85,558,000
Transfer to Property Tax Relief Fund.....	<u>(85,558,000)</u>
Total Resources, Property Tax Relief Fund - Transition School Aid Account	<u>\$0</u>

Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1992	(\$8,938,000)
Taxpayers' Designations	<u>1,500,000</u>
Total Resources, Gubernatorial Elections Fund	<u>(\$7,438,000)</u>

Casino Control Fund

License Fees	<u>\$57,371,000</u>
Total Resources, Casino Control Fund..	<u>\$57,371,000</u>

Casino Revenue Fund

Undesignated fund balance, July 1, 1992	\$1,000,000
Gross Revenue Tax.....	250,000,000
Investment Income	<u>5,000,000</u>
Total Resources, Casino Revenue Fund...	<u>\$256,000,000</u>
Total Resources, All State Funds	<u>\$14,766,985,000</u>
Grand Total Resources, All Funds	<u>\$14,766,985,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1993. 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, 1993 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1993 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by July 31, 1993. 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, 1992, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1992, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1992.

**DIRECT STATE SERVICES
LEGISLATIVE BRANCH**

01 Legislature

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate		<u>\$7,991,000</u>
Total Appropriation, Senate		<u>\$7,991,000</u>
Personal Services:		
Senators (40)	(\$1,412,000)	
Salaries and wages	(2,876,000)	
Members' staff services	(2,800,000)	
Materials and Supplies	(171,000)	
Services Other Than Personal	(679,000)	
Maintenance and Fixed Charges	(30,000)	
Additions, Improvements and Equipment	(23,000)	

The unexpended balance as of June 30, 1992 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly		<u>\$13,540,000</u>
Total Appropriation, General Assembly		<u>\$13,540,000</u>
Personal Services:		
Members (80)	(\$2,812,000)	
Salaries and wages	(3,800,000)	
Members' staff services	(5,600,000)	

Materials and Supplies	(208,000)
Services Other Than Personal.....	(1,025,000)
Maintenance and Fixed Charges.....	(90,000)
Additions, Improvements and Equipment ..	(5,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

Total Appropriation, Legislature	<u>\$21,531,000</u>

0003 Office of Legislative Services

03-0003 Legislative Support Services	<u>\$21,984,000</u>
Total Appropriation, Office of Legislative Services	<u>\$21,984,000</u>

Personal Services:

Salaries and wages	(\$13,973,000)
Materials and Supplies	(1,453,000)
Services Other Than Personal.....	(2,437,000)
Maintenance and Fixed Charges.....	(2,213,000)

Special Purpose:

Affirmative action and equal employment opportunity	(23,000)
Additions, Improvements and Equipment ..	(1,885,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

Receipts derived from fees and charges for public access to legislative information systems, and the unexpended balances as of June 30, 1992 of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and

administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain and expand the dissemination and availability of legislative information.

09 Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental Relations Commission	<u>\$595,000</u>
Total Appropriation, Intergovernmental Relations Commission	<u>\$595,000</u>
Special Purpose:	
The Council of State Governments	(\$114,000)
Atlantic States Marine Fisheries Commission	(22,000)
National Conference of Commissioners	
on Uniform State Laws.....	(25,000)
Education Commission of the States.....	(77,000)
National Governors' Association.....	(140,000)
National Conference of State Legislatures	(108,000)
Governmental Accounting Standards Board	(20,000)
Northeast-Midwest Research Institute	(43,000)
Coalition of Northeastern Governors	(46,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

0014 Joint Committee on Public Schools

09-0014 Joint Committee on Public Schools	<u>\$175,000</u>
Total Appropriation, Joint Committee on Public Schools	<u>\$175,000</u>
Special Purpose:	
Expenses of Commission	(\$175,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	<u>\$1,800,000</u>
Total Appropriation, State Commission of Investigation	<u>\$1,800,000</u>
Special Purpose:	
Expenses of Commission	(\$1,800,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination	
in the Statutes.....	<u>\$100,000</u>
Total Appropriation, Commission to Study	
Sex Discrimination in the Statutes.....	<u>\$100,000</u>

Special Purpose:

Expenses of Commission (\$100,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

*0026 Commission On Business Efficiency In The Public Schools*09-0026 Commission On Business Efficiency In The Public Schools \$60,000

Total Appropriation, Commission On Business Efficiency
In The Public Schools \$60,000

Special Purpose:

Expenses of Commission (\$60,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

0039 County and Municipal Government Study Commission

The unexpended balance as of June 30, 1992 in this account not to exceed \$20,000 is appropriated.

0040 Apportionment Commission

The unexpended balance as of June 30, 1992 in this account is appropriated.

*0049 Christopher Columbus Quincentennial Observance Commission*0049 Christopher Columbus Quincentennial Observance Commission \$50,000

Total Appropriation, Christopher Columbus
Quincentennial Observance Commission \$50,000

Special Purpose:

Expenses of Commission (\$50,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

0052 Commission on Legal and Ethical Problems in the Delivery of Health Care

The unexpended balance as of June 30, 1992 in this account not to exceed \$20,000 is appropriated.

*0053 New Jersey Law Revision Commission*09-0053 New Jersey Law Revision Commission \$250,000

Total Appropriation, New Jersey Law Revision Commission \$250,000

Special Purpose:

Expenses of Commission (\$250,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

*0056 New Jersey Redistricting Commission*09-0056 New Jersey Redistricting Commission \$100,000Total Appropriation, New Jersey Redistricting Commission \$100,000

Special Purpose:

Expenses of Commission (\$100,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

Upon certification by the Partisan-Chairpersons of the New Jersey Redistricting Commission, the Chair of the commission shall authorize the payment for expenses incurred by the commission pursuant to its statutory responsibilities.

Total Appropriation, Legislative Commissions \$3,130,000Total Appropriation, Legislative Branch \$46,645,000

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

07 *Government Direction, Management and Control*76 *Management and Administration*0300 *Chief Executive's Office*01-0300 Executive Management \$5,031,000Total Appropriation, Chief Executive's Office \$5,031,000

Personal Services:

Salaries and wages (\$3,930,000)

Materials and Supplies (118,000)

Services Other Than Personal (715,000)

Maintenance and Fixed Charges (143,000)

Special Purpose:

Brian Stack intern program (10,000)

Allowance to the Governor of funds not
otherwise appropriated, for official reception
on behalf of the State, operation of an official
residence and other expenses.....

(75,000)

Additions, Improvements and Equipment... (40,000)

The unexpended balance as of June 30, 1992 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 *Community Development and Environmental Management*42 *Natural Resource Management*

01-3310 Animal Disease Control..... \$789,000

02-3320 Plant Pest and Disease Control	1,783,000
03-3330 Resource Development Services ...	<u>861,000</u>
Total Appropriation, Natural Resource Management	<u>\$3,433,000</u>
Personal Services:	
Salaries and wages	(\$2,129,000)
Materials and Supplies	(112,000)
Services Other Than Personal.....	(125,000)
Maintenance and Fixed Charges.....	(96,000)
Special Purpose:	
Gypsy Moth Control	(50,000)
Agricultural water use certification.....	(31,000)
Future farmers' youth development.....	(45,000)
State soil conservation program.....	(275,000)
Additions, Improvements and Equipment	(570,000)

Receipts from laboratory test fees are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1992 in the animal health laboratory program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory.

The unexpended balance as of June 30, 1992 in the Beneficial Insect Laboratory account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the nursery inspection program are appropriated for program costs.

The unexpended balance as of June 30, 1992 in the Nursery Inspection Program account is appropriated for the same purpose.

Receipts derived from the Soybean Integrated Pest Management Program, and the unexpended balance as of June 30, 1992 are appropriated for the same purpose.

Receipts as a result of fee increases over and above those anticipated are appropriated for the same purpose.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services	<u>\$1,453,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,453,000</u>
Personal Services:	
Salaries and wages	(\$646,000)
Material and Supplies	(10,000)
Services Other Than Personal.....	(49,000)
Maintenance and Fixed Charges.....	(28,000)
Special Purpose:	
Wine promotion program.....	(30,000)

Temporary emergency food assistance program	(388,000)
Promotion/market development	(300,000)
Additions, Improvements and Equipment...	(2,000)

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1992, are appropriated for expenses of Commodity Distribution.

Revenues in excess of those anticipated and due to the Department of Agriculture from the alcoholic beverage excise tax for the preceding calendar year are appropriated for expenses of the Wine promotion program.

The unexpended balances as of June 30, 1992 in the Promotion/Market Development account are appropriated for the same purpose.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

52 Economic Regulation

04-3340 Dairy Industry Regulation	\$480,000
05-3350 Other Commodity Regulation	<u>721,000</u>
Total Appropriation, Economic Regulation	<u>\$1,201,000</u>

Personal Services:

Salaries and wages	(\$1,087,000)
Materials and Supplies.....	(22,000)
Services Other Than Personal	(70,000)
Maintenance and Fixed Charges	(22,000)

Receipts from Inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1992 of such receipts are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Management and Administrative Services	<u>\$1,644,000</u>
Total Appropriation, Management and Administration	<u>\$1,644,000</u>

Personal Services:

Salaries and wages	(\$1,240,000)
Materials and Supplies.....	(22,000)
Services Other Than Personal	(110,000)
Maintenance and Fixed Charges	(34,000)

Special Purpose:

Expenses of State Board of Agriculture..	(18,000)

Additions, Improvements and Equipment ..	(220,000)	
Total Appropriation, Department of Agriculture		<u>\$7,731,000</u>

14 DEPARTMENT OF BANKING

50 *Economic Planning, Development and Security*52 *Economic Regulation*

01-3010 Regulatory Affairs - Licensing,		
Applications and Consumer Affairs		\$1,097,000
02-3020 Supervision and Examination of Financial Institutions		3,969,000
99-3040 Management and Administrative Services		<u>917,000</u>
Total Appropriation, Economic Regulation		<u>\$5,983,000</u>
Personal Services:		
Salaries and wages	(\$5,484,000)	
Materials and Supplies	(40,000)	
Services Other Than Personal.....	(365,000)	
Maintenance and Fixed Charges.....	(24,000)	
Additions, Improvements and Equipment ..	(70,000)	

The unexpended balance as of June 30, 1992 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

Receipts in excess of \$8,700,000 anticipated from examination and licensing fees and bank assessments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Banking	<u>\$5,983,000</u>

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Commissioner of the Department of Banking, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to this Salaries and wages account a sum of up to \$300,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting Services \$3,936,000

Total Appropriation, Cultural and

Intellectual Development Services \$3,936,000

Personal Services:

Salaries and wages (\$2,900,000)

Materials and Supplies..... (200,000)

Services Other Than Personal..... (400,000)

Maintenance and Fixed Charges (200,000)

Grant from the State to produce the

daily lottery drawing program (110,000)

Grant to WBGO (50,000)

Program Development Fund (30,000)

Additions, Improvements and Equipment..... (46,000)

There is appropriated a sum not to exceed \$200,000 for the costs associated with the relocation of the New Jersey Public Broadcasting Authority to the new Trenton Office Complex, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development \$1,668,000

20-2830 Economic Development..... 270,000

20-2840 Economic Development 200,000

21-2850 International Trade 1,916,000

22-2860 Travel and Tourism 3,726,000

23-2880 Economic Research 293,000

26-2810 Development for Small Businesses and

Women and Minority Businesses..... 1,325,000

99-2910 Management and Administrative Services 322,000

Total Appropriation, Economic Planning and Development \$9,720,000

Personal Services:

Salaries and wages (\$4,074,000)

Materials and Supplies..... (110,000)

Services Other Than Personal..... (790,000)

Maintenance and Fixed Charges (195,000)

Special Purpose:

Economic development, advertising and promotion (350,000)

Trade shows missions and promotions..... (300,000)

International trade advertising and promotion (550,000)

Tourist welcome centers (250,000)

Travel and tourism, advertising and promotion (2,576,000)

Small Business Development Center (500,000)

Additions, Improvements and Equipment..... (25,000)

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zone Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated, out of receipts derived from fees and charges to vendors for the use of the Selective Assistance Vendor Inquiry II (SAVI II) system, an amount not to exceed \$58,000 for the Expand procurement opportunities for minority and women owned businesses program, subject to the approval of the Director of the Division of Budget and Accounting.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology	<u>\$426,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$426,000</u>
Personal Services:	
Salaries and wages	(\$355,000)
Materials and Supplies	(12,000)
Services Other Than Personal.....	(42,000)
Maintenance and Fixed Charges	(12,000)
Additions, Improvements and Equipment ..	(5,000)
Total Appropriation, Department of Commerce and Economic Development	<u>\$14,082,000</u>

In addition to the sums hereinabove for Salaries and wages within the Economic Development program classification and the Management and Administrative Services program classification, the Commissioner of the Department of Commerce and Economic Development, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$216,000 for the Division of Economic Development and \$1,224,000 for the Management and Administrative Services program classification from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in

the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	\$4,328,000
02-8020 Housing Services	4,280,000
04-8030 Local Government Services.....	2,990,000
06-8015 Uniform Construction Code.....	3,643,000
12-8025 Boarding Home Regulation and Assistance	1,298,000
17-8017 Fire Safety Program.....	1,227,000
18-8017 Fire Safety Inspection Program ...	<u>3,016,000</u>
Total Appropriation, Community Development Management	<u>\$20,782,000</u>

Personal Services:

Board members (7@ \$12,000)	(\$84,000)
Salaries and wages	(12,472,000)
Positions Established In Lieu	
of Appropriated Revenue.....	(2,249,000)
Materials and Supplies.....	(271,000)
Services Other Than Personal.....	(1,796,000)
Maintenance and Fixed Charges	(1,038,000)

Special Purpose:

Prevention of Homelessness P.L.1984,	
c.180 (C.52:27D- 280 et seq.).....	(304,000)
Truth in Renting.....	(40,000)
Neighborhood preservation-fair housing	
P.L.1985, c.222 (C.52:27D-301 et seq.)	(976,000)
Council on Affordable Housing	(1,185,000)
Local Fire Fighters' Training.....	(360,000)
Additions, Improvements and Equipment...	(7,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992 in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

- The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of Truth in Renting statements, including fees, fines, and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.
- Any receipts in excess of the amount anticipated for Truth in Renting are appropriated.
- The unexpended balance as of June 30, 1992 in the Planned Real Estate Development Full Disclosure Act fees account together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Local government authority fees for audits, expedited budget review and related fiscal services are appropriated for associated expenses, subject to the approval of the Director of the Division of Budget and Accounting.
- Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the new home warranty security fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance as of June 30, 1992 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.
- The unexpended balance as of June 30, 1992 in the Uniform Construction Code fees account, together with any receipts in excess of the amount anticipated, are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.
- The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006 are dedicated to the general support of the Uniform Construction Code Program, and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), are available for training and non-training purposes.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the "Boarding House Rental Assistance Fund" created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1992 in the Fire Safety Program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992 in excess of \$1,000,000 in the Fire Safety Inspection Program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Fire Safety Program and the Fire Safety Inspection Program classifications are payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

The amount hereinabove for the Council on Affordable Housing and Neighborhood preservation-fair housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). In addition, receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

*50 Economic Planning, Development and Security**55 Social Services Programs*

05-8050 Community Resources.....	\$365,000
08-8060 Programs for the Aging	1,026,000
14-8061 Ombudsman's Office	516,000
15-8051 Women's Programs	507,000
16-8062 Office of the Public Guardian.....	<u>835,000</u>
Total Appropriation, Social Services Programs	<u>\$3,249,000</u>

Personal Services:

Salaries and wages	(\$2,215,000)
Materials and Supplies	(74,000)
Services Other Than Personal.....	(454,000)
Maintenance and Fixed Charges.....	(77,000)

Special Purpose:

Federal programs for the aging (State share)	(410,000)
Expenses of the Commission on Aging ...	(3,000)
Conference on Aging	(15,000)
Additions, Improvements and Equipment ..	(1,000)

In addition to the amount hereinabove for the Ombudsman's office, there are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, additional sums as may be required, if any, equal to the difference between \$543,000 and the amount of federal funds received, whereby the total funds available to the office equals \$1,059,000.

Receipts from the Office of the Public Guardian are appropriated.

*70 Government Direction, Management and Control**76 Management and Administration*

99-8070 Management and Administrative Services	<u>\$606,000</u>
Total Appropriation, Management and Administration	<u>\$606,000</u>
Personal Services:	
Salaries and wages	(\$100,000)
Materials and Supplies	(13,000)
Services Other Than Personal.....	(444,000)
Maintenance and Fixed Charges.....	(48,000)
Additions, Improvements and Equipment ..	(1,000)
Total Appropriation, Department of Community Affairs	<u>\$24,637,000</u>

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services and Local Government Services program classifications, the Commissioner of the Department of Community Affairs, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up

to \$2,353,000 to Management and Administrative Services and \$207,000 to Local Government Services from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support

07-7025 Institutional Control and Supervision	\$8,868,000
13-7025 Institutional Program Support ...	<u>19,768,000</u>
Total Appropriation, System-Wide Program Support	<u>\$28,636,000</u>
Personal Services:	
Salaries and wages	(\$16,862,000)
Materials and Supplies.....	(26,000)
Services Other Than Personal.....	(5,450,000)
Special Purpose:	
Central office transportation unit	(186,000)
Special Operations Group	(41,000)
Integrated information systems development	(417,000)
Augment medical care at institutions	(594,000)
Farm operations subsidy	(350,000)
Adult post-secondary and college programs	(200,000)
Social services block grant support.....	(83,000)
Computerized menu planning	(16,000)
Institutional law libraries	(16,000)
Additional Trunk Lines	(480,000)
Return of escapees and absconders	(196,000)
Emergency Facility Repairs	(100,000)
Mutual Agreement Program	(350,000)
Recruit screening program	(109,000)
Radio maintenance.....	(160,000)
Expanded AIDS testing and treatment	(3,000,000)

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$38,659,000
08-7040 Institutional Care Program	15,066,000
09-7040 Institutional Treatment Program..	2,730,000
10-7040 Education Program	1,718,000
19-7040 Physical Plant and Support Services	5,354,000
99-7040 Management and Administrative Services	<u>1,525,000</u>
Total Appropriation, New Jersey State Prison	<u>\$65,052,000</u>
Personal Services:	
Salaries and wages	(\$47,747,000)
Food in lieu of cash.....	(276,000)
Materials and Supplies	(8,360,000)
Services Other Than Personal.....	(7,763,000)
Maintenance and Fixed Charges.....	(732,000)
Additions, Improvements and Equipment ..	(174,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$31,341,000
08-7050 Institutional Care Program	11,332,000
09-7050 Institutional Treatment Program..	2,886,000
10-7050 Education Program	1,145,000
19-7050 Physical Plant and Support Services	4,039,000
99-7050 Management and Administrative Services	<u>1,073,000</u>
Total Appropriation, East Jersey State Prison	<u>\$51,816,000</u>
Personal Services:	
Salaries and wages	(\$33,615,000)
Food in lieu of cash.....	(211,000)
Materials and Supplies	(7,240,000)
Services Other Than Personal.....	(5,441,000)
Maintenance and Fixed Charges.....	(599,000)
Special Purpose:	
Northern Regional Pre-release center	(4,629,000)
Other special purpose.....	(6,000)
Additions, Improvements and Equipment ..	(75,000)

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$23,179,000
08-7060 Institutional Care Program	7,901,000
09-7060 Institutional Treatment Program..	2,201,000
10-7060 Education Program	1,035,000
19-7060 Physical Plant and Support Services	3,670,000
99-7060 Management and Administrative Services	<u>1,145,000</u>
Total Appropriation, Bayside State Prison	<u>\$39,131,000</u>
Personal Services:	
Salaries and wages	(\$25,722,000)
Positions established from lump	
sum appropriation.....	(160,000)
Food in lieu of cash.....	(163,000)

Materials and Supplies.....	(5,521,000)
Services Other Than Personal.....	(2,931,000)
Maintenance and Fixed Charges	(622,000)
Special Purpose:	
Temporary Bedspaces	(3,065,000)
Other Additional Bedspaces.....	(481,000)
Sewage hauling and disposal costs.....	(383,000)
Other special purpose.....	(3,000)
Additions, Improvements and Equipment...	(80,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision	\$22,421,000
08-7065 Institutional Care Program.....	6,955,000
09-7065 Institutional Treatment Program..	1,917,000
10-7065 Education Program	1,332,000
19-7065 Physical Plant and Support Services	2,538,000
99-7065 Management and Administrative Services	<u>1,301,000</u>
Total Appropriation, Southern State Correctional Facility	<u>\$36,464,000</u>
Personal Services:	
Salaries and wages	(\$27,655,000)
Positions established from lump	
sum appropriation.....	(183,000)
Food in lieu of cash.....	(163,000)
Materials and Supplies.....	(4,386,000)
Services Other Than Personal.....	(3,226,000)
Maintenance and Fixed Charges	(813,000)
Special Purpose:	
Other Special Purpose.....	(1,000)
Additions, Improvements and Equipment...	(37,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$8,991,000
08-7070 Institutional Care Program.....	3,500,000
09-7070 Institutional Treatment Program..	1,167,000
10-7070 Education Program	492,000
19-7070 Physical Plant and Support Services	1,107,000
99-7070 Management and Administrative Services	<u>771,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$16,028,000</u>
Personal Services:	
Salaries and wages	(\$11,890,000)
Positions established from lump	
sum appropriation.....	(62,000)
Food in lieu of cash.....	(79,000)
Materials and Supplies.....	(1,648,000)
Services Other Than Personal.....	(1,624,000)
Maintenance and Fixed Charges	(204,000)
Special Purpose:	
Expanded capacity	(507,000)
Additions, Improvements and Equipment...	(14,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$13,263,000
08-7075 Institutional Care Program	6,226,000
09-7075 Institutional Treatment Program....	1,671,000
10-7075 Education Program	723,000
19-7075 Physical Plant and Support Services	1,870,000
99-7075 Management and Administrative Services	<u>1,069,000</u>
Total Appropriation, Riverfront State Prison	<u>\$24,822,000</u>

Personal Services:

Salaries and wages	(\$17,878,000)
Positions established from lump sum appropriation.....	(195,000)
Food in lieu of cash.....	(120,000)
Materials and Supplies	(3,380,000)
Services Other Than Personal.....	(2,954,000)
Maintenance and Fixed Charges.....	(269,000)
Special Purpose:	
Other Special Purpose.....	(4,000)
Additions, Improvements and Equipment ...	(22,000)

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision	\$14,419,000
08-7080 Institutional Care Program	6,821,000
09-7080 Institutional Treatment Program....	1,400,000
10-7080 Education Program	714,000
19-7080 Physical Plant and Support Services	2,179,000
99-7080 Management and Administrative Services	<u>872,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women	<u>\$26,405,000</u>

Personal Services:

Salaries and wages	(\$17,312,000)
Food in lieu of cash	(130,000)
Materials and Supplies	(2,576,000)
Services Other Than Personal.....	(3,060,000)
Maintenance and Fixed Charges.....	(290,000)
Special Purpose:	
Expanded Capacity	(2,986,000)
Additions, Improvements and Equipment	(51,000)

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$28,021,000
08-7085 Institutional Care Program	11,216,000
09-7085 Institutional Treatment Program....	2,993,000
10-7085 Education Program	1,302,000
19-7085 Physical Plant and Support Services	4,252,000
99-7085 Management and Administrative Services	<u>1,476,000</u>
Total Appropriation, Northern State Prison	<u>\$49,260,000</u>

Personal Services:

Salaries and wages	(\$34,365,000)

Positions established from lump sum appropriation.....	(183,000)
Food in lieu of cash.....	(243,000)
Materials and Supplies.....	(7,553,000)
Services Other Than Personal.....	(4,554,000)
Maintenance and Fixed Charges.....	(377,000)
Special Purpose:	
Other additional bedspaces	(1,925,000)
Other special purpose.....	(1,000)
Additions, Improvements and Equipment.....	(59,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision	\$9,592,000
08-7090 Institutional Care Program.....	3,993,000
09-7090 Institutional Treatment Program	2,303,000
10-7090 Education Program	358,000
11-7090 Outpatient Diagnostic and Treatment Services	307,000
19-7090 Physical Plant and Support Services	1,058,000
99-7090 Management and Administrative Services	<u>867,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel.....	<u>\$18,478,000</u>

Personal Services:	
Salaries and wages	(\$14,556,000)
Food in lieu of cash.....	(98,000)
Materials and Supplies.....	(2,024,000)
Services Other Than Personal.....	(1,569,000)
Maintenance and Fixed Charges	(209,000)
Additions, Improvements and Equipment.....	(22,000)

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$25,147,000
08-7110 Institutional Care Program.....	6,916,000
09-7110 Institutional Treatment Program	2,891,000
10-7110 Education Program	853,000
19-7110 Physical Plant and Support Services	2,527,000
99-7110 Management and Administrative Services	<u>1,025,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility	<u>\$39,359,000</u>

Personal Services:	
Salaries and wages	(\$24,194,000)
Positions established from lump sum appropriation.....	(38,000)
Food in lieu of cash.....	(158,000)
Materials and Supplies.....	(4,365,000)
Services Other Than Personal.....	(1,938,000)
Maintenance and Fixed Charges	(337,000)
Special Purpose:	
Expanded capacity	(1,611,000)

Expanded capacity - Kearney - Pre-Reception Unit	(6,425,000)
Sewage hauling and disposal costs.....	(240,000)
Additions, Improvements and Equipment	(53,000)

Receipts derived from the sales of meals and other food items at the Garden State Reception and Youth Correctional Facility Culinary Arts Training Program, located on the grounds of the department's administrative offices complex, and the unexpended balance as of June 30, 1992 are appropriated.

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$15,967,000
08-7120 Institutional Care Program	6,685,000
09-7120 Institutional Treatment Program....	2,421,000
10-7120 Education Program.....	1,064,000
19-7120 Physical Plant and Support Services	3,634,000
99-7120 Management and Administrative Services	<u>1,104,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility	<u>\$30,875,000</u>

Personal Services:

Salaries and wages	(\$22,971,000)
Food in lieu of cash.....	(156,000)
Materials and Supplies	(4,782,000)
Services Other Than Personal.....	(2,181,000)
Maintenance and Fixed Charges.....	(383,000)

Special Purpose:

Sewage hauling and disposal costs.....	(365,000)
Additions, Improvements and Equipment	(37,000)

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$17,523,000
08-7130 Institutional Care Program	7,112,000
09-7130 Institutional Treatment Program....	2,414,000
10-7130 Education Program.....	520,000
19-7130 Physical Plant and Support Services	5,788,000
99-7130 Management and Administrative Services	<u>1,282,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$34,639,000</u>

Personal Services:

Salaries and wages	(\$22,947,000)
Food in lieu of cash.....	(152,000)
Materials and Supplies	(5,203,000)
Services Other Than Personal.....	(2,758,000)
Maintenance and Fixed Charges.....	(464,000)

Special Purpose:

Expanded capacity	(283,000)
Sewage hauling and disposal costs.....	(2,000,000)
Security system and fencing	(800,000)
Other special purpose.....	(1,000)
Additions, Improvements and Equipment	(31,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole		\$19,434,000
04-7010 Community Programs		<u>1,327,000</u>
Total Appropriation, Office of Parole and Community Programs		<u>\$20,761,000</u>
Personal Services:		
Salaries and wages	(\$16,416,000)	
Food in lieu of cash	(8,000)	
Materials and Supplies	(133,000)	
Services Other Than Personal	(481,000)	
Maintenance and Fixed Charges	(620,000)	
Special Purpose:		
Payments to inmates discharged from facilities	(246,000)	
Parolee electronic monitoring program...	(2,720,000)	
Community Service Center, Newark	(115,000)	
Additions, Improvements and Equipment	(22,000)	

7280 State Parole Board

05-7280 State Parole Board		<u>\$7,208,000</u>
Total Appropriation, State Parole Board		<u>\$7,208,000</u>
Personal Services:		
Salaries and wages	(\$6,123,000)	
Materials and Supplies	(162,000)	
Services Other Than Personal	(431,000)	
Maintenance and Fixed Charges	(117,000)	
Special Purpose:		
Increased inmate/parole population	(230,000)	
Additions, Improvements and Equipment	(145,000)	

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision		\$8,026,000
08-7220 Institutional Care Program		2,358,000
09-7220 Institutional Treatment Program		1,328,000
19-7220 Physical Plant and Support Services		2,418,000
99-7220 Management and Administrative Services		<u>663,000</u>
Total Appropriation, New Jersey Training School for Boys		<u>\$14,793,000</u>
Personal Services:		
Salaries and wages	(\$11,820,000)	
Positions established from lump		
sum appropriation	(39,000)	
Food in lieu of cash	(72,000)	
Materials and Supplies	(1,703,000)	
Services Other Than Personal	(758,000)	
Maintenance and Fixed Charges	(364,000)	
Special Purpose:		
Other special purpose	(2,000)	
Additions, Improvements and Equipment	(35,000)	

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$3,635,000
08-7225 Institutional Care Program	750,000
09-7225 Institutional Treatment Program ...	417,000
19-7225 Physical Plant and Support Services	1,560,000
99-7225 Management and Administrative Services	<u>331,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$6,693,000</u>

Personal Services:

Salaries and wages	(\$5,013,000)
Food in lieu of cash.....	(30,000)
Materials and Supplies	(374,000)
Services Other Than Personal.....	(144,000)
Maintenance and Fixed Charges.....	(95,000)

Special Purpose:

Johnstone facility maintenance	(1,025,000)
Additions, Improvements and Equipment	(12,000)

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation	<u>\$14,658,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$14,658,000</u>

Personal Services:

Salaries and wages	(\$10,079,000)
Food in lieu of cash.....	(16,000)
Materials and Supplies	(1,593,000)
Services Other Than Personal.....	(996,000)
Maintenance and Fixed Charges.....	(560,000)

Special Purpose:

Annualized cost of alternative program expansion	(1,394,000)
Additions, Improvements and Equipment	(20,000)

The amount hereinabove for Annualized cost of alternative program expansion shall not be expended for the purpose of operating a juvenile boot camp or similar facility.

*10 Public Safety and Criminal Justice**19 Central Planning, Direction and Management*

01-7000 Planning, Management and General Support	\$2,414,000
02-7000 Program Operations Support	3,318,000
19-7000 Physical Plant and Support Services	1,186,000
99-7000 Management and Administrative Services	<u>6,991,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$13,909,000</u>

Personal Services:

Salaries and wages	(\$8,838,000)
Positions established from lump sum appropriation.....	(85,000)
Materials and Supplies	(520,000)
Services Other Than Personal.....	(1,630,000)

Maintenance and Fixed Charges	(234,000)	
Reserve: Non-contractual overtime	(2,500,000)	
Additions, Improvements and Equipment.....	(102,000)	
Total Appropriation, Department of Corrections		<u>\$538,987,000</u>

The amount hereinabove for the Reserve: Non-contractual overtime account, or so much of the amount as is necessary, shall be allocated by the Commissioner of Corrections to the various institutional salary accounts according to the Commissioner's determination of overtime needs, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Balances on hand as of June 30, 1992 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22(C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

In addition to the sums hereinabove for Salaries and wages within the Central Planning, Direction and Management - Management and Administrative Services program classification, the commissioner of the Department of Corrections, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$3,000,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than corrections officers, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reduc-

tions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance*

04-5062 Adult and Continuing Education ...	\$286,000
05-5063 Bilingual Education	412,000
06-5063 Programs For At-Risk Pupils	10,000
07-5065 Special Education	<u>1,080,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$1,788,000</u>
Personal Services:	
Salaries and wages	(\$1,581,000)
Materials and Supplies	(66,000)
Services Other Than Personal	(137,000)
Maintenance and Fixed Charges	(4,000)

32 *Operation and Support of Educational Institutions*

12-5011 Marie H. Katzenbach School for the Deaf	<u>\$8,119,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$8,119,000</u>
Personal Services:	
Salaries and wages	(\$6,864,000)
Materials and Supplies	(777,000)
Services Other Than Personal	(175,000)
Maintenance and Fixed Charges	(190,000)
Special Purpose:	
Transportation expenses for students	(105,000)
Additions, Improvements and Equipment ..	(8,000)

Notwithstanding the provisions of N.J.S. 18A:61-1 and N.J.S. 18A:46-13, or any other statute, \$3,033,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1992, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1992 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.

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$1,455,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$1,455,000</u>
Personal Services:	
Salaries and wages	(\$1,349,000)
Materials and Supplies.....	(32,000)
Services Other Than Personal	(73,000)
Additions, Improvements and Equipment.....	(1,000)

34 Educational Support Services

30-5063 Educational Programs and Student Services	\$5,764,000
32-5061 Certification Programs.....	1,568,000
33-5067 Service to Local Districts	4,255,000
33-5091 Service to Local Districts	1,327,000
34-5067 Equal Educational Opportunity	176,000
35-5069 Urban Education	2,993,000
36-5120 Pupil Transportation	333,000
37-5120 School Nutrition	179,000
38-5120 Facilities Planning and School Building Aid	<u>480,000</u>
Total Appropriation, Educational Support Services	<u>\$17,075,000</u>
Personal Services:	
Salaries and wages	(\$10,565,000)
Materials and Supplies.....	(366,000)
Services Other Than Personal	(1,375,000)
Maintenance and Fixed Charges	(92,000)
Special Purpose:	
Advisory Council on Holocaust Education	(125,000)
Improved basic skills instruction (HSPT)	(95,000)
Pre-kindergarten for urban students	(70,000)
Blueprint for a drug-free New Jersey	(220,000)
Eleventh grade test.....	(2,490,000)
High school proficiencies.....	(100,000)
School improvement/effective schools.....	(265,000)
Statewide testing program.....	(640,000)
Partners in learning	(50,000)
Additions, Improvements and Equipment.....	(622,000)

The unexpended balance as of June 30, 1992 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1992 are appropriated for the operation of Certification programs.

Receipts derived from charges at the Academy for the Advancement of Teaching and Management in excess of those anticipated and the unexpended balance as of June 30, 1992 of such receipts are appropriated for the costs of operation.

35 Education Administration and Management

42-5120 School Finance	\$2,312,000
43-5092 Compliance and Auditing.....	1,665,000
99-5010 Management and Administrative Services	204,000
99-5090 Management and Administrative Services	430,000
99-5095 Management and Administrative Services	<u>1,598,000</u>
Total Appropriation, Education Administration and Management	<u>\$6,209,000</u>
Personal Services:	
Salaries and wages	(\$3,128,000)
Materials and Supplies	(443,000)
Services Other Than Personal.....	(1,362,000)
Maintenance and Fixed Charges.....	(140,000)
Special Purpose:	
Training for GAAP Accounting.....	(278,000)
Comprehensive compliance audits.....	(307,000)
State Board of Education expenses.....	(62,000)
Additions, Improvements and Equipment	(489,000)

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1992 of such receipts are appropriated for the cost of operation.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992 in the Governor's Commission on Quality Education in New Jersey expense account is appropriated.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,160,000
54-5010 Support of the Arts	<u>182,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,342,000</u>
Personal Services:	
Salaries and wages	(\$2,419,000)
Materials and Supplies.....	(505,000)
Services Other Than Personal.....	(384,000)
Maintenance and Fixed Charges	(24,000)
Additions, Improvements and Equipment...	(10,000)
Total Appropriation, Department of Education	<u>\$37,988,000</u>

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

In addition to the sums hereinabove for Salaries and wages within the Education Administration and Management - Management and Administrative Services (99-5090) and Management and Administrative Services program classifications (99-5095), the Commissioner of the Department of Education, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$1,372,000 to the Division of Executive Services/Management and Administrative Services and \$3,108,000 to the Administrative Services and Division of Administration/Management and Administrative Services from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than employees assigned to offices of county superintendents of schools, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

40 *Community Development and Environmental Management*

42 *Natural Resource Management*

10-4865 Marina Operations	\$399,000
11-4870 Forest Resource Management.....	5,468,000
12-4875 Parks Management	23,148,000
13-4880 Hunters' and Anglers' License Fund	10,112,000
14-4885 Shellfish and Marine Fisheries Management	1,180,000
20-4880 Wildlife Management.....	500,000
21-4895 Natural Resources Engineering	<u>1,437,000</u>
Total Appropriation, Natural Resource Management	<u>\$42,244,000</u>

Personal Services:

Salaries and wages	(\$30,118,000)
Materials and Supplies	(3,064,000)
Services Other Than Personal.....	(2,080,000)
Maintenance and Fixed Charges.....	(2,352,000)

Special Purpose:

Fire fighting costs	(1,025,000)
Woodland assessment	(75,000)
Liberty State Park Commission	(22,000)
Expenses of the Delaware and Raritan Canal Commission.....	(147,000)
Day trip and camping for youth from lower and moderate income families..	(450,000)
Natural Lands Trust	(90,000)
Natural Areas Council.....	(5,000)
Open lands management program.....	(150,000)
Historic Sites Trust	(20,000)
Disposal of dead deer.....	(200,000)
Morven maintenance.....	(50,000)
Expansion of natural heritage program ...	(120,000)
Expansion of historic sites and planning.	(180,000)
Sea clam enforcement	(63,000)
Surf clams research and inventory	(30,000)
Shellfish research and inventory	(22,000)
Endangered Species Tax Check-Off	(300,000)
Bayshore Flood Control	(230,000)
Dam Safety Expansion.....	(315,000)
Dredging of inland waterways, State marinas and State-controlled lakes	(100,000)
Additions, Improvements and Equipment	(1,036,000)

The unexpended balance as of June 30, 1992 in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of said Fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated from Marina operations and the unexpended balances as of June 30, 1992 in the Marina operations accounts are appropriated for maintenance and security of marina facilities.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park facilities, not to exceed \$150,000, are appropriated for Parks Management.

The unexpended balance as of June 30, 1992 in the Expenses of the Delaware and Raritan Canal Commission account is appropriated.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Cultural Centers and Historic Preservation Fund established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the bond act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

From the amount hereinabove for the Shellfish and Marine Fisheries Management program classification, there is transferred to the Agricultural Experiment Station the sum of \$60,000 for studies of oyster seed beds.

The amount hereinabove for Natural Resource Management shall be utilized by the Commissioner of the Department of Environmental Protection and Energy to ensure that public access is maintained to State recreational facilities including State parks and public beaches and that no such facilities are closed.

4876 Palisades Interstate Park Commission

24-4876 Palisades Parks Management	\$1,664,000
25-4876 Patrol Activities and Crime Control	<u>1,126,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$2,790,000</u>

Personal Services:

Salaries and wages	(\$2,127,000)
Materials and Supplies	(288,000)
Services Other Than Personal	(186,000)
Maintenance and Fixed Charges	(187,000)
Additions, Improvements and Equipment	(2,000)

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balances as of June 30, 1992 of such receipts, are appropriated.

43 Science and Technical Programs

01-4820 Radiation Protection	\$3,181,000
02-4825 Air Pollution Control	4,322,000
04-4835 Pesticide Control	1,900,000
05-4840 Water Supply and Watershed Management	4,070,000
07-4850 Water Monitoring and Planning ...	959,000
09-4860 Public Wastewater Facilities	598,000
17-4900 Solid Waste Resource Management	12,785,000
18-4810 Science and Research	2,780,000
22-4861 Water Quality Management	<u>1,656,000</u>
Total Appropriation, Science and Technical Programs	<u>\$32,251,000</u>

Personal Services:

Salaries and wages	(\$10,421,000)
Materials and Supplies	(222,000)
Services Other Than Personal	(555,000)
Maintenance and Fixed Charges	(882,000)

Special Purpose:

Nuclear emergency response	(1,800,000)
Radon program	(765,000)
Worker and Community Right To Know Act	(922,000)
Toxic Catastrophe Prevention	(1,400,000)
Oil Spill Prevention	(2,000,000)
Pesticides Fees	(1,900,000)
Administration of Wastewater Treatment Fund	(598,000)
Well permits/well drillers/pump installers licenses	(222,000)
Excess diversion	(175,000)
Water allocation	(1,420,000)
Water/Wastewater operators' licenses	(70,000)
Office of the Rivermaster	(58,000)
Microfilm service charges	(25,000)
Safe Drinking Water Fund	(1,400,000)
Water Supply Management Regulations ..	(700,000)
Sanitary Landfill Facility Contingency Fund,	
Non-site specific administration	(190,000)

Recycling of Solid Waste.....	(748,000)
Clean Communities-administration.....	(350,000)
Solid and Hazardous Waste Disposal--	
Disclosure Fund.....	(900,000)
Medical Waste Management	(1,800,000)
Hazardous waste research	(500,000)
Risk assessment	(150,000)
Geographical Information System	
Data Base Development	(48,000)
Environmental health assessment.....	(610,000)
Ground Water Discharge Permits.....	(516,000)
Surface Water Discharge Permits.....	(655,000)
Additions, Improvements and Equipment.....	(249,000)

The amount hereinabove for the Toxic Catastrophe Prevention account is payable out of receipts received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balances in the Toxic Catastrophe Prevention account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Trust Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1992 in the Worker and Community Right to Know Act account together with any receipts in excess of the amount anticipated, not to exceed \$400,000, are appropriated.

The amount hereinabove for the Oil Spill Prevention program is payable out of the Spill Compensation Fund, and the receipts in excess of those anticipated from the Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from funds previously appropriated from the Water Conservation Fund the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the trust's annual operating expenses are appropriated.

The unexpended balance as of June 30, 1992 in the Mapping of aquifer recharge areas account is appropriated.

Receipts in excess of the amount anticipated from solid waste fees and the unexpended balance of such receipts as of June 30, 1992 in the Solid Waste Resource Management program classification are appropriated.

Receipts derived from fees, fines, and penalties from the solid waste industry and the unexpended balance as of June 30, 1992 of such receipts are appropriated.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account is payable out of the Sanitary Landfill Facility Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account, not to exceed \$40,000, are appropriated.

There is appropriated an amount not to exceed \$235,000 from the Resource Recovery and Solid Waste Disposal Facility Fund for administrative costs related to the Resource Recovery and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

The amount hereinabove for the Recycling of solid waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

The unexpended balance as of June 30, 1992 in the Recycling Fees account, together with any receipts received by the Department of Environmental Protection and Energy, pursuant to P.L.1987, c.102 (C.13:1E-1) are appropriated.

Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533 (C.13:1E-92 et seq.), receipts in excess of the amount anticipated for the Recy-

clinging of solid waste account, not to exceed \$1,300,000, are appropriated from the State Recycling Fund for Recycling program administration.

There are appropriated from the State Recycling Fund and the Clean Communities account such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278 (C.13:1E-92 et seq.).

The amount hereinabove for the Clean Communities-administration account is payable out of receipts received pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean Communities-administration account, not to exceed \$200,000, are appropriated for Clean Communities program administration.

The amount hereinabove for the Medical Waste Management account is payable out of receipts received pursuant to the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), and the unexpended balances in the Medical Waste Management account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the portion of the amount hereinabove for the Solid Waste program which is derived from assessments, such other sums as the Director of the Division of Budget and Accounting shall determine shall be considered as appropriated on behalf of the Solid Waste program under P.L.1968, c.173 (C.48:2-59 et seq.), or other applicable statutes or administrative orders concerning the assessment of public utilities.

The amount hereinabove for the Solid and Hazardous Waste Disposal-Disclosure Fund account is payable out of receipts received pursuant to the Solid and Hazardous Waste Disposal-Disclosure Act (A-901), and the unexpended balances in the Solid and Hazardous Waste Disposal-Disclosure Fund account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992 in the Watershed Property Review Board account is appropriated.

The amounts hereinabove for the Well permits/Well drillers/Pump installers licenses, Excess diversion, Water allocation, and Water/Wastewater operators' licenses accounts are payable out of receipts received through the "Environmental Services Fund," established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1992, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

There are appropriated from the Water Supply Fund, created pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, such sums as are necessary for costs attributable to administration of water supply programs including funding for cooperative agreements under the United States Geological Survey (USGS) Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Safe Drinking Water Fund account is payable out of receipts, and the unexpended balances in the Safe Drinking Water Fund account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Water Supply Management Regulations account is payable out of receipts, and the unexpended balances in the Water Supply Management Regulations account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous waste research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects, and improved cleanup criteria and removal operation methods of spills of hazardous substances, as well as methods of hazardous waste source reduction, recycling and detoxification, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Nuclear emergency response account is payable from receipts received pursuant to the as-

assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances as of June 30, 1992 in the Nuclear emergency response account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Radiation Protection and the unexpended balances of such receipts as of June 30, 1992 are appropriated.

Receipts in excess of the amount anticipated from laboratory certification services are appropriated.

The amount hereinabove for the Pesticides Fees account is payable out of receipts, and the unexpended balances in the Pesticides Fees account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

44 Site Remediation

19-4815 Publicly Funded Site Remediation	\$13,306,000
22-4815 Water Quality Management.....	3,938,000
27-4815 Responsible Party Site Remediation	<u>10,838,000</u>
Total Appropriation, Site Remediation	<u>\$28,082,000</u>

Personal Services:

Salaries and wages	(9,598,000)
Materials and Supplies.....	(371,000)
Services Other Than Personal.....	(515,000)
Maintenance and Fixed Charges	(1,447,000)

Special Purpose:

Spill prevention, response and site cleanup,	
Non-site specific administrative costs	(621,000)
Environmental Cleanup Responsibility Act	(4,000,000)
Protective clothing, safety equipment,	
and training.....	(325,000)
Ground Water Discharge Permits.....	(3,938,000)
Hazardous Discharge Site Cleanup	
Fund--Responsible Party	(3,700,000)
Emergency Response Coordination	(1,600,000)
Underground Storage Tanks.....	(1,400,000)
Emergency Communication Center.....	(223,000)
Additions, Improvements and Equipment...	(344,000)

The amount hereinabove for the Emergency Response Coordination account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of the amount anticipated, not to exceed \$400,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Spill prevention, response and site cleanup, non-site specific costs account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated for the Spill prevention, response and site cleanup, non-site specific costs account, not to exceed \$221,000, are appropriated.

The amount hereinabove for the Protective clothing, safety equipment, and training account is payable out of the New Jersey Spill Compensation Fund.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All receipts, including receipts from recoveries for hazardous waste cleanup activities, except for the Spill Compensation Fund, and receipts from consent orders for past and future hazardous waste cleanups shall be deposited in the "Hazardous Discharge Site Cleanup Fund," established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34) and are appropriated for hazardous waste cleanup activities, including administrative costs in an amount not to exceed \$9,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account is payable out of the Hazardous Discharge Site Cleanup Fund.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The amount hereinabove for the Environmental Cleanup Responsibility Act account is payable out of receipts received pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.), and the unexpended balance as of June 30, 1992 in the Environmental Cleanup Responsibility Act account, as well as any receipts received in excess of the anticipated amount, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to site specific charges, an amount not to exceed \$12,800,000 is appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove for Publicly-Funded Site Remediation and Responsible Party Site Remediation, \$10,059,000 shall first be charged to the Spill Compensation Fund and \$2,378,000 shall first be charged to the Hazardous Discharge Site Cleanup Fund.

The amount hereinabove for the Emergency Communications Center account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of the amount anticipated, not to exceed \$77,000, are appropriated from the New Jersey Spill Compensation Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 17 of P.L.1986, c.102 (C.58:10A-36), monies in the State Underground Storage Tank Improvement Fund shall be available for the purpose of making loans pursuant to that section.

The amount hereinabove for the Underground Storage Tank account is payable out of receipts, and the unexpended balances of such receipts as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

45 Environmental Regulations

02-4892 Air Pollution Control	\$2,700,000
15-4890 Land Use Regulation	6,541,000
16-4891 Water Monitoring and Planning	500,000
22-4891 Water Quality Management.....	7,227,000
23-4910 Hazardous Waste Management.....	<u>4,890,000</u>
Total Appropriation, Environmental Regulations	<u>\$21,858,000</u>
Personal Services:	
Salaries and wages	(\$3,770,000)
Materials and Supplies.....	(187,000)
Services Other Than Personal.....	(584,000)
Maintenance and Fixed Charges	(516,000)
Special Purpose:	
Air pollution monitoring and control programs	(2,700,000)
Waterfront development program	(250,000)
Wetlands	(10,000)
CAFRA Program.....	(75,000)

Stream encroachment.....	(1,450,000)
Regulation of freshwater wetlands	(450,000)
Delineation and determination of	
State riparian land	(175,000)
Tidelands Resource Council	(25,000)
Tidelands Peak Demands	(1,578,000)
Freshwater Wetlands fees	(1,000,000)
Treatment Works approval.....	(500,000)
Surface Water Discharge Permits	(7,227,000)
Pollution Prevention	(1,000,000)
Additions, Improvements and Equipment ...	(361,000)

The amounts hereinabove for the Waterfront development, Wetlands, CAFRA, and Stream encroachment accounts are payable out of receipts received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-29 et seq.), and the unexpended balances of the fund as of June 30, 1992, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amount hereinabove for the Freshwater Wetlands Fees account is payable out of receipts received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), and the unexpended balances as of June 30, 1992 in the Freshwater Wetlands Fees account, together with receipts in excess of the amount anticipated, are appropriated. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

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 amounts not to exceed \$100,000 are appropriated for the same purpose; provided however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Land Use Regulation, \$541,000 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.

The amount hereinabove for the Tidelands Peak Demands account is payable out of receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, and the receipts in excess of the amount anticipated, not to exceed \$422,000, are appropriated.

The amount hereinabove for the Pollution Prevention account is payable out of receipts received pursuant to the Pollution Prevention Act, P.L.1991, c.235 (C.13:1-16 et seq.), and the unexpended balances in the Pollution Prevention account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Treatment works approval account is payable out of receipts, and the unexpended balances in the Treatment works approval account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1992 in the Major Hazardous Waste Facilities Siting Act--Siting Commission, the Hazardous Waste Facilities Siting Commission--Review, the Site Review and Evaluation, and the Land Emplacement Facility Site Search accounts are appropriated.

46 Environmental Planning and Administration

02-4801 Air Pollution Control	\$2,100,000
26-4805 Regulatory and Governmental Affairs	1,020,000
90-4801 Management Policy and Planning	200,000
97-4921 Regulatory Support Services	4,667,000
99-4800 Management and Administrative Services	<u>3,162,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$11,149,000</u>
Personal Services:	
Salaries and wages	(\$7,189,000)
Materials and Supplies.....	(78,000)
Services Other Than Personal.....	(1,505,000)
Maintenance and Fixed Charges.....	(36,000)
Special Purpose:	
Air Pollution Monitoring and Control	
Programs	(2,100,000)
Board of New Jersey Pilot Commissioners	(73,000)
Additions, Improvements and Equipment...	(168,000)

The amount in the Board of New Jersey Pilot Commissioners account is payable out of receipts, and any receipts in excess of the amounts specifically set forth above are appropriated.

The unexpended balances as of June 30, 1992 in the accounts hereinabove which are applicable to assessments made by the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.) are appropriated.

47 Enforcement Policy

02-4855 Air Pollution Control	\$1,100,000
08-4855 Water Enforcement.....	3,068,000
22-4855 Water Quality Management.....	2,164,000
23-4855 Hazardous Waste Management	<u>700,000</u>
Total Appropriation, Enforcement Policy	<u>\$7,032,000</u>
Personal Services:	
Salaries and wages	(\$638,000)
Materials and Supplies	(13,000)
Services Other Than Personal.....	(37,000)
Maintenance and Fixed Charges.....	(9,000)
Special Purpose:	
Air pollution monitoring and control programs	(1,100,000)
Clean Water Enforcement Fund.....	(3,068,000)
Surface Water Discharge Permits	(2,164,000)
Additions, Improvements and Equipment ..	(3,000)

The amount hereinabove for the Clean Water Enforcement Fund account is payable out of penalties received pursuant to the "Clean Water Enforcement Act," and the unexpended balances in the Clean Water Enforcement Fund account as of June 30, 1992, together with penalty receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

50 Economic Planning, Development and Security

52 Economic Regulation

54-4922 Division of Telecommunications	\$1,045,000
54-4927 Division of Gas.....	1,631,000
54-4928 Division of Electric	1,373,000
54-4929 Division of Water and Sewer.....	1,397,000
55-4924 Regulation of Cable Television ...	1,037,000
99-4920 Management and Administrative Services	<u>1,930,000</u>
Total Appropriation, Economic Regulation	<u>\$8,413,000</u>
Personal Services:	
Salaries and wages	(\$7,727,000)
Materials and Supplies	(242,000)
Services Other Than Personal.....	(259,000)
Maintenance and Fixed Charges.....	(44,000)
Additions, Improvements and Equipment ..	(141,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1992 in this account is appropriated.

Receipts derived from fees, fines and penalties are appropriated and the unexpended balance as of June 30, 1992 of such receipts are appropriated.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

Total Appropriation, Department of Environmental Protection and Energy	<u>\$153,819,000</u>

The amount hereinabove for the Air Pollution Monitoring and Control Programs account is payable out of the receipts generated through licensing fees and penalties, and the unexpended balances in the Air Pollution Monitoring and Control Programs account as of June 30, 1992, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Ground Water Discharge Permits and the Surface Water Discharge Permits accounts are payable out of receipts received pursuant to the provisions of the Water Pollution Control Act, P.L.1977, c.74 (C.58:10A-1 et seq.), and the unexpended balances as of June 30, 1992 in the Ground Water Discharge Permits and the Surface Water Discharge Permits accounts, as well as any receipts received in excess of the respective anticipated amounts, are appropriated for such purposes. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such receipts as of June 30, 1992, are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove for Salaries and wages within the Environmental Planning and Administration - Management

and Administrative Services program classifications, the Commissioner of the Department of Environmental Protection and Energy, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$5,440,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*

21 *Health Services*

01-4215 Vital Statistics	\$997,000
02-4220 Family Health Services.....	2,226,000
03-4230 Epidemiology and Disease Control	7,009,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	2,450,000
08-4280 Laboratory Services.....	3,905,000
11-4235 Occupational and Environmental Health Control.	6,006,000
12-4245 AIDS Services	<u>4,389,000</u>
Total Appropriation, Health Services....	<u>\$26,982,000</u>
Personal Services:	
Salaries and wages	(\$17,957,000)
Materials and Supplies	(2,647,000)
Services Other Than Personal.....	(1,742,000)
Maintenance and Fixed Charges.....	(373,000)
Special Purpose:	
Medication for treatment and control	
of drug resistant tuberculosis.....	(341,000)
Rabies control program.....	(453,000)
Animal population control program.....	(550,000)
Campus grant federal match	(900,000)
Worker and Community Right to Know ..	(1,419,000)
AIDS program correctional inmates	(600,000)

The unexpended balance as of June 30, 1992 in the Rabies control program account, together with any receipts in excess of the amount anticipated are appropriated.

- The unexpended balance as of June 30, 1992 in the Animal population control program account, together with any receipts in excess of the amount anticipated, are appropriated.
- The amount hereinabove for the Animal population control program account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
- Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance as of June 30, 1992 of the fees are appropriated.
- The Division of Alcoholism, Drug Abuse and Addiction Services is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1992 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism and Drug Abuse and Addiction Services, for the support of the alcohol and drug abuse programs.
- The amount hereinabove for the Rabies control program account is payable out of the Rabies control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balance as of June 30, 1992 in the Supplemental Nutrition Assistance Contingency Fund account is appropriated.
- Receipts in excess of those anticipated for the HealthStart Program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 1992 in the Immunization Initiative account is appropriated.
- Receipts from licenses, permits and fees collected by the Department of Health in Health Services, in excess of those anticipated, is appropriated.
- Any receipts in the Worker and Community Right to Know account, in excess of the amount anticipated, not to exceed \$400,000, are appropriated.

Notwithstanding the provisions of the Worker and Community Right to Know Act, P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

From the amounts appropriated hereinabove and from other available non-State funds the Department of Health shall provide for education, prevention, treatment and laboratory testing services relating to Lyme disease in order to address this serious bacterial, infectious disease.

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$2,127,000
07-4270 Health Planning and Resource Development	3,515,000
10-4265 Health Facilities Inspection Services	<u>3,998,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$9,640,000</u>
Personal Services:	
Salaries and wages	(\$8,285,000)
Materials and Supplies	(172,000)
Services Other Than Personal.....	(1,000,000)
Maintenance and Fixed Charges	(183,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities, and the unexpended balances of such receipts as of June 30, 1992, are appropriated for the costs of this program.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1992 are appropriated for the cost of this program, subject to the approval of the director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, in the Hospital rate setting account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to this fund are less than anticipated, the appropriation shall be reduced proportionately.

Any receipts from Facility Rate Setting, in excess of the amount anticipated by the Department of Human Services, are appropriated to the Department of Health.

Receipts from licenses, permits and fees collected by the Department of Health in Health Planning and Evaluation, in excess of those anticipated, are appropriated.

Notwithstanding any other provision of law, effective July 1, 1992, a \$5.00 per adjusted admission charge, for each adjusted admission in the year of the current cost base, shall be assessed each institution for which the Hospital Rate Setting Commission determines a preliminary cost base. Of the additional revenues raised by the increase in the per adjusted admission charge to \$5.00, \$1,000,000 is appropriated to the Health Planning and Resource Development program for program costs.

An amount not to exceed \$820,000 is appropriated to the Department of Health from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) to fund the Office of Health Policy and Research.

25 Health Administration

99-4210 Management and Administrative Services	<u>\$1,242,000</u>
Total Appropriation, Health Administration	<u>\$1,242,000</u>
Personal Services:	
Salaries and wages	(\$100,000)
Materials and Supplies.....	(178,000)
Services Other Than Personal	(357,000)
Maintenance and Fixed Charges	(470,000)
Additions, Improvements and Equipment...	(137,000)

The unexpended balances as of June 30, 1992 in the Health Care Cost Reduction Act Fund is appropriated.

An amount not to exceed \$2,300,000 is appropriated to the Department of Health from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) to support a minimum of two hospital and community health center initiatives to deliver primary care and reduce uncompensated care costs.

Total Appropriation, Department of Health \$37,864,000

Receipts from licenses, permits and fees collected by the Department of Health, in excess of those anticipated, are appropriated subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

In addition to the sums hereinabove for Salaries and wages within the Laboratory Services and Management and Administrative Services program classifications, the Commissioner of the Department of Health, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$1,223,000 to the Division of Laboratories and \$3,817,000 for Management and Administrative Services from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than physicians, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*

36 *Higher Educational Services*

5400 *Office of the Chancellor*

03-5400 New Jersey Educational Opportunity Fund	\$671,000
05-5400 Student Financial Assistance Administration	3,312,000
99-5400 Management and Administrative Services	<u>4,775,000</u>
Total Appropriation, Office of the Chancellor	<u>\$8,758,000</u>

Personal Services:

Salaries and wages	(\$4,613,000)
Materials and Supplies	(236,000)
Services Other Than Personal	(1,578,000)
Maintenance and Fixed Charges	(180,000)
Special Purpose:	
NJCLASS	(500,000)
Board of Higher Education Expenses	(14,000)
Management system development	(150,000)
College Choice	(201,000)

Assessment and Outcomes:

Basic skills assessment program.....	(1,250,000)
Additions, Improvements and Equipment...	(36,000)

The unexpended balances as of June 30, 1992 and other income from the Federal Loan Collection and Reimbursement Program are appropriated.

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classifications, the Chancellor of Higher Education, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$450,000 from the other appropriations made for Salaries and wages in the Office of the Chancellor to reflect savings throughout the office from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

5450 Thomas A. Edison State College

17-5450 Institutional Support	<u>\$6,566,000</u>
Sub-Total General Operations	<u>\$6,566,000</u>
Total All Operations	<u>\$6,566,000</u>

Less:

<i>General Services Income</i>	(2,947,000)	
<i>Total Income Deductions</i>		<u>(2,947,000)</u>
Total Appropriation, Thomas A. Edison State College		<u>\$3,619,000</u>

Personal Services:

Salaries and wages	(\$4,760,000)
Materials and Supplies.....	(240,000)
Services Other Than Personal.....	(1,060,000)
Maintenance and Fixed Charges.....	(301,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(14,000)
Additions, Improvements and Equipment.....	(191,000)

Less:

<i>Total Income Deductions</i>	(2,947,000)

5500 Glassboro State College

11-5500 Instruction	\$19,083,000
12-5500 Sponsored Programs and Research	80,000
13-5500 Extension and Public Service	727,000
15-5500 Academic Support	3,646,000
16-5500 Student Services	4,798,000
17-5500 Institutional Support	7,425,000
19-5500 Physical Plant and Support Services	<u>5,799,000</u>
Sub-Total General Operations	<u>\$41,558,000</u>
Special Funds Expense	3,526,000
Auxiliary Funds Expense	<u>17,567,000</u>
Total All Operations	<u>\$62,651,000</u>
<i>Less:</i>	
General Services Income.....	(\$12,456,000)
Special Funds Income	(3,526,000)
Auxiliary Services Income	<u>(17,567,000)</u>
Total Income Deductions	<u>(\$33,549,000)</u>
Total Appropriation, Glassboro State College	<u>\$29,102,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$31,546,000)
Materials and Supplies.....	(2,802,000)
Services Other Than Personal	(2,510,000)
Maintenance and Fixed Charges	(1,555,000)
<i>Special Purpose:</i>	
Separately budgeted research	(80,000)
Camden Urban Center.....	(727,000)
College work-study program (State share)	(200,000)
Affirmative action and equal employment opportunity program	(65,000)
Additions, Improvements and Equipment.....	(2,073,000)
Special Funds Expense	(3,526,000)
Auxiliary Funds Expense.....	(17,567,000)
<i>Less:</i>	
General Services Income.....	(12,456,000)
Special Funds Income	(3,526,000)
Auxiliary Services Income	(17,567,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,450 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,668, the amount appropriated hereinabove for Glassboro State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,668, 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.

5510 Jersey City State College

11-5510 Instruction		\$18,524,000
12-5510 Sponsored Programs and Research		70,000
15-5510 Academic Support		1,423,000
16-5510 Student Services		2,402,000
17-5510 Institutional Support		5,691,000
19-5510 Physical Plant and Support Services		<u>5,610,000</u>
Sub-Total General Operations		<u>\$33,720,000</u>
Special Funds Expense		3,500,000
Auxiliary Funds Expense		<u>6,275,000</u>
Total All Operations		<u>\$43,495,000</u>
<i>Less:</i>		
General Services Income	(\$7,850,000)	
Special Funds Income	(3,500,000)	
Auxiliary Services Income	<u>(6,275,000)</u>	
Total Income Deductions		<u>(\$17,625,000)</u>
Total Appropriation, Jersey City State College		<u>\$25,870,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$23,848,000)	
Materials and Supplies	(2,712,000)	
Services Other Than Personal	(2,549,000)	
Maintenance and Fixed Charges	(1,360,000)	
<i>Special Purpose:</i>		
A. Harry Moore Laboratory School	(1,078,000)	
Basic science and technological equipment	(35,000)	
Separately budgeted research	(70,000)	
Minority student recruitment	(135,000)	
National direct student loan program (State share)	(20,000)	
College work-study program (State share)	(120,000)	
Affirmative action and equal employment opportunity program	(110,000)	
Tidelands Athletic Fields	(145,000)	
Additions, Improvements and Equipment	(1,538,000)	
Special Funds Expense	(3,500,000)	
Auxiliary Funds Expense	(6,275,000)	
<i>Less:</i>		
General Services Income	(7,850,000)	
Special Funds Income	(3,500,000)	
Auxiliary Services Income	(6,275,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 3,536, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above

3,536, 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.

5520 Kean College of New Jersey

11-5520 Instruction		\$25,408,000
12-5520 Sponsored Programs and Research		75,000
15-5520 Academic Support		1,849,000
16-5520 Student Services		3,540,000
17-5520 Institutional Support		5,951,000
19-5520 Physical Plant and Support Services		<u>5,792,000</u>
Sub-Total General Operations		<u>\$42,615,000</u>
Special Funds Expense		\$5,400,000
Auxiliary Funds Expense		<u>5,540,000</u>
Total All Operations		<u>\$53,555,000</u>
<i>Less:</i>		
General Services Income	(\$14,463,000)	
Special Funds Income	(5,400,000)	
Auxiliary Services Income	<u>(5,540,000)</u>	
Total Income Deductions		<u>(\$25,403,000)</u>
Total Appropriation, Kean College of New Jersey		<u>\$28,152,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$35,009,000)	
Materials and Supplies	(3,377,000)	
Services Other Than Personal	(2,627,000)	
Maintenance and Fixed Charges	(971,000)	
<i>Special Purpose:</i>		
College work-study program (State share)	(70,000)	
Separately budgeted research	(75,000)	
Affirmative action and equal employment opportunity program	(54,000)	
Additions, Improvements and Equipment	(432,000)	
Special Funds Expense	(5,400,000)	
Auxiliary Funds Expense	(5,540,000)	
<i>Less:</i>		
General Services Income	(14,463,000)	
Special Funds Income	(5,400,000)	
Auxiliary Services Income	<u>(5,540,000)</u>	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,040 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 7,322, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above

7,322, 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.

5530 The William Paterson College of New Jersey

11-5530 Instruction		\$21,923,000
12-5530 Sponsored Programs and Research		150,000
15-5530 Academic Support		4,362,000
16-5530 Student Services		5,288,000
17-5530 Institutional Support		6,506,000
19-5530 Physical Plant and Support Services		<u>7,634,000</u>
Sub-Total General Operations		<u>\$45,863,000</u>
Special Funds Expense		\$2,027,000
Auxiliary Funds Expense		<u>8,170,000</u>
Total All Operations		<u>\$56,060,000</u>
<i>Less:</i>		
General Services Income	(\$14,535,000)	
Special Funds Income	(2,027,000)	
Auxiliary Services Income	<u>(8,170,000)</u>	
Total Income Deductions		<u>(\$24,732,000)</u>
Total Appropriation, The William Paterson College of New Jersey		<u>\$31,328,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$34,299,000)	
Materials and Supplies	(3,983,000)	
Services Other Than Personal	(3,001,000)	
Maintenance and Fixed Charges	(970,000)	
<i>Special Purpose:</i>		
Separately budgeted research	(150,000)	
College work-study program (State share)	(100,000)	
Affirmative action and equal employment opportunity program	(80,000)	
Additions, Improvements and Equipment	(3,280,000)	
Special Funds Expense	(2,027,000)	
Auxiliary Funds Expense	(8,170,000)	
<i>Less:</i>		
General Services Income	(14,535,000)	
Special Funds Income	(2,027,000)	
Auxiliary Services Income	<u>(8,170,000)</u>	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,900 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 6,136, the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal

to the tuition receipts collected by the College for those full-time equivalent students above 6,136, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College

11-5540 Instruction	\$25,516,000
12-5540 Sponsored Programs and Research	120,000
13-5540 Extension and Public Service	600,000
15-5540 Academic Support	6,922,000
16-5540 Student Services	4,697,000
17-5540 Institutional Support	10,474,000
19-5540 Physical Plant and Support Services	<u>5,715,000</u>
Sub-Total General Operations	<u>\$54,044,000</u>
Special Funds Expense	<u>\$4,872,000</u>
Auxiliary Funds Expense	<u>5,097,000</u>
Total All Operations	<u>\$64,013,000</u>
<i>Less:</i>	
General Services Income	(\$18,171,000)
Special Funds Income	(4,872,000)
Auxiliary Services Income	<u>(5,097,000)</u>
Total Income Deductions	<u>(\$28,140,000)</u>
Total Appropriation, Montclair State College	<u>\$35,873,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$38,989,000)
Materials and Supplies	(4,300,000)
Services Other Than Personal	(5,251,000)
Maintenance and Fixed Charges	(1,819,000)
<i>Special Purpose:</i>	
Separately budgeted research	(120,000)
New Jersey State School of Conservation	(600,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employment opportunity program	(102,000)
Additions, Improvements and Equipment	(2,793,000)
Special Funds Expense	(4,872,000)
Auxiliary Funds Expense	(5,097,000)
<i>Less:</i>	
General Services Income	(18,171,000)
Special Funds Income	(4,872,000)
Auxiliary Services Income	(5,097,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,100 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 7,384, the amount ap-

appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 7,384, 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.

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	\$21,199,000
12-5550 Sponsored Programs and Research	100,000
15-5550 Academic Support	3,568,000
16-5550 Student Services	5,942,000
17-5550 Institutional Support	6,742,000
19-5550 Physical Plant and Support Services	<u>7,781,000</u>
Sub-Total General Operations	<u>\$45,332,000</u>
Special Funds Expense	\$2,570,000
Auxiliary Funds Expense	<u>17,284,000</u>
Total All Operations	<u>\$65,186,000</u>
<i>Less:</i>	
General Services Income.....	(\$15,595,000)
Special Funds Income	(2,570,000)
Auxiliary Services Income.....	<u>(17,284,000)</u>
Total Income Deductions	<u>(\$35,449,000)</u>
Total Appropriation, Trenton State College	<u>\$29,737,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$33,726,000)
Materials and Supplies.....	(4,067,000)
Services Other Than Personal.....	(3,451,000)
Maintenance and Fixed Charges	(715,000)
<i>Special Purpose:</i>	
Separately budgeted research	(100,000)
Minority students recruitment and scholarships	(250,000)
College work-study program (State share)	(37,000)
Trustee scholarships.....	(1,240,000)
Affirmative action and equal employment opportunity program.....	(43,000)
Additions, Improvements and Equipment.....	(1,703,000)
Special Funds Expense	(2,570,000)
Auxiliary Funds Expense.....	(17,284,000)
<i>Less:</i>	
General Services Income.....	(15,595,000)
Special Funds Income	(2,570,000)
Auxiliary Services Income.....	(17,284,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,250 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,460, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,460, 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.

5560 Ramapo College of New Jersey

11-5560 Instruction		\$9,035,000
12-5560 Sponsored Programs and Research		50,000
15-5560 Academic Support		1,492,000
16-5560 Student Services		2,701,000
17-5560 Institutional Support		4,510,000
19-5560 Physical Plant and Support Services		<u>4,565,000</u>
Sub-Total General Operations		<u>\$22,353,000</u>
Special Funds Expense		\$1,822,000
Auxiliary Funds Expense		<u>8,305,000</u>
Total All Operations		<u>\$32,480,000</u>
<i>Less:</i>		
General Services Income	(\$6,925,000)	
Special Funds Income	(1,822,000)	
Auxiliary Services Income	<u>(8,305,000)</u>	
Total Income Deductions		<u>(\$17,052,000)</u>
Total Appropriation, Ramapo College of New Jersey		<u>\$15,428,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$16,199,000)	
Materials and Supplies	(2,217,000)	
Services Other Than Personal	(1,682,000)	
Maintenance and Fixed Charges	(560,000)	
<i>Special Purpose:</i>		
Separately budgeted research	(50,000)	
College work-study program (State share)	(70,000)	
Affirmative action and equal employment opportunity program	(115,000)	
Student Financial Assistance	(260,000)	
Additions, Improvements and Equipment	(1,200,000)	
Special Funds Expense	(1,822,000)	
Auxiliary Funds Expense	(8,305,000)	
<i>Less:</i>		
General Services Income	(6,925,000)	
Special Funds Income	(1,822,000)	
Auxiliary Services Income	<u>(8,305,000)</u>	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,100 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 3,224, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,224, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5570 Richard Stockton State College

11-5570 Instruction.....	\$12,292,000
12-5570 Sponsored Programs and Research	70,000
15-5570 Academic Support	2,089,000
16-5570 Student Services	2,113,000
17-5570 Institutional Support	3,957,000
19-5570 Physical Plant and Support Services	<u>4,618,000</u>
Sub-Total General Operations	<u>\$25,139,000</u>
Special Funds Expense	\$1,550,000
Auxiliary Funds Expense	<u>7,448,000</u>
Total All Operations.....	<u>\$34,137,000</u>
<i>Less:</i>	
General Services Income.....	(\$8,551,000)
Special Funds Income	(1,550,000)
Auxiliary Services Income.....	<u>(7,448,000)</u>
Total Income Deductions	<u>(\$17,549,000)</u>
Total Appropriation, Richard Stockton State College	<u>\$16,588,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$19,354,000)
Materials and Supplies.....	(2,431,000)
Services Other Than Personal.....	(1,738,000)
Maintenance and Fixed Charges	(533,000)
<i>Special Purpose:</i>	
Separately budgeted research	(70,000)
National direct student loan program	
(State share).....	(28,000)
College work-study program	
(State share).....	(40,000)
Affirmative action and equal employment opportunity program.....	(48,000)
Scholarship and Loan Assistance.....	(150,000)
Additions, Improvements and Equipment.....	(747,000)
Special Funds Expense	(1,550,000)
Auxiliary Funds Expense.....	(7,448,000)
<i>Less:</i>	
General Services Income.....	(8,551,000)
Special Funds Income	(1,550,000)
Auxiliary Services Income.....	<u>(7,448,000)</u>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,300 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 4,472, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 4,472, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5600 Rutgers, The State University

Rutgers University Programs

11-5600 Instruction	\$183,700,000
12-5600 Sponsored Programs and Research	18,106,000
13-5600 Extension and Public Service	4,035,000
14-5600 Auxiliary Services	5,217,000
15-5600 Academic Support	25,301,000
16-5600 Student Services	41,990,000
17-5600 Institutional Support	67,601,000
19-5600 Physical Plant and Support Services	60,146,000
Sub-Total General Operations.....	<u>\$406,096,000</u>
Special Funds Expense	<u>\$137,000,000</u>
Auxiliary Funds Expense	<u>108,035,000</u>
Total All Operations	<u>\$651,131,000</u>
<i>Less:</i>	
General Services Income	(\$171,492,000)
Self-Sustaining Income.....	(5,217,000)
Special Funds Income.....	(137,000,000)
Auxiliary Services Income.....	(108,035,000)
Total Income Deductions	<u>(\$421,744,000)</u>
Total Appropriation, Rutgers University Programs	<u>\$229,387,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$284,211,000)
Materials and Supplies	(40,227,000)
Services Other Than Personal.....	(19,565,000)
Maintenance and Fixed Charges.....	(9,463,000)
<i>Special Purpose:</i>	
Forum on policy research and public services, Rutgers--Camden.....	(75,000)
Student aid	(18,880,000)
College work-study (State share)	(750,000)
Affirmative action and equal employment opportunity program.....	(110,000)

Retirement allowances	(620,000)
Special projects	(7,435,000)
Debt Service--High Technology Initiative	(1,800,000)
Rutgers Fund for Distinction Debt	
Service (State match).....	(13,000,000)
In-lieu-of-tax payments to New Brunswick	(700,000)
Drug and Alcohol Abuse Information	
Clearing House.....	(327,000)
Additions, Improvements and Equipment....	(8,933,000)
Special Funds Expense	(137,000,000)
Auxiliary Funds Expense.....	(108,035,000)
<i>Less:</i>	
General Services Income.....	(171,492,000)
Self-Sustaining Income.....	(5,217,000)
Special Funds Income	(137,000,000)
Auxiliary Services Income.....	(108,035,000)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,436 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,613, 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 30,613, 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.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service, Rutgers, The State University, shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research.	\$13,066,000
13-5620 Extension and Public Service	<u>7,165,000</u>
Sub-Total General Operations	<u>\$20,231,000</u>
Federal Research and Extension Funds Expense	\$4,250,000
Special Funds Expense	<u>18,500,000</u>
Total All Operations	<u>\$42,981,000</u>
<i>Less:</i>	
Federal Research and Extension Funds Income	(\$4,250,000)
Special Funds Income	(18,500,000)
Total Income Deductions.....	<u>(\$22,750,000)</u>
Total Appropriation, Agricultural Experiment Station	<u>\$20,231,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$17,151,000)

Materials and Supplies	(362,000)
Services Other Than Personal.....	(743,000)
Maintenance and Fixed Charges.....	(103,000)
Special Purpose:	
Program enhancement and Restoration....	(200,000)
Tomato testing	(6,000)
Urban gardening	(50,000)
Cooperative extension service	(125,000)
Blueberry and cranberry research	(250,000)
Renovate laboratories.....	(350,000)
Snyder farm planning and operation	(691,000)
Additions, Improvements and Equipment	(200,000)
Federal Research and Extension Funds Expense	(4,250,000)
Special Funds Expense	(18,500,000)
Less:	
Federal Research and Extension Funds Income	(4,250,000)
Special Funds Income	(18,500,000)

In addition to the amount hereinabove, from the amount anticipated by the State as Pari-mutuel revenues, an amount not to exceed \$1,200,000 from receipts attributable to unclaimed parimutuel tickets is appropriated to the Agricultural Experiment Station, from which amount there is allocated \$300,000 for integrated crop management, \$300,000 to expand urban programs, \$400,000 for solid waste management programs, and \$200,000 for equine programs.

Total Appropriation, Rutgers, The State University \$249,618,000

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction	\$98,293,000
13-5630 Extension and Public Service	238,656,000
15-5630 Academic Support	1,739,000
16-5630 Student Services	7,737,000
17-5630 Institutional Support	28,750,000
19-5630 Physical Plant and Support Services	31,191,000
20-5630 Core Affiliates	<u>5,459,000</u>
Subtotal General Operations	<u>\$411,825,000</u>
Special Funds Expense	\$89,743,000
Auxiliary Funds Expense.....	6,952,000
Robert Wood Johnson Community Mental Health Center Expense	20,395,000
New Jersey Medical School Community Mental Health Center Expense	<u>8,541,000</u>
Total All Operations	<u>\$537,456,000</u>
Less:	
General Services Income	(\$31,462,000)
Hospital Services Income.....	(197,223,000)
Capital Facilities Allowance.....	(6,529,000)
Special Services Income.....	(89,743,000)
Auxiliary Services Income.....	(6,952,000)
Core Affiliates Income	(4,890,000)

<i>Robert Wood Johnson Community</i>		
<i>Mental Health Center Income</i>	<i>(20,395,000)</i>	
<i>New Jersey Medical School Community</i>		
<i>Mental Health Center Income</i>	<i>(8,541,000)</i>	
<i>Total Income Deductions.....</i>		<i>(\$365,735,000)</i>
<i>Total Appropriation, University of Medicine and Dentistry of New Jersey</i>		<i>\$171,721,000</i>
Personal Services:		
Salaries and wages	(\$247,397,000)	
Materials and Supplies	(45,491,000)	
Services Other Than Personal	(42,752,000)	
Maintenance and Fixed Charges	(9,801,000)	
Special Purpose:		
Debt Service--High Technology Initiative	(1,593,000)	
University student aid	(3,259,000)	
University Hospital Debt Service-- Equipment and Renovation.....	(2,495,000)	
Core affiliate--Robert Wood Johnson Medical School--Piscataway	(2,751,000)	
Core affiliate--New Jersey School of Osteopathic Medicine.....	(2,708,000)	
Area Health Education Center.....	(290,000)	
Emergency medical service--Camden	(800,000)	
Dental Residency Pilot Program	(750,000)	
Graduate Medical Education.....	(126,000)	
Additions, Improvements and Equipment.....	(51,612,000)	
Special Funds Expense	(89,743,000)	
Auxiliary Funds Expense.....	(6,952,000)	
<i>Robert Wood Johnson Community</i>		
<i>Mental Health Center</i>	<i>(20,395,000)</i>	
<i>New Jersey Medical School Community</i>		
<i>Mental Health Center</i>	<i>(8,541,000)</i>	
Less:		
<i>Income.....</i>	<i>(365,735,000)</i>	

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 to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

The unexpended balances as of June 30, 1992 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

5640 New Jersey Institute of Technology

11-5640 Instruction		\$31,882,000
12-5640 Sponsored Programs and Research		1,015,000
13-5640 Extension and Public Service		1,000,000
15-5640 Academic Support		7,721,000
16-5640 Student Services		6,915,000
17-5640 Institutional Support		12,500,000
19-5640 Physical Plant and Support Services		<u>6,683,000</u>
Sub-Total General Operations		<u>\$67,716,000</u>
Special Funds Expense		\$17,000,000
Auxiliary Funds Expense		<u>4,655,000</u>
Total All Operations		<u>\$89,371,000</u>
<i>Less:</i>		
General Services Income	(\$27,505,000)	
Special Funds Income	(17,000,000)	
Auxiliary Services Income	<u>(4,655,000)</u>	
Total Income Deductions		<u>(\$49,160,000)</u>
Total Appropriation, New Jersey Institute of Technology		<u>\$40,211,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$43,007,000)	
Materials and Supplies	(4,242,000)	
Services Other Than Personal	(5,801,000)	
Maintenance and Fixed Charges	(1,509,000)	
<i>Special Purpose:</i>		
NJIT/Burlington County College		
engineering program	(100,000)	
Separately budgeted research	(586,000)	
Continuing education	(1,000,000)	
Scholarships, grants, fellowships	(3,483,000)	
Student activities	(170,000)	
Affirmative action and equal employment opportunity program	(60,000)	
Board of Trustees	(4,000)	
Fringe benefits/retirement allowances	(3,000,000)	
Additions, Improvements and Equipment ..	(4,754,000)	
Auxiliary Funds Expense	(4,655,000)	
Special Funds Expense	(17,000,000)	
<i>Less:</i>		
General Services Income	(27,505,000)	
Special Funds Income	(17,000,000)	
Auxiliary Services Income	<u>(4,655,000)</u>	

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs, shall not exceed

3,716 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 3,865, 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 3,865, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to subsection q. of N.J.S. 18A:3-14.

Total Appropriation, Department of Higher Education \$686,005,000

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

Any institution that receives State aid under this act shall include in any letter of acceptance sent to a prospective student during the Fiscal Year 1993, information on the average increase in tuition charges during the preceding three fiscal years and a statement that tuition may increase in the future.

Public colleges and universities are authorized to provide for the early retirement of staff and tenured faculty, consistent with State law, upon terms and conditions to be set forth by regulations of the Board of Higher Education and approved by the Director of the Division of Budget and Accounting.

No public institution of higher education shall reduce expenditures for classroom instruction or student counseling during the 1992-1993 academic year below the level maintained by the institution for classroom instruction or student counseling for the 1991-1992 academic year.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

08-7700 Community Services	\$4,777,000
99-7700 Management and Administrative Services	<u>3,774,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$8,551,000</u>

Personal Services:

Salaries and wages	(\$7,240,000)
Materials and Supplies	(76,000)
Services Other Than Personal	(748,000)
Maintenance and Fixed Charges	(173,000)
Additions, Improvements and Equipment	(314,000)

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services ..	\$34,539,000
98-7710 Physical Plant and Support Services ..	7,774,000
99-7710 Management and Administrative Services ..	<u>7,332,000</u>
Sub-Total Appropriation, Greystone Park Psychiatric Hospital ..	<u>\$49,645,000</u>

Less:

Savings from census reduction	(\$759,000)

Total Appropriation, Greystone Park Psychiatric Hospital ..	<u>\$48,886,000</u>

Personal Services:

Salaries and wages	(\$41,038,000)
Materials and Supplies	(5,105,000)
Services Other Than Personal	(2,400,000)
Maintenance and Fixed Charges	(732,000)

Special Purpose:

Interim assistance	(54,000)

Additions, Improvements and Equipment	(316,000)

Less:

Savings from census reduction	(759,000)

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services ..	\$26,091,000
98-7720 Physical Plant and Support Services ..	5,037,000
99-7720 Management and Administrative Services ..	<u>4,406,000</u>
Sub-Total Appropriation, Trenton Psychiatric Hospital ..	<u>\$35,534,000</u>

Less:

Savings from census reduction	(\$443,000)

Total Appropriation, Trenton Psychiatric Hospital ..	<u>\$35,091,000</u>

Personal Services:

Salaries and wages	(\$29,631,000)
Materials and Supplies	(2,861,000)
Services Other Than Personal	(1,855,000)
Maintenance and Fixed Charges	(734,000)

Special Purpose:

Interim assistance	(22,000)

Additions, Improvements and Equipment	(431,000)

Less:

Savings from census reduction	(443,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services ..	\$10,139,000

98-7725 Physical Plant and Support Services	1,101,000
99-7725 Management and Administrative Services	<u>1,315,000</u>
Total Appropriation, The Forensic Psychiatric Hospital	<u>\$12,555,000</u>

Personal Services:

Salaries and wages	(\$11,358,000)
Materials and Supplies.....	(734,000)
Services Other Than Personal.....	(328,000)
Maintenance and Fixed Charges	(79,000)
Additions, Improvements and Equipment.....	(56,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services ..	\$47,474,000
98-7730 Physical Plant and Support Services	8,505,000
99-7730 Management and Administrative Services	<u>7,336,000</u>
Sub-Total Appropriation, Marlboro Psychiatric Hospital	<u>\$63,315,000</u>

Less:

Savings from census reduction.....	(\$2,582,000)

Total Appropriation, Marlboro Psychiatric Hospital	<u>\$60,733,000</u>

Personal Services:

Salaries and wages	(\$51,824,000)
Materials and Supplies.....	(6,289,000)
Services Other Than Personal.....	(3,112,000)
Maintenance and Fixed Charges	(1,289,000)

Special Purpose:

Interim assistance.....	(183,000)
Additions, Improvements and Equipment.....	(618,000)

Less:

Savings from census reduction.....	(2,582,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services ..	\$37,918,000
98-7740 Physical Plant and Support Services	5,554,000
99-7740 Management and Administrative Services	<u>4,825,000</u>
Sub-Total Appropriation, Ancora Psychiatric Hospital	<u>\$48,297,000</u>

Less:

Savings from census reduction.....	(\$1,216,000)

Total Appropriation, Ancora Psychiatric Hospital	<u>\$47,081,000</u>

Personal Services:

Salaries and wages	(\$40,602,000)
Materials and Supplies.....	(4,082,000)
Services Other Than Personal.....	(1,984,000)
Maintenance and Fixed Charges	(849,000)

Special Purpose:

Interim assistance.....	(363,000)
Additions, Improvements and Equipment.....	(417,000)

Less:

Savings from census reduction.....	(1,216,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services ..	\$8,718,000

98-7750 Physical Plant and Support Services	770,000
99-7750 Management and Administrative Services	<u>923,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center	<u>\$10,411,000</u>

Personal Services:

Salaries and wages	(\$9,088,000)
Materials and Supplies	(520,000)
Services Other Than Personal	(411,000)
Maintenance and Fixed Charges	(141,000)
Additions, Improvements and Equipment	(251,000)

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services	\$8,811,000
98-7760 Physical Plant and Support Services	1,616,000
99-7760 Management and Administrative Services	<u>1,585,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics	<u>\$12,012,000</u>

Personal Services:

Salaries and wages	(\$9,885,000)
Materials and Supplies	(1,120,000)
Services Other Than Personal	(667,000)
Maintenance and Fixed Charges	(233,000)

Special Purpose:

Interim assistance	(8,000)
Additions, Improvements and Equipment	(99,000)

Division of Mental Health and Hospitals

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1993 are appropriated for the same purpose.

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and Management	\$15,675,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>1,716,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$17,391,000</u>

Personal Services:

Salaries and wages	(\$8,902,000)
Materials and Supplies	(197,000)
Services Other Than Personal	(2,514,000)
Maintenance and Fixed Charges	(148,000)

Special Purpose:

Replacement of Fiscal Agent Functions...	(86,000)
Payments to fiscal agents	(2,348,000)
Eligibility determination	(2,200,000)
Professional standards review organization-utilization review	(304,000)
Payments to fiscal agents (PAA)	(466,000)
Additions, Improvements and Equipment	(226,000)

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 P.L.1981, c.217 (C.30:4D-7.2a) to the contrary, the division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his death, for the amount of assistance paid or to be paid on his behalf under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse or no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all such recoveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of P.L.1981, c.217.

The unexpended balance as of June 30, 1992 in the Payments to fiscal agents account is appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance from a case generated by the unearned income portion of the Income Eligibility Verification System (IEVS) computer match, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery. When in any other case involving an incorrect determination of eligibility, a county welfare agency recovers only medical assistance improperly granted, the Division of Medical Assistance and Health Services is authorized to reimburse the county welfare agency for those case expenses directly related to the recovery, such as filing fees and advertising costs but not including costs such as staff time, supplies, counsel fees or overhead. In addition, the Division of Medical Assistance and Health Services may reimburse the county welfare agencies in the amount of 10% of the gross recovery up to \$250.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Gar-

den State Health Plan and notwithstanding any provisions herein all appropriations and receipts of federal and other non-State funds shall be deposited into the fund and shall be allotted subject to the approval of the Director of the Division of Budget and Accounting.

All receipts from the surcharge for uncompensated care from all general acute care hospitals are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for payments of uncompensated care costs.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

Notwithstanding the provisions of any law to the contrary, effective July 1, 1992, all individuals other than Medicaid clients shall be assessed a \$100 fee for preadmission screening services provided pursuant to P.L.1988, c.97 (C.30:4D-17.10 et seq.). All receipts from screening fees are appropriated to the Division of Medical Assistance and Health Services for Health Services Administration and Management.

The Division of Medical Assistance and Health Services shall consolidate the 21 local Medicaid district offices into an effective regional structure.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$10,800,000</u>
Total State and Federal Appropriation .	<u>\$10,800,000</u>

Less:

Federal Funds

<i>Management and Administrative Services</i>	<i>(\$7,213,000)</i>	
<i>Total Federal Funds</i>		<i>(\$7,213,000)</i>
Total Appropriation, Division of Developmental Disabilities		<u>\$3,587,000</u>

Personal Services:

Salaries and wages	(\$8,676,000)
Materials and Supplies	(47,000)
Services Other Than Personal.....	(400,000)
Maintenance and Fixed Charges.....	(207,000)

Special Purpose:

Foster grandparents program	(851,000)
Developmental Disabilities Council.....	(306,000)
Additions, Improvements and Equipment ...	(313,000)

Less:

Federal Funds..... (7,213,000)

7601 Community Programs

01-7601 Purchased Residential Care	\$1,091,000
02-7601 Social Supervision and Consultation	12,396,000
03-7601 Adult Activities	12,503,000
04-7601 Education and Day Training	<u>27,603,000</u>
Total State and Federal Appropriation .	<u>\$53,593,000</u>

*Less:**Federal Funds*

<i>Purchased Residential Care</i>	(\$327,000)	
<i>Social Supervision and Consultation</i>	(8,915,000)	
<i>Adult Activities</i>	(4,635,000)	
<i>Education and Day Training</i>	<u>(552,000)</u>	
Total Federal Funds		<u>(\$14,429,000)</u>

All Other Funds

<i>Purchased Residential Care</i>	(\$27,000)	
<i>Education and Day Training</i>	<u>(17,044,000)</u>	
Total All Other Funds.....		<u>(\$17,071,000)</u>
Total Appropriation, Community Programs		<u>\$22,093,000</u>

Personal Services:

Salaries and wages	(\$43,966,000)
Materials and Supplies.....	(2,114,000)
Services Other Than Personal.....	(1,579,000)
Maintenance and Fixed Charges.....	(5,365,000)

Special Purpose:

Guardianship program.....	(35,000)
Homemaker services (State share)	(133,000)
Social services.....	(32,000)
Additions, Improvements and Equipment.....	(369,000)

Less:

<i>Federal Funds</i>	(14,429,000)
<i>All Other Funds</i>	(17,071,000)

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1992 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education-related transportation costs and other day training related costs in the Division of Developmental Disabilities and program administration costs of the Office of Education in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,400,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$3,041,000
06-7610 Health Services.....	863,000

07-7610 Education and Training	678,000
98-7610 Physical Plant and Support Services	1,528,000
99-7610 Management and Administrative Services	<u>1,893,000</u>
Total All Operations	<u>\$8,003,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$2,727,000)</i>	
<i>Health Services</i>	<i>(726,000)</i>	
<i>Education and Training</i>	<i>(655,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(968,000)</i>	
<i>Management and Administrative Services</i>	<i>(628,000)</i>	
Total Federal Funds		<u><i>(\$5,704,000)</i></u>
Total Appropriation, Green Brook Regional Center		<u>\$2,299,000</u>

Personal Services:

Salaries and wages	(\$5,704,000)
Materials and Supplies	(848,000)
Services Other Than Personal	(422,000)
Maintenance and Fixed Charges	(229,000)

Special Purpose:

Green Brook mortgage	(715,000)
Additions, Improvements and Equipment	(85,000)

Less:

<i>Federal Funds</i>	<i>(5,704,000)</i>

7615 Developmental Center at Ancora

05-7615 Residential Care and Habilitation ..	\$1,591,000
06-7615 Health Services	478,000
98-7615 Physical Plant and Support Services	277,000
99-7615 Management and Administrative Services	<u>415,000</u>
Total All Operations	<u>\$2,761,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$543,000)</i>	
<i>Health Services</i>	<i>(33,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(105,000)</i>	
<i>Management and Administrative Services</i>	<i>(122,000)</i>	
Total Federal Funds		<u><i>(\$803,000)</i></u>

Less:

<i>Facility Adjustment</i>	<i>(\$1,958,000)</i>	
Total Facility Adjustment		<u><i>(\$1,958,000)</i></u>
Total Appropriation, Developmental Center at Ancora		<u>\$0</u>

Personal Services:

Salaries and wages	(\$2,105,000)
Materials and Supplies	(277,000)
Services Other Than Personal	(242,000)
Maintenance and Fixed Charges	(50,000)
Additions, Improvements and Equipment	(87,000)

Less:

<i>Federal Funds</i>	<i>(803,000)</i>
<i>Facility Adjustment</i>	<i>(1,958,000)</i>

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation ..	\$40,160,000
06-7620 Health Services	11,675,000
07-7620 Education and Training	1,435,000
98-7620 Physical Plant and Support Services	6,821,000
99-7620 Management and Administrative Services	<u>6,141,000</u>
Total All Operations	<u>\$66,232,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$14,795,000)</i>	
<i>Health Services</i>	<i>(3,832,000)</i>	
<i>Physical Plant and Support Services.....</i>	<i>(1,241,000)</i>	
<i>Management and Administrative Services</i>	<i><u>(610,000)</u></i>	
Total Federal Funds		<u>(\$20,478,000)</u>

All Other Funds

<i>Education and Training</i>	<i><u>(\$368,000)</u></i>	
Total All Other Funds.....		<u>(\$368,000)</u>

Total Appropriation, Vineland Developmental Center \$45,386,000

Personal Services:

Salaries and wages	(\$56,467,000)
Materials and Supplies.....	(6,093,000)
Services Other Than Personal.....	(1,949,000)
Maintenance and Fixed Charges	(826,000)

Special Purpose:

Family care	(6,000)
Additions, Improvements and Equipment.....	(891,000)

Less:

<i>Federal Funds.....</i>	<i>(\$20,478,000)</i>
<i>All Other Funds.....</i>	<i>(368,000)</i>

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation ..	\$16,339,000
06-7630 Health Services.....	6,925,000
07-7630 Education and Training	1,806,000
98-7630 Physical Plant and Support Services	3,628,000
99-7630 Management and Administrative Services	<u>4,115,000</u>
Total All Operations	<u>\$32,813,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$5,172,000)</i>	
<i>Health Services</i>	<i>(2,458,000)</i>	
<i>Physical Plant and Support Services.....</i>	<i>(476,000)</i>	
<i>Management and Administrative Services</i>	<i><u>(695,000)</u></i>	
Total Federal Funds.....		<u>(\$8,801,000)</u>

All Other Funds

<i>Education and Training</i>	<i><u>(\$1,164,000)</u></i>	
Total All Other Funds.....		<u>(\$1,164,000)</u>

Total Appropriation, North Jersey Developmental Center \$22,848,000

Personal Services:

Salaries and wages	(\$26,458,000)

Materials and Supplies	(3,124,000)
Services Other Than Personal.....	(2,323,000)
Maintenance and Fixed Charges	(543,000)
Additions, Improvements and Equipment	(365,000)
<i>Less:</i>	
<i>Federal Funds</i>	(8,801,000)
<i>All Other Funds</i>	(1,164,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation..	\$25,011,000
06-7640 Health Services.....	6,773,000
07-7640 Education and Training	803,000
98-7640 Physical Plant and Support Services	4,916,000
99-7640 Management and Administrative Service	<u>5,447,000</u>
Total All Operations	<u>\$42,950,000</u>

Less:

Federal Funds

<i>Residential Care and Habilitation</i>	(\$8,954,000)
<i>Health Services</i>	(1,976,000)
<i>Physical Plant and Support Services</i>	(1,488,000)
<i>Management and Administrative Services</i>	<u>(798,000)</u>
Total Federal Funds.....	<u>(\$13,216,000)</u>

All Other Funds

<i>Education and Training</i>	<u>(\$381,000)</u>
Total All Other Funds	<u>(\$381,000)</u>

 Total Appropriation, Woodbine Developmental Center \$29,353,000

Personal Services:

Salaries and wages	(\$35,220,000)
Materials and Supplies	(4,714,000)
Services Other Than Personal.....	(1,765,000)
Maintenance and Fixed Charges.....	(576,000)
Additions, Improvements and Equipment	(675,000)

Less:

<i>Federal Funds</i>	(13,216,000)
<i>All Other Funds</i>	(381,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation..	\$27,153,000
06-7650 Health Services.....	8,765,000
07-7650 Education and Training	1,611,000
98-7650 Physical Plant and Support Services	5,234,000
99-7650 Management and Administrative Services	<u>3,484,000</u>
Total All Operations	<u>\$46,247,000</u>

Less:

Federal Funds

<i>Residential Care and Habilitation</i>	(\$14,119,000)
<i>Health Services</i>	(5,835,000)
<i>Physical Plant and Support Services</i>	(2,034,000)
<i>Management and Administrative Services</i>	<u>(838,000)</u>
Total Federal Funds.....	<u>(\$22,826,000)</u>

All Other Funds

<i>Education and Training</i>	<i>(\$371,000)</i>	
<i>Total All Other Funds.....</i>		<i>(\$371,000)</i>
<i>Total Appropriation, New Lisbon Developmental Center</i>		<i>\$23,050,000</i>

Personal Services:

<i>Salaries and wages</i>	<i>(\$40,392,000)</i>
<i>Materials and Supplies.....</i>	<i>(3,573,000)</i>
<i>Services Other Than Personal.....</i>	<i>(1,187,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(446,000)</i>
<i>Additions, Improvements and Equipment.....</i>	<i>(649,000)</i>

Less:

<i>Federal Funds.....</i>	<i>(22,826,000)</i>
<i>All Other Funds.....</i>	<i>(371,000)</i>

7660 Woodbridge Developmental Center

<i>05-7660 Residential Care and Habilitation..</i>	<i>\$26,743,000</i>
<i>06-7660 Health Services.....</i>	<i>6,143,000</i>
<i>07-7660 Education and Training</i>	<i>975,000</i>
<i>98-7660 Physical Plant and Support Services</i>	<i>4,108,000</i>
<i>99-7660 Management and Administrative Services</i>	<i>3,436,000</i>
<i>Total All Operations</i>	<i>\$41,405,000</i>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$11,475,000)</i>	
<i>Health Services</i>	<i>(725,000)</i>	
<i>Physical Plant and Support Services.....</i>	<i>(378,000)</i>	
<i>Management and Administrative Services</i>	<i>(1,290,000)</i>	
<i>Total Federal Funds.....</i>		<i>(\$13,868,000)</i>

All Other Funds

<i>Education and Training</i>	<i>(\$750,000)</i>	
<i>Total All Other Fund</i>		<i>(\$750,000)</i>
<i>Total Appropriation, Woodbridge Developmental Center</i>		<i>\$26,787,000</i>

Personal Services:

<i>Salaries and wages</i>	<i>(\$35,394,000)</i>
<i>Materials and Supplies.....</i>	<i>(3,927,000)</i>
<i>Services Other Than Personal.....</i>	<i>(1,120,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(459,000)</i>
<i>Additions, Improvements and Equipment.....</i>	<i>(505,000)</i>

Less:

<i>Federal Funds.....</i>	<i>(13,868,000)</i>
<i>All Other Funds.....</i>	<i>(750,000)</i>

7670 Hunterdon Developmental Center

<i>05-7670 Residential Care and Habilitation .</i>	<i>\$22,194,000</i>
<i>06-7670 Health Services.....</i>	<i>7,519,000</i>
<i>07-7670 Education and Training</i>	<i>1,508,000</i>
<i>98-7670 Physical Plant and Support Services</i>	<i>5,441,000</i>
<i>99-7670 Management and Administrative Services</i>	<i>3,788,000</i>
<i>Total All Operations</i>	<i>\$40,450,000</i>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$5,992,000)</i>	
<i>Health Services</i>	<i>(1,215,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(1,525,000)</i>	
<i>Management and Administrative Services</i>	<i>(1,327,000)</i>	
<i>Total Federal Funds</i>		<i>(\$10,059,000)</i>

All Other Funds

<i>Education and Training</i>	<i>(\$555,000)</i>	
<i>Total All Other Funds</i>		<i>(\$555,000)</i>

Total Appropriation, Hunterdon Developmental Center *\$29,836,000*

Personal Services:

<i>Salaries and wages</i>	<i>(\$34,770,000)</i>
<i>Materials and Supplies</i>	<i>(3,451,000)</i>
<i>Services Other Than Personal</i>	<i>(1,110,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(548,000)</i>
<i>Additions, Improvements and Equipment</i>	<i>(571,000)</i>

Less:

<i>Federal Funds</i>	<i>(10,059,000)</i>
<i>All Other Funds</i>	<i>(555,000)</i>

7680 Edward R. Johnstone Training and Research Center

<i>05-7680 Residential Care and Habilitation..</i>	<i>\$968,000</i>
<i>06-7680 Health Services</i>	<i>326,000</i>
<i>07-7680 Education and Training</i>	<i>190,000</i>
<i>98-7680 Physical Plant and Support Services</i>	<i>461,000</i>
<i>99-7680 Management and Administrative Services</i>	<i>339,000</i>
<i>Total All Operations</i>	<u><i>\$2,284,000</i></u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$72,000)</i>	
<i>Health Services</i>	<i>(65,000)</i>	
<i>Physical Plant and Support Services(.....</i>	<i>14,000)</i>	
<i>Management and Administrative Services</i>	<i>(16,000)</i>	
<i>Total Federal Funds</i>		<i>(\$167,000)</i>

All Other Funds

<i>Education and Training</i>	<i>(\$120,000)</i>	
<i>Total All Other Funds</i>		<i>(\$120,000)</i>

Total Appropriation, Edward R. Johnstone Training and Research Center *\$1,997,000*

Personal Services:

<i>Salaries and wages</i>	<i>(\$1,655,000)</i>
<i>Materials and Supplies</i>	<i>(427,000)</i>
<i>Services Other Than Personal</i>	<i>(96,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(65,000)</i>
<i>Additions, Improvements and Equipment</i>	<i>(41,000)</i>

Less:

<i>Federal Funds</i>	<i>(167,000)</i>
<i>All Other Funds</i>	<i>(120,000)</i>

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation..	\$23,930,000
06-7690 Health Services.....	6,703,000
07-7690 Education and Training	192,000
98-7690 Physical Plant and Support Services	6,992,000
99-7690 Management and Administrative Services	<u>2,964,000</u>
Total All Operations.....	<u>\$40,781,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$6,807,000)</i>	
<i>Health Services</i>	<i>(1,058,000)</i>	
<i>Physical Plant and Support Services.....</i>	<i>(965,000)</i>	
<i>Management and Administrative Services</i>	<i>(844,000)</i>	
Total Federal Fund.....		<u>(\$9,674,000)</u>

All Other Funds

<i>Education and Training</i>	<i>(\$45,000)</i>	
Total All Other Funds.....		<u>(\$45,000)</u>
Total Appropriation, North Princeton Developmental Center		<u>\$31,062,000</u>

Personal Services:

Salaries and wages	(\$34,260,000)
Materials and Supplies	(3,227,000)
Services Other Than Personal	(2,190,000)
Maintenance and Fixed Charges	(623,000)
Additions, Improvements and Equipment	(481,000)

Less:

<i>Federal Funds.....</i>	<i>(9,674,000)</i>
<i>All Other Funds.....</i>	<i>(45,000)</i>

Division of Developmental Disabilities

In addition to the amount hereinabove for Operation and Support of Education Institutions of the Division of Developmental Disabilities such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-departmental accounts for employee benefits, are considered as appropriated on behalf of the developmental centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$154,365,000 provided that if the ICF/MR revenues exceed \$154,365,000 there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation.....	\$3,590,000
12-7560	Instruction, Community Programs and Prevention	1,934,000
99-7560	Management and Administrative Services	<u>2,042,000</u>
	Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$7,566,000</u>
	Personal Services:	
	Salaries and wages	(\$6,349,000)
	Materials and Supplies	(194,000)
	Services Other Than Personal.....	(745,000)
	Maintenance and Fixed Charges.....	(228,000)
	Additions, Improvements and Equipment ..	(50,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped;" provided however, that each local board shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services.

The administration of the State's Vending Machine Program is transferred to the Commission for the Blind and Visually Impaired. There are appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors' fees to compensate the recoveries, and the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Economic Assistance

15-7550	Income Maintenance Management	<u>\$15,235,000</u>
	Total Appropriation, Division of Economic Assistance	<u>\$15,235,000</u>
	Personal Services:	
	Salaries and wages	(\$9,255,000)
	Materials and Supplies	(244,000)
	Services Other Than Personal.....	(3,883,000)
	Maintenance and Fixed Charges.....	(216,000)
	Special Purpose:	

Realizing Economic Achievement (REACH) program	(1,575,000)
Additions, Improvements and Equipment.....	(62,000)

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1992 are appropriated.

Any federal funds received by the Division of Economic Assistance for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992 in the Automated child support enforcement system account is appropriated.

The unexpended balance as of June 30, 1992 in the Electronic benefit transfer/distribution system account is appropriated.

The unexpended balance as of June 30, 1992 in the General assistance centralized automation account is appropriated.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$90,456,000
17-7570 Substitute Care	9,525,000
18-7570 General Social Services	9,335,000
99-7570 Management and Administrative Services	<u>26,991,000</u>
Total State and Federal Appropriation	<u>\$136,307,000</u>

Less:

Federal Funds

<i>Initial Response/Case Management</i>	<i>(\$24,633,000)</i>	
<i>Substitute Care.....</i>	<i>(5,465,000)</i>	
<i>General Social Services</i>	<i>(6,688,000)</i>	
<i>Management and Administrative Services</i>	<i>(15,385,000)</i>	
<i>Total Federal Funds</i>		<i>(\$52,171,000)</i>
Total Appropriation, Division of Youth and Family Services		<u>\$84,136,000</u>

Personal Services:

Salaries and wages	(\$109,481,000)
Food in lieu of cash	(1,000)
Materials and Supplies.....	(2,659,000)
Services Other Than Personal.....	(10,686,000)
Maintenance and Fixed Charges.....	(11,752,000)

Additions, Improvements and Equipment (1,728,000)

Less:

Federal Funds..... (52,171,000)

Receipts in excess of those anticipated from child care licensing fees collected by the Division of Youth and Family Services pursuant to N.J.A.C.10:122-2.1, not to exceed \$56,000, are appropriated.

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf \$351,000

Total Appropriation, Division of the Deaf and Hard of Hearing \$351,000

Personal Services:

Salaries and wages (\$218,000)

Materials and Supplies (43,000)

Services Other Than Personal (46,000)

Maintenance and Fixed Charges (4,000)

Special Purpose:

Services to deaf clients (37,000)

Additions, Improvements and Equipment (3,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning \$834,000

96-7500 Institutional Security Services 3,784,000

99-7500 Management and Administrative Services 5,915,000

Total Appropriation, Division of Management and Budget \$10,533,000

Personal Services:

Salaries and wages (\$6,082,000)

Materials and Supplies (77,000)

Services Other Than Personal (2,613,000)

Maintenance and Fixed Charges (410,000)

Special Purpose:

Office of Prevention (150,000)

Rehabilitation services scholarships (150,000)

Nursing scholarship program (734,000)

Transfer to State Police for fingerprinting/

background checks of job applicants... (250,000)

Additions, Improvements and Equipment (67,000)

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Additional federal funds available from the Community care waiver program are appropriated for use as a Bridge Fund for community care initiatives, subject to the approval of the Director of the Division of Budget and Accounting and further subject to Joint Budget Oversight Committee approval of an itemized plan for the expenditure of these amounts, as shall be submitted by the Commissioner of Human Services.

Notwithstanding the provision of any law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the Department. Such funds collected shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$608,830,000</u>

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1992 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

In addition to the sums hereinabove for Salaries and wages within the Division of Management and Budget - Management and Administrative Services program classification, the Commissioner of Human Services, with the approval of the Director of the Division of Budget and Accounting, may

transfer or credit to these Salaries and wages accounts a sum of up to \$4,300,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than physicians, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

58 DEPARTMENT OF INSURANCE

50 *Economic Planning, Development and Security*

52 *Economic Regulation*

01-3110 Licensing and Enforcement	\$5,096,000
02-3120 Actuarial Services.....	3,269,000
03-3130 Regulation of the Real Estate Industry	1,944,000
04-3110 Public and Regulatory Services.....	1,069,000
05-3160 Unsatisfied Claims	1,462,000
99-3150 Management and Administrative Services	<u>1,526,000</u>
Total Appropriation, Economic Regulation	<u>\$14,366,000</u>
Personal Services:	
Real Estate Commissioners.....	(\$78,000)
Salaries and wages	(12,713,000)
Materials and Supplies	(230,000)
Services Other Than Personal.....	(1,245,000)
Maintenance and Fixed Charges.....	(100,000)

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.) such sums as are prescribed by the act.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

Receipts derived from financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examinations associated with issuing certificates of self-insurance for motor vehicles and workers' compensation are appropriated for the conduct of such examinations, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The additional taxes paid on the taxable premiums of insurers, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.), shall be deposited in a dedicated account in the Department of Insurance for the payment of administrative costs related to its statutory duties, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), the receipts otherwise remaining prior to October 1, 1991, derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982-Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) are appropriated to the New Jersey Automobile Full Insurance Underwriting Asso-

ciation. Those receipts otherwise remaining on and after October 1, 1991, are appropriated to the New Jersey Automobile Insurance Guaranty Fund.

Total Appropriation, Department of Insurance	<u>\$14,366,000</u>

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Commissioner of the Department of Insurance, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$550,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*

51 *Economic Planning and Development*

18-4570 Planning and Research	\$1,063,000
99-4565 Management and Administrative Services	<u>2,080,000</u>
Total Appropriation, Economic Planning and Development	<u>\$3,143,000</u>
Personal Services:	
Salaries and wages	(\$1,564,000)
Materials and Supplies	(29,000)
Services Other Than Personal	(1,482,000)
Maintenance and Fixed Charges	(36,000)
Special Purpose:	
New Jersey Occupational Information	
Coordinating Committee	(25,000)
Additions, Improvements and Equipment	(7,000)

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed \$1,175,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$566,000
12-4550 Enforcement of Workplace Standards	<u>6,534,000</u>
Total Appropriation, Economic Regulation	<u>\$7,100,000</u>

Personal Services:

Salaries and wages	(\$5,284,000)
Positions established from lump sum appropriation	(629,000)
Materials and Supplies.....	(37,000)
Services Other Than Personal	(465,000)
Maintenance and Fixed Charges.....	(161,000)

Special Purpose:

Carnival Amusement Ride Safety Advisory Board	(1,000)
Safety Commission	(3,000)
Worker and Community Right To Know Act	(435,000)
Additions, Improvements and Equipment.....	(85,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The unexpended balance as of June 30, 1992 in the Worker and Community Right to Know Act account, together with any receipts in excess of the amount anticipated, not to exceed \$67,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$3,435,000
03-4520 State Disability Insurance Plan. ...	21,166,000
04-4520 Private Disability Insurance Plan...	3,080,000
05-4525 Workers' Compensation.....	8,442,000
06-4530 Special Compensation	<u>1,486,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$37,609,000</u>

Personal Services:

Salaries and wages	(\$21,063,000)
Materials and Supplies.....	(440,000)
Services Other Than Personal	(5,390,000)
Maintenance and Fixed Charges.....	(380,000)

Special Purpose:

Wage reporting	(1,050,000)
Set-off of individual liabilities program...	(499,000)
Unemployment insurance automation support	(1,400,000)
Reimbursement to unemployment	
insurance for joint tax functions	(6,200,000)
Additions, Improvements and Equipmen.....	(1,187,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan are 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 shall be payable out of the Special Compensation Fund and, notwithstanding the \$12,500 limitation set forth in R.S. 34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1992, pursuant to R.S. 34:15-94.

The amount hereinabove for the Unemployment Insurance program classification shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts to administer the "Uninsured employers' fund" are appropriated from the "Uninsured employers' fund" subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$2,777,000
09-4545 Employment Services	500,000
10-4545 Employment Development Services	544,000
16-4555 Public Sector Labor Relations	2,305,000
16-4556 Public Sector Labor Relations	69,000
17-4560 Private Sector Labor Relations	<u>471,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$6,666,000</u>

Personal Services:

Salaries and wages	(\$5,224,000)
Materials and Supplies	(52,000)
Services Other Than Personal	(435,000)
Maintenance and Fixed Charges	(33,000)

Special Purpose:

State support for employment program	(500,000)
State Employment and Training Commission	(350,000)
Additions, Improvements and Equipment	(72,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the funds made available to the State pursuant to section 903 of the Social Security Act, 42 U.S.C.1103 et seq., as amended, the sum of \$1,990,000 or so much thereof as may be necessary, is appropriated to be used for the purpose of renovating, landscaping and acquiring fixed equipment as may be required for the proper use of the Labor building located in Trenton, and for the health and safety of the occupants situated therein; provided that all such funds used for the above purposes shall directly benefit the Unemployment Insurance and Employment Services programs. These funds shall be made available for obligations until June 30, 1994, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Labor	<u>\$54,518,000</u>

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Commissioner of the Department of Labor, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$300,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000.

Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-1110 Revenue and Information Processing Systems	\$21,572,000
02-1110 Licensing, Registration and Inspection Services	51,649,000
03-1110 Driver Control and Regulatory Affairs	12,226,000
04-1140 Security Responsibility.....	7,209,000
89-1110 Revenue Collection Services	9,493,000
99-1110 Management and Administrative Services	3,335,000
99-1120 Management and Administrative Services	<u>3,016,000</u>
Total Appropriation, Vehicular Safety	<u>\$108,500,000</u>

Personal Services:

Salaries and wages	(\$57,009,000)
Positions established in lieu of appropriated revenue	(2,604,000)
Materials and Supplies	(6,162,000)
Services Other Than Personal.....	(22,839,000)
Maintenance and Fixed Charges.....	(1,312,000)

Special Purpose:

Service contract-emission analyzers	(310,000)
Agency operations	(17,172,000)
Federal highway safety program-- State match.....	(350,000)
Parking Offenses Adjudication Act.....	(150,000)
Additions, Improvements and Equipment	(592,000)

Receipts derived pursuant to section 2 of P.L.1989, c.202 (C.39:3-33.9) are appropriated for the preparation and issuance of reflectorized license plates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

- The amount appropriated hereinabove for the Auto Body Licensing and Enforcement program is payable out of receipts from the Auto Body Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balance as of June 30, 1992 in the Commercial Driver License Program, together with receipts derived from the New Jersey Commercial Driver License Act, P.L.1990, c.103 (C.39:3-10.9 et seq.), are appropriated for the implementation and administration of the act, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.
- The sum hereinabove for Agency operations shall be available for maintaining services at public and privately operated motor vehicle agencies; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance in the Federal highway safety program-- State match account, including the accounts of the several departments, as of June 30, 1992, is appropriated for such highway safety projects.
- The amount appropriated hereinabove for the Parking Offenses Adjudication Act program is payable from receipts derived from parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- Receipts in excess of the amount anticipated for the Parking Offenses Adjudication Act program, derived pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.), are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount appropriated hereinabove for the Uninsured motorists program account is payable from the Uninsured Motorists Prevention Fund. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.
- The amount hereinabove for the Security Responsibility program classification shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law, subject to the approval of the Director of the Division of Budget and Accounting.

Fees collected for the processing of credit card transactions are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 20% of the receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$93,717,000
07-1200 Police Services and Public Order	18,392,000
08-1200 Emergency Services	3,435,000
09-1020 Criminal Justice	19,135,000
10-1030 Narcotics, Organized Crime and Racketeering	8,106,000
11-1050 State Medical Examiner	2,181,000
23-1200 State Capitol Complex Security.....	5,308,000
24-1200 Marine Police Operations	8,955,000
99-1200 Management and Administrative Services	<u>10,933,000</u>
Total Appropriation, Law Enforcement ...	<u>\$170,162,000</u>
Personal Services:	
Salaries and wages	(\$126,156,000)
Positions converted	(51,000)
Cash in lieu of maintenance	(12,744,000)
Materials and Supplies	(6,701,000)
Services Other Than Personal.....	(6,687,000)
Maintenance and Fixed Charges.....	(5,144,000)
Special Purpose:	
Salaries and maintenance for graduates of 113th class	(2,972,000)
Emergency telecommunications services--Commission expenses	(225,000)
Drunk driver fund program	(962,000)
Noncriminal record checks	(1,014,000)
Nuclear emergency response program	(1,988,000)
Expenses of State Grand Jury	(356,000)
Medicaid fraud investigation-- State match	(375,000)
Environmental offense prosecution program	(350,000)
Boat certification program	(156,000)
Additions, Improvements and Equipment	(4,281,000)

The unexpended balance as of June 30, 1992, in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated

from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to P.L.1985, c.407, is appropriated.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24); and section 15 of P.L.1987, c.333 (C.13:1E-191) as are required to pay awards authorized by these laws and for public awareness programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated as required for the Action grants - State match and JJDP - State match; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, in the Action grants-State match account is appropriated for the same purpose.

The unexpended balance as of June 30, 1992, in the JJDP-State match account, including the accounts of the several departments, is appropriated for the same purpose.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to ensure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding any other provision of this act, receipts derived from the sale of helicopters as well as the unexpended balance of such sum as of June 30, 1992, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, in the Drunk driver fund program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk driver fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees and penalties pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal record checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992 in the Noncriminal record checks account, together with any receipts in excess of the amount anticipated, is appropriated to defray the costs of this activity, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear emergency response program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 1992, in the Nuclear emergency response program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

The unexpended balance as of June 30, 1992, in the Boat certification program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Boat certification program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

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, including the full cost of the 114th State Police Recruit Training class to be paid for by the various authorities which contract for State Police services, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated.

The unexpended balance as of June 30, 1992 in the Statewide 911 Emergency Telephone System account is appropriated for the same purposes.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	\$1,380,000
20-1450 Review and Enforcement of Ethical Standards	330,000
21-1400 Regulation of Alcoholic Beverages	1,910,000
22-1410 Regulation of Racing Activities.....	3,431,000
27-1480 State Athletic Control Board	<u>760,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$7,811,000</u>
Personal Services:	
Salaries and wages	(\$6,144,000)
Materials and Supplies.....	(181,000)
Services Other Than Personal	(735,000)
Maintenance and Fixed Charges.....	(176,000)
Special Purpose:	
Gubernatorial Public Finance Program	(430,000)
Per diem payment to members of the	
Election Law Enforcement Commission	(15,000)
Additions, Improvements and Equipment.....	(130,000)

In addition to the amount appropriated hereinabove for Regulation of Alcoholic Beverages, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

In addition to the amount appropriated hereinabove for Regulation of Racing Activities, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 3 of P.L.1981, c.150 (C.52:13C-22.2) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

88-1000 Central Library Services.....	\$589,000
99-1000 Management and Administrative Services	<u>4,636,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$5,225,000</u>
Personal Services:	
Salaries and wages	(\$3,907,000)
Materials and Supplies	(399,000)
Services Other Than Personal.....	(461,000)
Maintenance and Fixed Charges.....	(111,000)
Additions, Improvements and Equipment	(347,000)

Notwithstanding the provisions of any other law, any funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated for law enforcement purposes designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

New Jersey State Library

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on February 1, 1993, and August 1, 1993, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S. 2C:35-1 et seq. and N.J.S. 2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as a contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Penalties, fines, and other fees collected pursuant to N.J.S. 2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1992, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L.1944, c.126 (C.38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services	<u>\$31,656,000</u>
Total All Operations	<u>\$31,656,000</u>
<i>Less:</i>	
Reimbursements from other sources	<u>(\$14,171,000)</u>
Total Deductions	<u>(\$14,171,000)</u>
Total Appropriation, General Government Services	<u>\$17,485,000</u>

Personal Services:

Salaries and wages	(\$15,810,000)
Materials and Supplies	(163,000)
Services Other Than Personal.....	(1,116,000)
Maintenance and Fixed Charges.....	(346,000)
Additions, Improvements and Equipment	(50,000)

Less:

Reimbursements from other sources expense (14,171,000)

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.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to 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 fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove for Legal Services, the Attorney General shall reserve such amount as may be necessary to support challenges against the Federal Aviation Administration's Expanded East Coast Plan.

*80 Special Government Services**82 Protection of Citizens' Rights*

14-1310 Consumer Affairs	\$6,719,000
15-1320 Board of Accountancy.....	1,440,000
15-1321 Board of Architects and Certified Landscape Architects	897,000
15-1322 Board of Dentistry	868,000
15-1323 Board of Mortuary Science	277,000
15-1324 Board of Professional Engineers and Land Surveyors	1,036,000
15-1325 Board of Medical Examiners	4,104,000

15-1326 Board of Nursing	2,244,000
15-1327 Board of Optometrists	241,000
15-1328 Board of Pharmacy	734,000
15-1329 Board of Veterinary Medical Examiners	180,000
15-1330 Board of Shorthand Reporting	65,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	212,000
15-1332 Board of Cosmetology and Hairstyling	1,411,000
15-1333 Board of Professional Planners	253,000
15-1334 Board of Examiners of Electrical Contractors	454,000
15-1335 Board of Psychological Examiners	268,000
15-1336 Board of Examiners of Master Plumbers	339,000
15-1337 Board of Marriage Counselor Examiners	124,000
15-1338 Board of Chiropractic Examiners ..	319,000
15-1339 Board of Public Movers and Warehousemen	249,000
15-1340 Board of Physical Therapy	282,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee	134,000
15-1342 Board of Real Estate Appraisers ...	710,000
15-1343 Board of Respiratory Care	334,000
15-1344 Board of Social Work Examiners .	670,000
16-1350 Protection of Civil Rights	3,281,000
19-1440 Violent Crimes Compensation	<u>5,228,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$33,073,000</u>
Personal Services:	
Salaries and wages	(\$11,559,000)
Positions established in lieu of appropriated revenue	(1,383,000)
Materials and Supplies	(632,000)
Services Other Than Personal	(11,968,000)
Maintenance and Fixed Charges	(939,000)
Special Purpose:	
Securities Enforcement Fund	(2,885,000)
Claims--victims of violent crimes	(3,630,000)
Additions, Improvements and Equipment	(77,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional Consumer Affairs operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appro-

priated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 1992 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of P.L.1945, c.169 (C.10:5-14.1a), any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), not to exceed \$20,000, are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims--victims of violent crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 1992 in the Criminal Disposition and Revenue

Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from penalties under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1992, are appropriated for payment of claims of victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs up to \$500,000, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1992, in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 1992, are appropriated for payment of claims for victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the Division on Civil Rights shall collect a \$50.00 fee for each civil rights complaint filed with the division.

Receipts derived from civil rights complaint filing fees collected by the Division on Civil Rights are appropriated to defray operating expenses of the division, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$342,256,000</u>

Notwithstanding any other provision of law, the unexpended aggregate balances in the Promis/Gavel Implementation account, parking offense court fees account, Salvage Title program account, civil defense volunteers account, the emergency management and billable services account and the State Athletic Control Board receipts account in excess of \$1,000,000 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove for Salaries and wages within the Central Planning, Direction and Management - Management and Administrative Services program classification, the Attorney General, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$1,500,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than State Troopers, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$5,477,000
40-3620 New Jersey National Guard Programs Support Services	783,000
60-3600 Joint Training Center Management and Operations	582,000
99-3600 Management and Administration...	<u>3,882,000</u>
Total Appropriation, Military Services ...	<u>\$10,724,000</u>
Personal Services:	
Salaries and wages	(\$6,460,000)
Materials and Supplies	(1,419,000)
Services Other Than Personal.....	(857,000)
Maintenance and Fixed Charges.....	(531,000)
Special Purpose:	
Joint Federal-State operations and maintenance contracts (State share)	(830,000)
New Jersey Military Academy.....	(30,000)
Microfilm service charges.....	(7,000)
Additions, Improvements and Equipment	(590,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1992 are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance	\$2,645,000
70-3610 Burial Services	<u>1,041,000</u>
Total Appropriation, Veterans' Programs Support	<u>\$3,686,000</u>
Personal Services:	
Salaries and wages	(\$2,133,000)
Materials and Supplies	(351,000)
Services Other Than Personal	(223,000)
Maintenance and Fixed Charges	(139,000)
Special Purpose:	
Agent Orange Commission	(80,000)
Veterans' outreach center - Mercer County	(250,000)
Transitional housing	(500,000)
Additions, Improvements and Equipment	(10,000)

The unexpended balance as of June 30, 1992 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the commission.

The unexpended balance as of June 30, 1992 in the Agent Orange Commission account is appropriated for the expenses of the Commission.

The unexpended balance as of June 30, 1992 in the Paupers' re-interments account is appropriated for the expenses of paupers' re-interments.

Funds received for plot interment allowances received from the federal Department of Veterans' Affairs are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

3630 Menlo Park Veterans Memorial Home

20-3630 Domiciliary and Treatment Services	\$10,482,000
30-3630 Physical Plant and Support Services	2,008,000
99-3630 Management and Administration...	<u>1,488,000</u>
Total Appropriation, Menlo Park Veterans Memorial Home	<u>\$13,978,000</u>
Personal Services:	
Salaries and wages	(\$11,252,000)
Materials and Supplies	(1,265,000)

Services Other Than Personal.....	(1,173,000)
Maintenance and Fixed Charges.....	(102,000)
Additions, Improvements and Equipment	(186,000)

3640 Paramus Veterans Memorial Home

20-3640 Domiciliary and Treatment Services	\$10,037,000
30-3640 Physical Plant and Support Services	1,370,000
99-3640 Management and Administration...	<u>1,426,000</u>
Total Appropriation, Paramus Veterans Memorial Home	<u>\$12,833,000</u>

Personal Services:

Salaries and wages	(\$6,899,000)
Positions established from lump sum appropriation	(2,476,000)
Materials and Supplies	(1,033,000)
Services Other Than Personal.....	(690,000)
Maintenance and Fixed Charges.....	(157,000)
Special Purpose:	
Phase III - Final 90 beds	(1,477,000)
Additions, Improvements and Equipment	(101,000)

3650 Vineland Veterans Memorial Home

20-3650 Domiciliary and Treatment Services	\$10,077,000
30-3650 Physical Plant and Support Services	2,198,000
99-3650 Management and Administration...	<u>1,220,000</u>
Total Appropriation, Vineland Veterans Memorial Home	<u>\$13,495,000</u>

Personal Services:

Salaries and wages	(\$10,789,000)
Materials and Supplies	(1,503,000)
Services Other Than Personal.....	(945,000)
Maintenance and Fixed Charges.....	(126,000)
Additions, Improvements and Equipment	(132,000)
Total Appropriation, Department of Military and Veterans' Affairs	<u>\$54,716,000</u>

Of the amount appropriated hereinabove for the Department of Military and Veteran's Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1992 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/res-

idents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed \$35 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove for Salaries and wages within the Military Services - Management and Administration program classification, the Commissioner of Department of Military and Veterans' Affairs, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$700,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than physicians, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

68 DEPARTMENT OF PERSONNEL

70 *Government Direction, Management and Control*

74 *General Government Services*

01-2710 Personnel Policy Development and General Administration	\$2,613,000
02-2720 Recruitment and Selection.....	6,953,000
03-2730 Personnel Management Systems....	7,756,000
04-2740 Employee Development and Personnel Services	934,000
05-2750 Equal Employment Opportunity and Affirmative Action	2,548,000
06-2760 Local Government Classification and Placement	2,442,000
07-2770 Human Resource Development Institute	<u>10,959,000</u>
Total Appropriation, General Government Services	<u>\$34,205,000</u>
Personal Services:	
Merit System Board	(\$52,000)
Salaries and wages	(22,158,000)
Positions established from lump sum	
appropriation	(238,000)

Positions established in lieu of appropriated revenue	(4,528,000)
Materials and Supplies	(1,103,000)
Services Other Than Personal.....	(4,523,000)
Maintenance and Fixed Charges.....	(286,000)
Special Purpose:	
Microfilm service charges.....	(29,000)
Test validation/police testing	(434,000)
Employee Suggestion program	(100,000)
Additions, Improvements and Equipment	(754,000)

Receipts derived from training services are appropriated.

Receipts derived from Employee Advisory services are appropriated.

The Commissioner of Personnel shall establish a \$5.00 fee for each application for an open competitive and promotional examination. Receipts derived from fees charged to applicants for open competitive or promotional examinations are appropriated to the Department of Personnel.

The Commissioner of Personnel shall, pursuant to N.J.S.11A:11-2, consolidate affirmative action functions in the Executive Branch of State government and transfer to the Department of Personnel such employees, positions, equipment, powers, duties and functions from throughout the Executive Branch of State government as the commissioner deems necessary to effectuate such consolidation.

Total Appropriation, Department of Personnel

\$34,205,000

In addition to the sums hereinabove for Salaries and wages within the Personnel Policy Development and General Administration program classification, the Commissioner of the Department of Personnel, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$704,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 *Government Direction, Management and Control*76 *Management and Administration*

99-8480 Management and Administrative Services	<u>\$1,103,000</u>

Total Appropriation, Management and Administration	<u>\$1,103,000</u>

Personal Services:

Salaries and wages	(\$842,000)

Materials and Supplies	(55,000)

Services Other Than Personal	(137,000)

Maintenance and Fixed Charges	(23,000)

Special Purpose:

Federal Energy Regulatory Commission hearings	(46,000)

80 *Special Government Services*82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$1,876,000

03-8330 Dispute Settlement	160,000

04-8410 Trial Services to Indigents and Special Programs	36,491,000

05-8420 Appellate Services to Indigents	5,442,000

06-8430 Public Defender Management	764,000

08-8350 Advocacy for the Developmentally Disabled	<u>497,000</u>

Total Appropriation, Protection of Citizens' Rights	<u>\$45,230,000</u>

Personal Services:

Salaries and wages	(\$32,705,000)

Materials and Supplies	(559,000)

Services Other Than Personal	(8,790,000)

Maintenance and Fixed Charges	(301,000)

Special Purpose:

Public Defender conflict unit	(2,587,000)

Additions, Improvements and Equipment	(288,000)

Receipts of the Rate Counsel are appropriated for the Rate Counsel to defray the costs of this activity.

Receipts from clients and the unexpended balance as of June 30, 1992 of such receipts are appropriated.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Department of the Public Advocate are available for expenses associated with the defense of pool attorneys hired by the Public Advocate for the representation of indigent clients.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Total Appropriation, Department of the Public Advocate \$46,333,000

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Public Advocate, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$500,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*

37 *Cultural and Intellectual Development Services*

05-2530 Support of the Arts	\$526,000
06-2535 Museum Services	1,972,000
07-2540 Development of Historical Resources	<u>530,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,028,000</u>
Personal Services:	
Salaries and wages	(\$2,309,000)
Materials and Supplies	(171,000)
Services Other Than Personal.....	(219,000)
Maintenance and Fixed Charges.....	(61,000)
Special Purpose:	
Council member expenses	(3,000)
Walter Edge Foran New Jersey Studies Institute	(204,000)
Additions, Improvements and Equipment	(61,000)

The unexpended balance as of June 30, 1992 in the Walter Edge Foran New Jersey Studies Institute account is appropriated for the same purpose.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

The unexpended balance as of June 30, 1992 in the Afro-American curriculum program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1992 in the Black Historic Sites Survey account is appropriated for the same purpose.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration.....	\$1,588,000
08-2545 Records Management	1,221,000
09-2506 Commercial Recording.....	<u>733,000</u>
Total Appropriation, Office of the Secretary of State	<u>\$3,542,000</u>
Personal Services:	
Salaries and wages	(\$2,279,000)
Materials and Supplies.....	(104,000)
Services Other Than Personal.....	(465,000)
Maintenance and Fixed Charges	(57,000)
Special Purpose:	
Voter registration	(275,000)
Voter declaration.....	(4,000)
Martin Luther King Jr. Commemorative Commission.....	(215,000)
Records Storage Center - staffing	(100,000)
Additions, Improvements and Equipment.....	(43,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1992 of those receipts are appropriated for the costs of making such examinations.

The unexpended balance as of June 30, 1992 in the Martin Luther King, Jr. Commemorative Commission is appropriated for the same purpose.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1992 are appropriated for the costs of over-the-counter corporate service.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming

costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

The unexpended balance in the Secretary of State Fund as of June 30, 1992 and, notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees are appropriated.

Receipts derived from fees charged for microfilming services provided to local governments are appropriated for the same purpose.

2515 Office of Administrative Law

03-2515 Adjudication of Administrative Appeals \$10,119,000

Less:

All Other Funds (\$5,120,000)

Total Income Deductions (\$5,120,000)

Total Appropriation, Office of Administrative Law \$4,999,000

Personal Services:

Salaries and wages (\$7,014,000)

Materials and Supplies (1,496,000)

Services Other Than Personal..... (1,316,000)

Maintenance and Fixed Charges..... (293,000)

Less:

All other funds..... (5,120,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the "State Compensation Plan."

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1992 of such receipts are appropriated.

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs by the Office of Administrative Law and the unexpended balance as of June 30, 1992 of such sums, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Total Appropriation, Department of State \$11,569,000

In addition to the sums hereinabove for Salaries and wages within the Office of the Secretary of State - Administration and

Commercial Recording program classifications, the Secretary of State, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$250,000 to the Office of the Secretary of State/Administration and \$680,000 to Commercial Recording from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees, other than Administrative Law Judges, whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	\$74,549,000
08-6120 Physical Plant and Support Services	7,994,000
71-6200 Transportation Systems Improvements	<u>11,871,000</u>
Total Appropriation, State Highway Facilities	<u>\$94,414,000</u>
Personal Services:	
Salaries and wages	(\$59,174,000)
Materials and Supplies	(11,365,000)
Services Other Than Personal	(7,188,000)
Maintenance and Fixed Charges	(16,209,000)
Special Purpose:	
Microfilm service charges	(66,000)
Comprehensive highway transportation	
planning studies	(52,000)
Metropolitan planning studies	(104,000)
Public transportation and aviation planning	(158,000)
Additions, Improvements and Equipment	(98,000)

The unexpended balances as of June 30, 1992 in the accounts hereinabove are appropriated.

The department shall be permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the

"Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Receipts in excess of \$240,000 derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the outdoor advertising permit and regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of \$600,000 derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the access permit review program, subject to the approval of the Director of the Division of Budget and Accounting.

64 Regulation and General Management

05-6070 Access and Use Management	\$1,763,000
99-6000 Management and Administrative Services	<u>11,086,000</u>
Total Appropriation, Regulation and General Management	<u>\$12,849,000</u>
Personal Services:	
Salaries and wages	(\$9,032,000)
Materials and Supplies	(219,000)
Services Other Than Personal	(2,678,000)
Maintenance and Fixed Charges	(76,000)
Special Purpose:	
Airport Safety Fund	(300,000)
Affirmative action and equal employment opportunity	(500,000)
Additions, Improvements and Equipment	(44,000)

The unexpended balance as of June 30, 1992 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992, and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Receipts in excess of \$145,000 derived from motorbus petition and inspection fees are appropriated for the purpose of administering the motorbus regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

The Department of Transportation shall contract with private vendors for the preparation and publication of the New Jersey Official Transportation Map and Guide.

Total Appropriation, Department of Transportation \$107,263,000

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Commissioner of the Department of Transportation, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$3,800,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2010 Office of State Planning	\$1,286,000
03-2015 Employee Relations and Collective Negotiations	510,000
05-2030 Budget Management and Planning	7,560,000
07-2040 Accounting and Financial Reporting	<u>9,518,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$18,874,000</u>

Personal Services:

Salaries and wages	(\$12,563,000)
Materials and Supplies.....	(444,000)
Services Other Than Personal.....	(4,825,000)
Maintenance and Fixed Charges	(79,000)

Special Purpose:

Independent Audit.....	(42,000)
Additions, Improvements and Equipment.....	(921,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, and the single audit.

The Office of State Planning is authorized to collect reasonable fees for the distribution of its publications. Receipts derived from such fees are appropriated for the Office of State Planning.

73 Financial Administration

15-2080 Tax Collection Services and Administration	\$83,157,000
16-2090 Administration of State Lottery	19,548,000
19-2120 Management of State Investments.	3,552,000
Total Appropriation, Financial Administration	<u>\$106,257,000</u>
Personal Services:	
Salaries and wages	(\$59,247,000)
Materials and Supplies	(3,375,000)
Services Other Than Personal.....	(35,031,000)
Maintenance and Fixed Charges.....	(2,048,000)
Special Purpose:	
Funding for additional tax auditors	(5,000,000)
Additions, Improvements and Equipment	(1,556,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

The unexpended balance as of June 30, 1992 in the leased personal property sales tax administration account is appropriated for the same purpose.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

Notwithstanding any other law to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund and the Resource Recovery Investment Tax Fund such sums as may be necessary for the cost of administration and

collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments within the limits of appropriations made herein shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

74 General Government Services

09-2050 Purchasing and Inventory Management	\$5,908,000
10-2055 Physical Plant Operation and Maintenance	9,829,000
11-2060 Other Property Management Services	2,625,000
21-2140 Management of Employee Benefits Programs	23,497,000
24-2061 Real Property Management	388,000
37-2051 Risk Management	<u>2,239,000</u>
Total Appropriation, General Government Services	<u>\$44,486,000</u>

Personal Services:

Salaries and wages	(\$28,068,000)
Materials and Supplies.....	(1,155,000)
Services Other Than Personal.....	(11,895,000)
Maintenance and Fixed Charges.....	(1,899,000)
Additions, Improvements and Equipment.....	(1,018,000)

Special Purpose:

Maintenance--Old Barracks, Trenton	
(State share).....	(323,000)
State Pension System Audit	(128,000)

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.

In addition to the sums hereinabove for the General Government Services - Physical Plant Operation and Maintenance program classification, the Director of the Division of Budget and Accounting shall transfer or credit to the Physical Plant Operation and Maintenance account, the sum of \$1,900,000 from the Central Motor Pool control account. This additional sum is appropriated for the General Government Services - Physical Plant Operation and Maintenance account.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments within the limits of appropriations made herein shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

Receipts from employee maintenance charges in excess of \$1,000,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed \$170,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center 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.

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.

A sum not to exceed \$171,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

There are appropriated, out of 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.

- There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance in the State Purchase Fund as of June 30, 1992, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S. 52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.
- The unexpended balances in the State cafeteria accounts as of June 30, 1992, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund from any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.
- Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed \$100,000 shall be available for the administrative expenses of the program.
- Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.
- There are appropriated out of revenues derived from the rental and operation of the War Memorial, such sums as may be necessary to operate and maintain the above-cited facility.

76 Management and Administration

01-2005 Federal Liaison Activities.....	\$138,000
98-2006 Public Contracts Affirmative Action Office	840,000
99-2000 Management and Administrative Services	<u>1,181,000</u>
Total Appropriation, Management and Administration	<u>\$2,159,000</u>

Personal Services:

Salaries and wages	(\$1,340,000)
Materials and Supplies.....	(26,000)
Services Other Than Personal.....	(593,000)
Maintenance and Fixed Charges.....	(61,000)
Additions, Improvements and Equipment.....	(1,000)

Special Purpose:

Federal Liaison Office--Washington, D.C	(138,000)

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

Fees collected on behalf of the Public Contracts Affirmative Action Office program classification and the unexpended balance as of June 30, 1992 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts account as of June 30, 1992 is appropriated for the same purpose.

There is appropriated from investment earnings of State funds a sum, not to exceed \$500,000, for public finance activities.

Total Appropriation, Department of the Treasury	<u>\$171,776,000</u>

Such sums as are paid to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the states of New York and New Jersey and the Port Authority of New York and New Jersey are appropriated to the Economic Recovery Fund established pursuant to section 3 of

P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

In addition to the sums hereinabove for Salaries and wages within the Management and Administrative Services program classification, the Treasurer, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to these Salaries and wages accounts a sum of up to \$2,500,000 from the other appropriations made for Salaries and wages in the department to reflect savings throughout the department from the reduction of employees whose annual salaries exceed \$50,000. Such savings shall first be made by reduction of employees in the unclassified service. If those reductions in the unclassified service are insufficient, additional reduction of employees shall be made in the classified service. These reductions shall be made among management and administrative personnel and shall, to the maximum extent possible, not affect direct service personnel. If reductions are made of employees in the classified service, the commissioner shall provide written notice and justification of such action to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*

43 *Science and Technical Programs*

9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation Commission..	<u>\$215,000</u>
Total Appropriation, Interstate Sanitation Commission	<u>\$215,000</u>
Special Purpose:	
Expenses of Commission	(\$215,000)

The amount available to the Interstate Sanitation Commission from the State of New Jersey shall not exceed the amount that is appropriated for the contribution to the commission by the State of New York.

9140 *Delaware River Basin Commission*

02-9140 Delaware River Basin Commission	<u>\$510,000</u>
Total Appropriation, Delaware River Basin Commission	<u>\$510,000</u>
Special Purpose:	
Expenses of Commission	(\$510,000)

70 *Government Direction, Management and Control*

76 *Management and Administration*

9146 *Governor's Management Review Commission*

90-9146 Governor's Management Review Commission	<u>\$1,000,000</u>
Total Appropriation, Governor's Management Review Commission	<u>\$1,000,000</u>
Special Purpose:	
Expenses of Commission	(\$1,000,000)
Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,725,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals	\$165,061,000
02-9400 Insurance and Other Services	36,364,000
06-9400 Utilities and Other Services	<u>17,239,000</u>
Total Appropriation, Property Rentals, Insurance and Other Services.....	<u>\$218,664,000</u>
Materials and Supplies.....	(\$17,239,000)
Maintenance and Fixed Charges	
Rent:	
Buildings and grounds	(177,822,000)
Richard J. Hughes Justice Complex	(10,851,000)
New Jersey Sports and Exposition Authority	(12,000,000)
New Jersey Building Authority	(17,506,000)
Less:	
Direct charges and charges to non- State fund sources.....	(53,118,000)
Insurance Premiums:	
Property insurance	(950,000)
Casualty insurance	(860,000)
Special insurance policies	(154,000)
Special Purpose:	
Tort Claims Liability Fund (C.59:12-1) ...	(8,000,000)
Workers' Compensation Self- Insurance Fund	(23,000,000)
Vehicle Claims Liability Fund	(3,000,000)
Self-Insurance Deductible Fund.....	(400,000)

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 herein-after provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The unexpended balance as of June 30, 1992 in the Newark Performing Arts Center account is appropriated for the same purpose.

The unexpended balance as of June 30, 1992 in the Master Lease Program Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1992 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 is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.

To the extent that sums appropriated to pay Workers' Compensation claims are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of outside legal, investigative, and medical services related to the investigation and litigation of claims against the fund.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1992 in the Inter-Departmental accounts for automobile insurance are appropriated as a reserve for payment of vehicular and Division of Motor Vehicle Inspection Station Premises and operations liability claims settlements and judgments, payment of vendored claims, investigative costs, or for the reallocation to departments based on loss experience.

The amount hereinabove for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1992 in the Self-Insurance Deductible Fund and in the Workers' Compensation Self-Insurance Fund are appropriated for the same purposes.

The unexpended balance as of June 30, 1992, not to exceed \$200,000, in the Self-Insurance Fund-Foster Parents is appropriated for the same purpose.

The sums hereinabove are available for payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1992 in the Vehicle Claims Liability Fund is appropriated for the same purpose.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.

9410 Employee Benefits

03-9410 Employee Benefits		<u>\$876,680,000</u>
Total Appropriation, Employee Benefits .		<u>\$876,680,000</u>
Special Purpose:		
Heath Act.....	(\$30,000)	
Veterans' Act.....	(200,000)	
Miscellaneous special acts	(7,000)	
Judicial Retirement System.....	(9,286,000)	
Prison Officers' Pension Fund.....	(2,067,000)	
Public Employees' Retirement System....	(262,317,000)	
State Police Retirement System	(18,034,000)	
Pension Adjustment Act.....	(11,182,000)	
Minimum Pension Benefit Act.....	(56,000)	
Employer contributions, alternate benefit program	(51,848,000)	
Pension and noncontributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members.....	(11,577,000)	
Police and Firemen's Retirement System (P.L.1979, c.109)	(23,874,000)	
Police and Firemen's Retirement System, P.L.1944, c.255 (C.43:16A-1 et seq.)	(33,548,000)	
Social Security tax	(209,800,000)	
State employees' health benefits	(458,100,000)	
Prescription drug program	(52,000,000)	
Temporary disability insurance.....	(5,089,000)	
Vision care.....	(1,400,000)	
Dental care program, shared cost	(15,400,000)	
Unemployment insurance - employer liability	(5,000,000)	
Less:		
Savings from pension revaluation.....	(\$184,135,000)	
Benefit cost savings from attrition program	(25,000,000)	
Savings from health care cost containment measures	(45,000,000)	
Savings from attrition program.....	(40,000,000)	

- There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further, that this shall not apply to any widow receiving a pension granted under R.S. 43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.
- Such additional sums as may be required for Unemployment Compensation liability are appropriated as the Director of Budget and Accounting shall determine.
- Such additional sums as may be required for Social Security tax, or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.
- The amount hereinabove for the Prescription drug program is based upon a co-payment of \$5.00 for each eligible non-generic prescription/refill and a co-payment of \$3.50 for each eligible generic prescription/refill.
- Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.
- In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account the sum of \$20,000,000 from appropriations made to various spending agencies for information processing-internal, information processing-external, and for any computer-related activities in any other minor object accounts, as determined by the director. This additional sum is appropriated for Social Security tax.
- In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account the sum of \$13,200,000 from appropriations made to various spending agencies to reflect savings from the consolidation of personnel management functions in the Department of Personnel. This additional sum is appropriated for Social Security tax.

The savings hereinabove from health care cost containment measures shall be realized through the implementation of recommendations made by the Labor-Management Health Care Cost Containment Committee. The Committee shall be comprised of five management representatives and five labor representatives, two of whom shall be from the two employee organizations representing the largest number of State employees in the Plan and three of whom shall be from the three employee organizations representing the largest number of local government employees in the Plan. The Committee shall make no recommendations which reduce levels of coverage or benefits or which increase charges or costs to Plan participants. All Committee recommendations shall be based upon a consensus of the members.

The Director of the Division of Budget and Accounting shall transfer from departmental salary accounts and credit to the Employee Benefits account a sum of \$40,000,000, to reflect savings from an attrition program, as determined by the Director. This additional sum is appropriated for Employee Benefits.

In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account the sum of \$20,000,000 from appropriations made to various spending agencies for Materials and Supplies, Services Other Than Personal, Maintenance and Fixed Charges, and Additions, Improvements and Equipment. This additional sum is appropriated for Social Security tax.

9420 State Contingency Fund

04-9420 State Contingency Fund	<u>\$28,899,000</u>
Total Appropriation, State Contingency Fund	<u>\$28,899,000</u>
Special Purpose:	
To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State	
	(\$2,000,000)
Contingencies-including food and services	(1,500,000)
Interest on short term notes	(15,000,000)
Telephone buy-out.....	(1,845,000)
Statewide 911 emergency telephone system	(8,554,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

In addition to the amounts hereinabove, there is appropriated the sum of \$38,000,000 or such other specific amount as shall be determined by the Director of the Division of Budget and Accounting for partial repayment with interest to the Unemployment Compensation Fund of those funds previously credited to the Unemployment Care Offset Account under the provisions of section 30 of P.L.1989, c.124, the Fiscal Year 1990 appropriation act.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits.....	<u>\$61,493,000</u>
Total Appropriation, Salary and Other Benefits	<u>\$61,493,000</u>
Special Purpose:	
Salary and benefits increases- increments	(\$32,592,000)
Salary and benefits increases- cost of living adjustments.....	(2,575,000)
Salary and benefits increases- deferred cost of prior contract (COLA and increments	(23,326,000)
Unused accumulated sick leave payments	(3,000,000)

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.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey, the State Colleges or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Palisades Interstate Park Commission.

In addition to the amount hereinabove for Unused accumulated sick leave payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch, or the unclassified personnel of the Judicial Branch.

Notwithstanding the provisions of any other laws, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of Fiscal Year 1992 as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

Total Appropriation, Inter-Departmental Accounts	<u>\$1,185,736,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court	\$3,379,000
02-9715 Superior Court--Appellate Division	10,231,000
03-9720 Civil Courts	21,338,000
04-9725 Criminal Courts	15,554,000
05-9730 Family Courts	10,674,000
06-9735 Municipal Courts	885,000
07-9740 Probation Services	9,371,000
08-9745 Court Reporting	9,199,000
09-9750 Legal and Professional Services	1,170,000
10-9755 Information Services	10,314,000
11-9760 Field Operations	1,900,000
12-9765 Management and Administration...	<u>4,648,000</u>
Total Appropriation, Judicial Services	<u>\$98,663,000</u>

Personal Services:

Chief Justice.....	(\$120,000)
Associate Justices.....	(690,000)
Judges	(38,940,000)
Salaries and wages	(36,704,000)
Materials and Supplies.....	(1,996,000)
Services Other Than Personal.....	(6,665,000)
Maintenance and Fixed Charges	(309,000)
Special Purpose:	
Rules developmen	(155,000)
Automobile arbitration	(350,000)
Alternative dispute resolution	(80,000)
Personal Injury Arbitration	(150,000)
Speedy Trial Program, case processing improvement.....	(26,000)
Child support and paternity program (State share).....	(1,124,000)
Child Placement Review Advisory Council	(75,000)
Juvenile Delinquency Commission	(325,000)
Municipal court assistance	(310,000)
Intensive supervision program	(5,847,000)
Juvenile intensive supervision program ..	(2,567,000)
Affirmative action and equal employ- ment opportunity program.....	(179,000)
Additions, Improvements and Equipment.....	(2,051,000)

The unexpended balance as of June 30, 1992 in these respective accounts is appropriated.

Receipts from charges to Special Purpose and Grant accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee, Board of Trial Attorney Certification, Bar Admission Financial Committee and the Automated Traffic System Fund are appropriated for services provided to these funds.

Notwithstanding the provisions of N.J.S.2B:2-4, the salaries of the Associate Justices of the Supreme Court shall be fixed and established at \$115,000 per year.

Total Appropriation, Judiciary	\$98,663,000
Total Appropriation, Direct State Services	<u>\$4,290,728,000</u>

GRANTS-IN-AID

20 DEPARTMENT OF COMMERCE AND ECONOMIC
DEVELOPMENT50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

*2890 New Jersey Commission on Science and Technology--
Grants-In-Aid*

24-2890 New Jersey Commission on Science and Technology	<u>\$19,899,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$19,899,000</u>

Grants:

Center for Advanced Food Technology ...	(\$1,523,000)
Center for Hazardous Substance Management Research	(2,947,000)
Fisheries development and aquaculture ...	(200,000)
Business development.....	(600,000)
Center for Advanced Biotechnology and Medicine.....	(3,052,000)
Center for Biomolecular Agriculture	(950,000)
Center for Ceramics Research.....	(2,718,000)
TEX Center for Polymer Processing.....	(355,000)
Center for Photonics and Opto- Electronic Materials	(550,000)
Center for Surface Engineered Materials	(300,000)
Center for Computer Aids to Industrial Productivity.....	(1,143,000)
TEX Center for Information Services	(264,000)
Center for Manufacturing Engineering Sciences	(500,000)
Advanced technology centers - new equipment	(4,797,000)

The unexpended balances as of June 30, 1992 from the Science and Technology grants accounts are appropriated.

The New Jersey Commission on Science and Technology is authorized to transfer up to 10% of the appropriation of each of the Science and Technology grants accounts, with the exception of the Advanced Technology Centers Certificate of Participation account, to provide funding for an Enhanced Technology Transfer Program, which will provide funding on a competitive basis for technology transfer activities, subject to the approval of the Director of the Division of Budget and Accounting. Any Commission-sponsored program whose direct grant support is reduced through such transfer shall be eligible to compete for funding under the Enhanced Technology Transfer Program.

Total Appropriation, Department of Commerce and Economic Development	<u>\$19,899,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--Grants-In-Aid

01-8010 Housing Code Enforcement.....	\$800,000

02-8020 Housing Services	6,520,000
18-8017 Fire Safety Inspection Program	9,145,000
20-8035 Hackensack Meadowlands Development	<u>1,225,000</u>
Total Appropriation, Community Development Management	<u>\$17,690,000</u>

Grants:

Cooperative housing inspection	(\$800,000)
Shelter assistance	(2,000,000)
Prevention of homelessness P.L.1984, c.180 (C.52:27D-280 et seq.)	(4,460,000)
Neighborhood Housing Services of Trenton, Inc.	(60,000)
Fire safety inspection and enforcement-LEA rebates	(8,845,000)
Fire safety - continuing education	(300,000)
Hackensack Meadowlands Development Commission-Debt service	(315,000)
Hackensack Meadowlands Development Commission-Municipal Committee	(110,000)
Hackensack Meadowlands Development Commission operations	(675,000)
Hackensack Meadowlands Development Commission-Environmental Center	(125,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992, in the Housing Code Enforcement program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, reports on January 1, 1993 and March 1, 1993 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The unexpended balance as of June 30, 1992 in the Prevention of Homelessness account is appropriated.

The unexpended balance as of June 30, 1992, in the Shelter assistance account is appropriated.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$150,000 may be used for administration and technical assistance.

In addition to the amount hereinabove for the Revolving Housing Development and Demonstration Grant Fund, there is appropriated an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Fire Safety Inspection Program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1992, in the Fire Safety Inspection Program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and 13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Regulatory Commissioners to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection and Energy, for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or \$1,695,750, whichever is less, shall be withdrawn from the escrow accounts by

the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the Hackensack Meadowlands Development Commission for operational costs.

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

05-8050 Community Resources	\$4,350,000
07-8052 Sports and Recreation.....	150,000
15-8051 Women's Programs	<u>1,715,000</u>
Total Appropriation, Social Services Programs	<u>\$6,215,000</u>
Grants:	
Recreation for the handicapped.....	(\$500,000)
Garden State Games.....	(150,000)
Special Olympics	(375,000)
State Legal Services Office.....	(2,000,000)
Office of Hispanic Affairs.....	(1,125,000)
Trenton Urban Gardening Program.....	(50,000)
Camden Urban Gardening Project.....	(50,000)
Grant to ASPIRA	(100,000)
Hispanic women's resource centers.....	(400,000)
Women's Referral Central	(25,000)
Job Training Center for Urban Women Act	(315,000)
Grants to women's shelters.....	(25,000)
Grants to displaced homemaker centers..	(900,000)
Grant to Excel program for women	(50,000)
Grant to Puerto Rican Congress of New Jersey - New Trenton facility.....	(150,000)
Total Appropriation, Department of Community Affairs	<u><u>\$23,905,000</u></u>

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support--Grants-In-Aid

13-7025 Institutional Program Support	<u>\$73,439,000</u>
Total Appropriation, System-Wide Program Support	<u>\$73,439,000</u>
Grants:	
Purchase of service for inmates incarcerated in county penal facilities.....	(\$67,499,000)
Purchase of service for inmates incarcerated in out-of-State facilities	(140,000)
Purchase of community services	(5,800,000)

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmates housing

which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

18 Juvenile Correctional Services

7270 Juvenile Community Programs--Grants-In-Aid

12-7270 Juvenile Rehabilitation	<u>\$1,400,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$1,400,000</u>
Grant:	
Alternatives to Juvenile Incarceration programs (1,400,000)	
Total Appropriation, Department of Corrections	<u>\$74,839,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--Grants-In-Aid

04-5062 Adult and Continuing Education .	<u>\$3,704,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$3,704,000</u>
Grant:	
New Jersey Youth Corps.....	(\$3,704,000)

34 Educational Support Services--Grants-In-Aid

30-5063 Educational Programs and Student Services	\$5,280,000
33-5091 Service to Local Districts	<u>500,000</u>
Total Appropriation, Educational Support Services	<u>\$5,780,000</u>
Grants:	
Good Starts	(\$5,000,000)
Math/science initiative	(780,000)

The unexpended balance as of June 30, 1992 in the Good Starts program account is appropriated.

The unexpended balance as of June 30, 1992 in the Math/Science Initiative program account is appropriated.

35 Education Administration and Management--Grants-In-Aid

99-5095 Management and Administrative Services	<u>\$1,979,000</u>
Total Appropriation, Education Administration and Management	<u>\$1,979,000</u>
Grant:	
Governor's teaching scholarships.....	(\$1,979,000)

37 Cultural and Intellectual Development Services--Grants-In-Aid

54-5010 Support of the Arts	<u>\$100,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$100,000</u>

Grant:

Teen arts program	(\$100,000)	
Total Appropriation, Department of Education		<u>\$11,563,000</u>

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*21 *Health Services--Grants-In-Aid*

02-4220 Family Health Services	\$6,764,000
03-4230 Epidemiology and Disease Control	1,806,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	5,483,000
11-4235 Occupational and Environmental Health Control	413,000
12-4245 AIDS Services	<u>11,091,000</u>
Total Appropriation, Health Services	<u>\$25,557,000</u>

Grants:

Family planning services.....	(\$1,610,000)
Hemophilia services	(621,000)
Services to victims of Huntington's Disease	(250,000)
Testing for specific hereditary diseases....	(115,000)
Special health services for handicapped children	(2,000,000)
Birth defects registry.....	(25,000)
Lead poisoning program	(395,000)
Alzheimer's disease program.....	(615,000)
Rape prevention	(500,000)
Cleft palate programs	(350,000)
Newborn screening follow-up and treatment for hemoglobins.....	(133,000)
SIDS Assistance Act	(150,000)
Tuberculosis services	(197,000)
New Jersey State Commission on Cancer Research.....	(1,000,000)
AIDS communicable disease control	(609,000)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,033,000)
Parolee rehabilitation project	(370,000)
Medical support services for the homeless	(75,000)
Inmate residential drug treatment.....	(250,000)
Comprehensive drug and alcohol treatment system.....	(1,850,000)
In-state juvenile residential treatment services-development	(1,810,000)
Worker and community right to know	(413,000)
AIDS resource centers.....	(600,000)
AIDS continuing grants.....	(10,491,000)

From the Family planning services account, \$10,000 is transferred to the Department of Human Services, Division of Medical Assistance and Health Services for family planning services.

The unexpended balance as of June 30, 1992 in the Immunization initiative account is appropriated.

The unexpended balance as of June 30, 1992 in the New Jersey State Commission on Cancer Research account is appropriated.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance of appropriations, as of June 30, 1992, made to the Department of Health by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is transferred from the "Drug Enforcement and Demand Reduction Fund" \$9,262,000 to supplement the Community drug programs (State share) account; of this amount \$1,170,000 is appropriated as the State match for the Campus Grant at the Meadowview Hospital in Hudson County.

An amount not to exceed \$500,000, collected by the Casino Control Commission and transferred to the General Fund pursuant to section 145 of P.L. 1977, c.110 (C.5:12-145) and the unexpended balance as of June 30, 1992 in this account is appropriated to the Department of Health to provide funds for compulsive gambling grants.

The amount hereinabove for AIDS resource centers shall be awarded to existing treatment assessment programs or AIDS Community Care Alternatives Program case management sites to broaden the mission of these activities. The Commissioner of Health shall provide the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee with a list of the agencies or programs that are awarded these funds.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$570,000 to fund the Fetal alcohol syndrome program.

An amount not to exceed \$1,830,000 is appropriated to the Department of Health from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) to fund the Infant Mortality Reduction Program.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$420,000 to fund the Local Alcoholism Authorities-Expansion account.

22 Health Planning and Evaluation--Grants-In-Aid

06-4260 Health Facilities Evaluation.....	<u>\$634,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$634,000</u>

Grants:

Emergency medical services	(\$209,000)
Poison control center.....	(425,000)

There is appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1) such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program created pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.).

Total Appropriation, Department of Health	<u><u>\$26,191,000</u></u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--Grants-In-Aid

02-5400 Support to Independent Institutions	\$25,541,000
03-5400 New Jersey Educational Opportunity Fund	26,892,000
04-5400 Student Financial Support Services	113,852,000
99-5400 Management and Administrative Services	<u>36,239,000</u>
Total Appropriation, Office of the Chancellor	<u><u>\$202,524,000</u></u>

Grants:

Veterinary medicine education program ..	(\$1,427,000)
Aid to independent colleges and universities	(20,120,000)
Schools of professional nursing	(416,000)
Dental school aid.....	(2,400,000)
Optometric education.....	(88,000)
Research under contract with the Institute of	
Medical Research, Camden	(790,000)
Opportunity program grants	(17,271,000)
Supplementary education program grants	(8,819,000)
Martin Luther King Physician-	
Dentist Scholarship Act of 1986.....	(602,000)

Ferguson Law Scholarships	(200,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.)	(104,800,000)
Garden State scholarships	(3,062,000)
Graduate fellowships	(225,000)
Public Tuition Benefits Grants.....	(65,000)
Edward J. Bloustein Distinguished Scholars Program	(4,000,000)
Urban scholarships.....	(1,300,000)
Part-time tuition aid grants- EOF students	(400,000)
New Jersey Institute for Collegiate Teaching and Learning	(300,000)
Tuition Stabilization Incentive Grant.....	(30,000,000)
Governor's school	(974,000)
Marine Sciences Consortium	(565,000)
Special Academic Programs:	
Pre-collegiate academic programs	(3,000,000)
Learning disabled.....	(750,000)
Ethnolinguistic-academic preparation.....	(400,000)
Minority academic careers program.....	(550,000)

An amount not to exceed \$100,000 in the Aid to Independent Colleges and Universities account is available for administrative expenses.

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at eight State Colleges is 44,500 for fiscal year 1992.

The sums provided hereinabove and the unexpended balances as of June 30, 1992 in the New Jersey Educational Opportunity Fund and Student Financial Support Services are appropriated and available for payment of liabilities applicable to prior fiscal years.

An amount not to exceed 5% of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

A public higher education institution shall be eligible for Tuition Stabilization Incentive Grant funds only if its tuition increase for the 1992-1993 school year does not exceed 4.5 percent. If the tuition increase exceeds 4.5 percent at any public institution, that institution shall reimburse the Tuition Aid Grant program for the additional cost of the full tuition increase for participating students at that institution. Prior to the disbursement of funds, the Chancellor of Higher Education shall submit a plan to the Director of the Division of Budget and Accounting which allocates the Tuition Stabilization Incentive Grant funds to the eligible institutions.

Total Appropriation, Department of Higher Education \$202,524,000

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals--Grants-In-Aid

08-7700 Community Services \$121,009,000

Total Appropriation, Division of Mental Health and Hospitals \$121,009,000

Grants:

Expansion of Children's Services Joint

Initiative MHH/DYFS (\$2,031,000)

Community Care (97,014,000)

Community Mental Health Center--

University of Medicine and
Dentistry--Newark..... (5,834,000)

Community Mental Health Center--

University of Medicine and
Dentistry--Rutgers (10,918,000)

Cost of Living Adjustment--

Community Services (2,114,000)

Cost of Living Adjustment--Deferred

Cost--Community Services..... (3,098,000)

Federal and other funds received 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.

Savings made available from the reduction of patient populations in the State psychiatric facilities may be transferred to the Community care account subject to the approval of the Director of the Division of Budget and Accounting.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

Grants-In-Aid

22-7540 General Medical Services \$1,528,367,000

24-7540 Pharmaceutical Assistance to the Aged and Disabled 48,459,000

28-7540 Lifeline Programs 68,943,000

Total Appropriation, Division of Medical

Assistance and Health Services \$1,645,769,000

Grants:

Garden State Health Plan	(\$33,909,000)
Payments for Medical Assistance	
Recipients - Nursing Homes.....	(516,715,000)
Payments for Medical Assistance	
Recipients - Inpatient Hospital.....	(387,212,000)
Payments for Medical Assistance	
Recipients - Prescription Drugs.....	(120,126,000)
Payments for Medical Assistance	
Recipients - Outpatient Hospital	(139,450,000)
Payments for Medical Assistance	
Recipients - Physician	(55,172,000)
Payments for Medical Assistance	
Recipients - Home Health	(37,361,000)
Payments for Medical Assistance	
Recipients - Medicare B Payments.....	(23,278,000)
Payments for Medical Assistance	
Recipients - Dental.....	(16,898,000)
Payments for Medical Assistance	
Recipients - County Psychiatric Hospitals	(6,158,000)
Payments for Medical Assistance	
Recipients - Medical Supplies	(15,379,000)
Payments for Medical Assistance	
Recipients - Clinic.....	(15,682,000)
Payments for Lifeline Credits	(34,818,000)
Payments for tenants assistance rebates...	(34,125,000)
Payments for Medical Assistance	
Recipients - Transportation	(11,576,000)
Payments for Medical Assistance	
Recipients - Other Services	(37,018,000)
Automated pharmaceutical services.....	(6,822,000)
Pharmacare	(1,788,000)
Maternal & Child Health Expansion.....	(15,684,000)
Medicaid Expansion to Age 19	
and 100% of Poverty	(2,207,000)
Medicaid expansion--SOBRA.....	(138,932,000)
Pharmaceutical Assistance to the	
Aged--Claims	(48,459,000)
<i>Less:</i>	
<i>Savings from accounting change</i>	<i>(\$49,000,000)</i>
<i>Savings from recoveries from</i>	
<i>probated estates</i>	<i>(1,000,000)</i>
<i>Savings from Medicaid on-line</i>	
<i>verification system.....</i>	<i>(3,000,000)</i>

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1993 are appropriated.

The amounts hereinabove appropriated for Payments for Medical Assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of Medical Assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of Medical Assistance.

The State appropriation is based on a federal financial participation rate of 48.91%; 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 P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance, all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and notwithstanding any provision herein all appropriations and receipts of federal and other non-State funds related to the operation of the plan shall be deposited into the fund and shall be allotted subject to the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be \$5.00. This copayment is effective on all prescriptions filled on or after July 1, 1992.

For purposes of accrual accounting in the General Medical Services program, the funds hereinabove appropriated provide funds for all expenditures incurred during Fiscal Year 1993 and received for payment on or before September 30, 1994.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

On or before January 1, 1993, the Department of Human Services, Division of Medical Assistance and Health services shall establish an on-line recipient eligibility and verification system for Medicaid benefits.

Notwithstanding the provisions of any law to the contrary and subject to federal approval, long term care facility rates shall be determined based on a single Statewide salary region, effective July 1, 1992. Rates shall be adjusted retroactive to July 1, 1992 to reflect the change in rate setting methodology.

The Garden State Health Plan shall select a statistically valid sample of all persons who enrolled in the plan during Fiscal Year 1992. The utilization of health services and related expenditures of this sample prior to their enrollment in the plan shall be compared to their capitation rate in the plan, their utilization of health services and related expenditures after being enrolled in the plan. This report shall be completed and submitted to the Director of the Division of Bud-

get and Accounting and the Joint Budget Oversight Committee on or before December 31, 1992.

Notwithstanding the provisions of any law to the contrary, the Division of Medical Assistance and Health Services shall comply with federal law which requires that Medicaid inpatient hospital payments shall not exceed Medicare's upper payment limits. Medicaid inpatient hospital payments shall be reduced by such amounts as may be necessary during Fiscal Year 1993 to comply with the federal requirement.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care	\$174,021,000
02-7601 Social Supervision and Consultation	18,878,000
03-7601 Adult Activities	62,084,000
04-7601 Education and Day Training	<u>4,014,000</u>
Total State and Federal Appropriation	<u>\$258,997,000</u>

Less:

Casino Revenue Fund - Grants-in-Aid

<i>Purchased Residential Care.....</i>	<i>(\$14,905,000)</i>	
<i>Social Supervision and Consultation</i>	<i>(1,657,000)</i>	
<i>Adult Activities.....</i>	<i>(7,374,000)</i>	
<i>Education and Day Training.....</i>	<i>(551,000)</i>	
Total Casino Revenue Fund - Grants-in-Aid		<u><i>(\$24,487,000)</i></u>

Less:

Federal Funds

<i>Purchased Residential Care.....</i>	<i>(\$63,822,000)</i>	
<i>Social Supervision and Consultation</i>	<i>(2,404,000)</i>	
<i>Adult Activities.....</i>	<i>(27,916,000)</i>	
Total Federal Funds.....		<u><i>(\$94,142,000)</i></u>

All Other Funds

<i>Purchased Residential Care.....</i>	<i>(\$3,380,000)</i>	
<i>Education and Day Training.....</i>	<i>(1,933,000)</i>	
Total All Other Funds.....		<u><i>(\$5,313,000)</i></u>

Total Appropriation, Community Programs \$135,055,000

Grants:

Purchased Residential Care.....	(\$3,380,000)
Dental Program for Non-Institutionalized Mentally Retarded/Handicapped Children	(815,000)
Private Institutional Care	(47,807,000)
Skill Development Homes	(4,970,000)
Group Homes	(103,519,000)
Family care	(1,453,000)
Johnstone closure and community placement plan.....	(5,442,000)

Community waiting list reduction plan....	(6,635,000)
Developmental Disabilities Council.....	(1,192,000)
Home Assistance.....	(12,094,000)
Social Services.....	(2,592,000)
Family support/Respite expansion.....	(3,000,000)
Purchase of Adult Activity Services	(60,934,000)
Adult day program expansion	(1,150,000)
Purchase of Day Training Services	(4,014,000)
<i>Less:</i>	
<i>Casino Revenue Fund - Grants-in-Aid.....</i>	<i>(24,487,000)</i>
<i>Federal Funds.....</i>	<i>(94,142,000)</i>
<i>All Other Funds</i>	<i>(5,313,000)</i>

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped children account to the Division of Medical Assistance, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Group home maintenance recoveries during the fiscal year ending June 30, 1993, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove for the Family support/Respite expansion account, an amount not to exceed \$300,000 shall be awarded as a grant to Tuckahoe House, Gloucester County pursuant to a grant agreement with the department.

Pursuant to R.S.30:1-12, nonprofit agencies providing Home Assistance services to the developmentally disabled under contract to the Division of Developmental Disabilities shall impose a reasonable fee on clients or their families receiving such services. This provision shall be effective July 1, 1992, notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired--Grants-In-Aid

11-7560 Habilitation and Rehabilitation	\$2,195,000
12-7560 Instruction, Community Programs and Prevention	<u>2,262,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$4,457,000</u>

Grants:

Services to rehabilitation clients	(\$1,636,000)
State use law and private industry marketing program by rehabilitation facilities.....	(273,000)
Cost of living adjustment-- Habilitation and rehabilitation	(110,000)
Deferred cost of living adjustment-- Habilitation and rehabilitation	(176,000)
Psychological counseling services	(132,000)
Recording for the Blind, Inc.....	(44,000)
Educational services for children	(2,086,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Economic Assistance--Grants-In-Aid

15-7550 Income Maintenance Management	<u>\$45,129,000</u>
Total Appropriation, Division of Economic Assistance	<u>\$45,129,000</u>

Grants:

Food stamp employment-Transportation..	(105,000)
Social Services for the Homeless	(7,186,000)
Realizing Economic Achievement (REACH) program	(35,338,000)
Welfare reform - Training component	(2,500,000)

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Realizing Economic Achievement (REACH) program. The reports shall, at a minimum, include the following: the number of cases participating in the program and the number

of cases which are exempt from the program, the type of services provided to program participants and the cost of such services, the number of case managers employed by the program, their associated costs and any other administrative costs incurred by the program, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

Notwithstanding any State law to the contrary, client participation in the REACH program should be consistent with the federal Job Opportunities and Basic Skills Training (JOBS) program. Specifically, in priority order, REACH/JOBS funds will be expended on behalf of: 1) federally mandated individuals who satisfy federal JOBS target population definitions and volunteers in target populations; 2) mandatory REACH/JOBS participants not meeting target group definitions; and 3) REACH/JOBS volunteers not in the target populations. Further, except for REACH participants enrolled in an education directed activity as of July 1, 1991, the REACH/JOBS program will only serve AFDC families in which the youngest child is at least three years of age.

Notwithstanding the provisions of section 8 of P.L.1947, c.156 (C.44:8-114) as amended by section 14 of the "Family Development Act," P.L.1991, c.523, and notwithstanding the provisions of subsection b. of section 4 of P.L.1991, c.523 (C.44:10-22), the provisions relating to the Family Development Initiative concerning recipients of General Assistance are deferred.

The amount hereinabove for Welfare reform - Training component shall only be expended if the federal government approves the various waivers required to implement the provisions of P.L.1991, c.523, P.L.1991, c.525 and P.L.1991, c.526.

55 Social Services Programs

7570 Division of Youth and Family Services--Grants-In-Aid

16-7570 Initial Response/Case Management	\$3,173,000
17-7570 Substitute Care	126,163,000
18-7570 General Social Services	133,494,000
99-7570 Management and Administrative Services	<u>6,812,000</u>
Total State and Federal Appropriation	<u>\$269,642,000</u>

Less:

<i>Casino Revenue Fund - Grants-in-Aid</i>		
General Social Services	(\$1,668,000)	
Management and Administrative Services	<u>(3,333,000)</u>	
Total Casino Revenue Fund - Grants-in-Aid		<u>(\$5,001,000)</u>
<i>Federal Funds</i>		
Initial Response/Case Management	(\$3,173,000)	
Substitute Care	(16,342,000)	
General Social Services	(39,542,000)	
Management and Administrative Services	<u>(1,238,000)</u>	
Total Federal Funds		<u>(\$60,295,000)</u>
Total Appropriation, Division of Youth and Family Services		<u>\$204,346,000</u>

Grants:

Initial Response/Case Management	(\$1,913,000)
Multi-purpose resource center	(450,000)
Family Violence Prevention and Services	(213,000)
Dependent Care Planning and Development	(450,000)
Carri Crisis nursery project	(147,000)
Substitute care	(16,342,000)
Residential/Group Home Placements	(58,988,000)
Foster Care	(21,652,000)
Subsidized Adoption	(19,040,000)
Special Home Services Providers	(1,697,000)
Cost of Living Adjustment-- Substitute Care	(2,282,000)
Deferred cost of living adjustment-- Substitute care	(3,880,000)
Establish and Maintain Shelters and Services for Victims of Domestic Violence	(2,282,000)
Child Assault Prevention Project	(960,000)
Purchase of Day Care Services	(45,595,000)
Purchase of Social Services	(28,517,000)
Public Awareness and Child Education Programs	(213,000)
Cost of Living Adjustment-- General Social Services	(1,417,000)
Deferred Cost of Living Adjustment-- General Social Services	(2,305,000)
Child Care Center Equipment and Renovation Fund	(107,000)
Family Support Services	(29,661,000)
Child Abuse Prevention	(8,822,000)
State Legalization Impact Assistance Grant	(1,502,000)
Protective Services for the Elderly and Disabled	(1,668,000)
Office of Refugee Resettlement	(3,815,000)
County Human Services Advisory Boards--formula funding	(8,791,000)
Fisherman's Mark for Child Care and Support Services	(121,000)
Pediatric Aids Grant Project	(400,000)
Children's Justice Ac	(237,000)
National Center for Child Abuse and Neglect	(391,000)

Child Abuse and Neglect State Grant -	
Disabled Infants	(210,000)
Personal Attendant Program	(5,574,000)
<i>Less:</i>	
<i>Casino Revenue Fund - Grants-in-Aid.....</i>	<i>(5,001,000)</i>
<i>Federal Funds.....</i>	<i>(60,295,000)</i>

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster care and Subsidized adoption, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove for the Residential/Group home placements, Foster care, Subsidized adoption, and Family support services accounts are available for the payment of obligations applicable to prior fiscal years.

The amount appropriated for Special home services providers may be used as the State match for costs associated with any Medicaid waiver obtained by the Division of Medical Assistance and Health Services for this program. Upon receipt of such waiver and the receipt of federal Medicaid reimbursement, the Director of the Division of Budget and Accounting shall reduce the State appropriation for this program by the amount of such reimbursement and notify the Legislative Budget and Finance Officer of this action and the amount by which the State appropriation is being reduced.

Receipts in the Marriage license fee fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Establish and maintain shelters and services for victims of domestic violence account, \$309,000 is payable out of the Marriage license fee fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during State fiscal year 1992. The report shall indicate the total amount of funds made avail-

able to the advisory boards for allocation, listing all providers receiving funds and the amount of funds awarded. The report shall be provided to the Director of the Division of Budget and Accounting on or before September 30, 1992.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1993, are appropriated.

Amounts required to return persons presently residing in out-of-State institutions to community programs within the State may be transferred from the Residential/Group home placements account to the appropriate Substitute Care or General Social Services account subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State are transferred from the Residential Group home placements account to the appropriate Substitute Care or General Social Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 6 of P.L.1987, c.27 (C.30:5B-21) or any other law to the contrary, effective July 1, 1992, the certificate of registration for a family day care provider shall be renewed annually and the family day care provider shall be required to pay a registration fee of \$50.00 to the sponsoring organization for each certificate issuance and renewal.

Pursuant to R.S.30:1-12 and sections 5081 and 5082 of Pub. L.101-508, copayments for Purchase of Day Care Services shall be increased by 10%, effective January 1, 1993.

Pursuant to R.S.30:1-12, the Division of Youth and Family Services shall direct nonprofit agencies providing various social services under contract to the Division of Youth and Family Services for Purchase of Social Services to impose reasonable fees or increase reasonable fees on clients or their fami-

lies receiving such services; provided however, that the total amount of fees to be generated pursuant to this provision shall not exceed \$268,000. Such fees shall be effective January 1, 1993.

The sum hereinabove for County Human Services Advisory Boards - formula funding shall be used to provide direct services to eligible clients. An amount not to exceed \$1,000,000 may be expended for the administrative costs of the boards.

Expenditures in Fiscal Year 1993 for Family preservation services shall not be less than expenditures for that purpose in Fiscal Year 1992.

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing--Grants-In-Aid

23-7580 Services for the Deaf	<u>\$157,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing	<u>\$157,000</u>

Grants:

Message relay services operated by deaf contact centers	(\$107,000)
Telecommunication devices for the indigent deaf	(50,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget--Grants-In-Aid

87-7500 Research, Policy and Planning	<u>\$8,097,000</u>
Total Appropriation, Division of Management and Budget	<u>\$8,097,000</u>

Grants:

School Based Youth Services Program....	(\$6,930,000)
Office of Prevention of Mental Retardation and Developmental Disabilities	(642,000)
Minority male initiative	(225,000)
Mini Child Care Center Project Grants	(300,000)
Total Appropriation, Department of Human Services	<u><u>\$2,164,019,000</u></u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services--Grants-In-Aid

07-4535 Vocational Rehabilitation Services	<u>\$13,256,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$13,256,000</u>

Grants:

Services to clients (State share)	(\$3,458,000)
Supported employment services.....	(450,000)
Sheltered workshop support.....	(8,424,000)

Sheltered workshop employment	
placement incentive program.....	(250,000)
Fair Lawn School for the Deaf.....	(170,000)
Independent living centers	(500,000)
Training (State share).....	(4,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$3,727,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	<u>\$13,256,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement--Grants-In-Aid

08-1200 Emergency Services	<u>\$265,000</u>
Total Appropriation, Law Enforcement ...	<u>\$265,000</u>

Special Purpose:

Nuclear emergency response program	(\$265,000)

The unexpended balance as of June 30, 1992 for Action Grants-Local Match, including the accounts of the several departments, is appropriated for the same purpose.

Total Appropriation, Department of Law and Public Safety	<u>\$265,000</u>

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support--Grants-In-Aid

50-3610 Veterans' Outreach and Assistance	<u>\$1,075,000</u>
Total Appropriation, Veterans' Programs Support	<u>\$1,075,000</u>

Grants:

Veterans' tuition credit program.....	(\$47,000)
POW/MIA tuition assistance.....	(17,000)
Vietnam veterans' tuition aid.....	(32,000)
Veterans transportation	(300,000)
Veterans' orphans' fund--education grants	(9,000)
Blind veterans' allowances	(46,000)
Paraplegic and hemiplegic veterans allowances	(237,000)
Post-traumatic stress disorder	(387,000)

The sums provided hereinabove and the unexpended balances as of June 30, 1992 in the Veterans' tuition credit, MIA/POW

tuition assistance, and the Vietnam veterans' tuition aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

Total Appropriation, Department of Military and Veterans' Affairs \$1,075,000

74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*

37 *Cultural and Intellectual Development Services--Grants-In-Aid*

05-2530 Support of the Arts	\$9,675,000
07-2540 Development of Historic Resources	<u>15,000</u>

Total Appropriation, Cultural and Intellectual Development Services \$9,690,000

Grants:

Cultural projects.....	(\$9,175,000)
Cultural projects contingency funds.....	(500,000)
Grants in Afro-American history	(15,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

Of the amount hereinabove for cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1992, not to exceed \$125,000, in the Cultural Projects account is appropriated for the audit of cultural projects.

The amount hereinabove for cultural projects contingency funds shall be available, pursuant to applications made to the State Council on the Arts, to those artists and organizations that are not awarded funding from the fiscal year 1993 cultural projects appropriation account, that meet criteria for receiving operating subsidies established by the State Council on the Arts, provided the Council take into consideration the threatened financial condition impairing the continuing operation of each applicant artist or organization.

A sum, not to exceed \$200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering the cultural center development of State grants, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State \$9,690,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation--Grants-In-Aid

04-6050 New Jersey Transit Corporation - Operations

Bus Operations at Fiscal Year 1992

Fare and Service Levels \$282,300,000

Rail Operations at Fiscal Year 1992

Fare and Service Levels 300,300,000

Purchased Transportation 44,300,000

Total Operations at Fiscal Year 1992

Fare and Service Levels..... \$626,900,000

Less:

Federal Operating Assistance (\$38,000,000)

Farebox Revenue at Fiscal Year

1992 Fare Levels (339,600,000)

Other Resources (94,900,000)

Total Income Deductions (\$472,500,000)

Total Appropriation for Operations at Fiscal Year 1992

Fare and Service Levels \$154,400,000

Personal Services:

Salaries and wages (\$411,200,000)

Materials and Supplies (114,800,000)

Services Other Than Personal (18,800,000)

Special Purpose:

Leases and rentals (500,000)

Purchased transportation (44,300,000)

Insurance and claims (100,000)

Tolls, taxes and operating expenses (37,200,000)

Less:

Federal Operating Assistance (38,000,000)

Farebox Revenue at Fiscal Year 1992

Fare Levels (339,600,000)

Other Resources (94,900,000)

Notwithstanding any other provision of law, the amount appropriated hereinabove for Operations at Fiscal Year 1992 Fare and Service Levels shall only be available if Fiscal Year 1993 passenger fares and transit services are maintained at the Fiscal Year 1992 levels unless Federal Operating Assistance for New Jersey Transit Corporation is less than anticipated. If Federal Operating Assistance is less than anticipated, the New Jersey Transit Corporation may make changes in Fiscal Year 1993 fare levels and/or service levels to adjust for receipt of less than the anticipated Federal Operating Assistance, subject to the approval of the Commissioner of Transportation, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

62 Public Transportation--Grants-In-Aid

04-6051 New Jersey Transit Corporation - Administration		
Corporate Administration		\$139,100,000
Hudson Waterfront Administration.....		<u>1,700,000</u>
Total Corporate and Hudson Waterfront Administration		<u>\$140,800,000</u>
<i>Less:</i>		
Other Resources.....	(\$44,200,000)	
Total Income Deductions.....		<u>(\$44,200,000)</u>
Total Appropriation, Corporate and Hudson Waterfront Administration		<u>\$96,600,000</u>
Personal Services:		
Salaries and wages	(\$62,600,000)	
Materials and Supplies	(8,200,000)	
Services Other Than Personal.....	(23,600,000)	
Special Purpose:		
Leases and rentals	(7,300,000)	
Insurance and claims.....	(27,200,000)	
Tolls, taxes and operating expenses	(11,900,000)	
<i>Less:</i>		
Other Resources.....	(\$44,200,000)	

Notwithstanding any other provision of law, the amount appropriated hereinabove for Corporate and Hudson Waterfront Administration shall only be available if Fiscal Year 1993 passenger fares and transit services are maintained at the Fiscal Year 1992 levels unless Federal Operating Assistance for New Jersey Transit Corporation is less than anticipated. If Federal Operating Assistance for New Jersey Transit Corporation is less than anticipated, the New Jersey Transit Corporation may make changes in Fiscal Year 1993 fare levels and/or service levels to adjust for receipt of less than the anticipated Federal Operating Assistance, subject to the approval of the Commissioner of Transportation, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

64 Planning and General Management Support--Grants-In-Aid

05-6070 Access and Use Management.....	<u>\$700,000</u>
Total Appropriation, Planning and General Management Support	<u>\$700,000</u>
Grants:	
Airport Safety Fund	(\$700,000)

The unexpended balance as of June 30, 1992 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of

P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Total Appropriation, Department of Transportation	<u>\$251,700,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services--Grants-In-Aid

03-9720 Civil Courts	\$720,000
04-9725 Criminal Courts	1,720,000
05-9730 Family Courts	605,000
06-9735 Municipal Courts	<u>243,000</u>
Total Appropriation, Judicial Services ..	<u>\$3,288,000</u>

Grants:

Alternative Dispute Resolution	(\$720,000)
Speedy Trial Program, Case Processing Improvement	(1,224,000)
Public Defender Eligibility Review	(496,000)
Family crisis intervention.....	(225,000)
Child Placement Review Boards	(380,000)
Municipal court assistance	(243,000)

The unexpended balance as of June 30, 1992 in these respective accounts is appropriated.

Receipts from charges to the Grant-In-Aid accounts listed herein-above are appropriated for services provided to these funds.

Total Appropriation, Judiciary	<u>\$3,288,000</u>
Total Appropriation, Grants-In-Aid	<u>\$2,802,214,000</u>

STATE AID

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development--State Aid

20-2800 Economic Development	<u>\$5,502,000</u>
Total Appropriation, Economic Planning and Development	<u>\$5,502,000</u>

State Aid:

Property Tax Reserve Fund requirements, section 20 of P.L.1968, c.60 (C.12:11A-20)	(\$1,850,000)
Debt Service Reserve Fund requirements, section 14 of P.L.1968, c.60 (C.12:11A-14)	(3,652,000)

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 "South Jersey Port Cor-

poration Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Commerce and Economic Development	<u>\$5,502,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management--State Aid*

02-8020 Housing Services	\$12,275,000
04-8030 Local Government Services	264,959,000
06-8015 Uniform Construction Code	<u>46,000</u>
Total Appropriation, Community Development Management	<u>\$277,280,000</u>
State Aid:	
Relocation assistance	(\$600,000)
Neighborhood preservation (P.L.1975, c.248 and c.249)	(2,750,000)
Neighborhood preservation - Fair Housing (P.L.1985, c.222)	(8,925,000)
Municipal aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(40,301,000)
Safe and Clean Neighborhoods	(25,890,000)
Safe and Clean: Expanded Police Services	(25,000,000)
Supplementary aid for fire services (P.L.1985, c.295)	(8,000,000)
Municipal revitalization program	(165,000,000)
Payment to urban centers-raise vacant buildings	(250,000)
Aid to depressed rural centers	(518,000)
Municipal memberships in Building Codes Association	(46,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$300,000 may be used for administration and technical assistance, and up to \$300,000 for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

The unexpended balance as of June 30, 1992 in the Neighborhood preservation-fair housing account is appropriated.

Any receipts in excess of the amount anticipated in the Neighborhood preservation-fair housing account are appropriated.

The amount hereinabove for Neighborhood preservation-fair housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood

Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood preservation-fair housing, an amount not to exceed \$1,000,000 may be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods is allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; and provided further, however, that any increase in assistance to any town be used for law enforcement.

Municipalities receiving State Aid funds appropriated in this act shall to the extent consistent with existing collective bargaining agreements and sound law enforcement practice, implement and effectuate staffing patterns that provide that each police officer below the rank of captain spend no less than 25% of the officer's worktime on foot patrol or motor patrol, in a manner that will create a greater police presence in order to deter crime with existing resources.

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165 et seq.), the amount hereinabove for Aid to depressed rural centers shall be distributed in the same amount and to the same municipalities which received such aid in fiscal year 1992 pursuant to the provisions of P.L.1991, c.185.

Notwithstanding the provisions of P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act

(1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S.40A:2-8 and any tax anticipation notes issued pursuant to N.J.S.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 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.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.), P.L.1979, c.118 (C.52:27D-118.1 et seq.), P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, the Director of the Division of Local Government Services may, upon receipt of any required documentation and certification, accept the adopted annual budget of the local unit as a contract for the Safe and Clean Neighborhoods, Safe and Clean: Expanded Police Services or Supplementary aid for fire services programs; and that for local Fiscal Year 1993, the director may further permit for each of these programs an amount equal to the full cost of employing additional uniformed police officers or firefighters hired under the programs, not to exceed the number employed under each program in 1990, less the amount of the State grant, as a local match in exception to spending limitations pursuant to section 3 of P.L.1976, c.76 (C.40A:4-45.3); provided that if the director finds, pursuant to a certification by the local unit's chief financial officer attesting to compliance with the terms and conditions of the grant, or a review conducted by the local unit's auditor as part of the annual audit of the local unit's finances, that the local unit did not comply with the terms and conditions of the grant, the director may require a return of grant funds.

Notwithstanding any provision of P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, if a local unit in program year 1992 or

1993 is unable to meet the requirements for maintenance of minimum staffing, the Director of the Division of Local Government Services may, for good cause, waive that requirement and convert the entitlement to a discretionary grant pursuant to the provisions of section 2 of P.L.1985, c.170 (C.52:27D-118.12), or section 3 of P.L.1985, c.295 (C.52:27D-118.19) as appropriate.

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Municipal revitalization program account. The Director of the Division of Local Government Services may reallocate these funds, subject to the approval of the Director of the Division of Budget and Accounting, for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provision of the "Local Budget Law," N.J.S.40A:4-1 et seq. to the contrary, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1989, c.122 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

The unexpended balance as of June 30, 1992 in the Municipal aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may reallocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the township of North Bergen shall make annual payments of \$300,000 each during calendar years 1994 and 1995 in repayment of the loan made pursuant to P.L.1985, c.379, in addition to any payments made to discharge the loan pursuant to the provisions of P.L.1989,

c.122, P.L.1990, c.43 and P.L.1991, c.185; and provided further that in repayment of that loan the township of North Bergen shall also pay \$18,000 to the State on or before December 31, 1993, which shall be considered as a payment of 6% simple interest upon the \$300,000 loan principal repayment which would be otherwise due under the installment agreement in calendar year 1993.

The sum hereinabove appropriated for the Municipal revitalization program may be made available, subject to the approval of the Director of the Division of Budget and Accounting, to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) and any other information required by the director.

Of the amount appropriated for the Municipal revitalization program, not more than \$1,000,000 may be used for administration of the program.

The unexpended balance as of June 30, 1992, in the Relocation Assistance account is appropriated.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood preservation-fair housing may be provided directly to the housing project being assisted; provided, however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

The Director of the Division of Local Government Services in the Department of Community Affairs shall report to the Joint Budget Oversight Committee not less than twice during fiscal year 1993 on the status of the amounts disbursed from the appropriation hereinabove for the Municipal revitalization program. Such reports shall emphasize the expenditures proposed to be made by recipients of municipal revitalization assistance grants, the controls being exercised by mu-

municipalities over expenditure levels, the status of the department's audit and monitoring process and an estimate by the director of when the recipient municipalities can reasonably be expected to achieve a level of fiscal recovery that would eliminate the need for or require reduced State appropriations for this purpose. The director shall report in writing or in person, or both, at such times as requested by the Joint Budget Oversight Committee.

50 Economic Planning, Development and Security

55 Social Services Programs - State Aid

08-8060 Programs for the Aging	<u>\$2,245,000</u>
Total Appropriation, Social Services Programs	<u>\$2,245,000</u>
State Aid:	
County Office On Aging	(\$840,000)
Older Americans Act - State share	(1,405,000)
Total Appropriation, Department of Community Affairs	<u>\$279,525,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120 General Formula Aid	\$865,853,000
02-5120 Nonpublic School Aid	65,884,000
03-5120 Miscellaneous Grants-in-Aid	7,713,000
04-5062 Adult and Continuing Education ...	2,448,000
07-5065 Special Education	<u>14,771,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$956,669,000</u>
State Aid:	
Foundation aid-Quality Education	
Act of 1990	(\$865,853,000)
Nonpublic textbook aid	(8,091,000)
Nonpublic nutrition aid	(439,000)
Nonpublic handicapped aid	(20,153,000)
Nonpublic auxiliary services aid	(23,752,000)
Nonpublic auxiliary/handicapped	
transportation aid	(2,084,000)
Nonpublic nursing services aid	(11,365,000)
Emergency fund	(200,000)
Payments for institutionalized children -	
Unknown district of residence	(6,219,000)
Minimum teacher starting salary	(790,000)
Educational Information and Resource Center	(504,000)
Evening school for the foreign born	(211,000)
High school equivalency	(1,213,000)
Adult literacy	(1,024,000)
Projects for handicapped infants	(14,771,000)

Of the amount hereinabove for Foundation aid, an amount equal to the total earnings of investments of the School Fund shall first be charged to that fund.

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

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 addition to the amounts hereinabove, additional sums as necessary for the Department of Education to provide additional State aid to a State-operated district pursuant to N.J.S.18A:7A-52 shall be appropriated, subject to the recommendation of the Commissioner of Education and the Director of the Division of Local Government Services and the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.18A:40-30, the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16.

Notwithstanding the provisions of N.J.S.18A:7D-4, for the purpose of computing each district's foundation aid, excess surplus for all districts shall be zero dollars (\$0.00).

33 Supplemental Education and Training Programs--State Aid

20-5062 General Vocational Education	<u>\$7,588,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$7,588,000</u>
State Aid:	
District and regional vocational education	(\$840,000)
Schools of industrial education	(21,000)
Work-study program	(500,000)
Vocational education	(5,460,000)
Local area vocational school district aid.	(767,000)

34 Educational Support Services--State Aid

30-5063 Educational Programs and Student Services	\$836,000
34-5067 Equal Educational Opportunity ...	14,000,000

37-5120 School Nutrition	6,565,000
38-5120 Facilities Planning and School Building Aid	17,136,000
39-5095 Teachers' Pension and Annuity Assistance	<u>30,000</u>
Total Appropriation, Educational Support Services	<u>\$38,567,000</u>

State Aid:

Prekindergarten for urban students.....	(\$761,000)
Alternative school program for disruptive students.....	(75,000)
Desegregation Aid.....	(14,000,000)
State school lunch aid	(6,565,000)
School building aid debt service	(17,136,000)
Minimum pension for pre-1955 retirees...	(30,000)

The unexpended balance as of June 30, 1992 in the School building aid debt service account is appropriated for the same purpose.

37 Cultural and Intellectual Development Services--State Aid

51-5070 Library Services.....	<u>\$13,112,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$13,112,000</u>

State Aid:

Per capita library aid	(\$7,665,000)
Emergency aid/incentive grants	(168,000)
Library network	(4,775,000)
Library development aid	(504,000)
Total Appropriation, Department of Education	<u>\$1,015,936,000</u>

The unexpended balances as of June 30, 1992 in the State Aid accounts, not to exceed \$650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated January 28, 1992 first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of N.J.S.18A:7D-6, the State foundation amount for the 1992-1993 school year for the purpose of computing foundation aid shall equal \$6,742.

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY**

*40 Community Development and Environmental Management
42 Natural Resource Management--State Aid*

21-4895 Natural Resources Engineering ...	<u>\$1,100,000</u>
Total Appropriation, Natural Resource Management	<u>\$1,100,000</u>

State Aid:

Dredging of inland waterways--State aid to
counties and municipalities, 100% grant (\$1,100,000)

There is appropriated from the "Shore Protection Bond Act of 1983," P.L.1983, c.356, a sum, not to exceed \$500,000, for the costs attributable to planning and administration of the shore protection program.

43 Science and Technical Programs--State Aid

09-4860 Public Wastewater Facilities	<u>\$3,500,000</u>
Total Appropriation, Science and Technical Programs	<u>\$3,500,000</u>

State Aid:

Sewage facility construction- Statewide . (\$3,500,000)

The unexpended balances in this account as of June 30, 1992 are appropriated.

The amount appropriated hereinabove for Sewage facility construction-Statewide shall be transferred to the Wastewater Treatment Fund as the match to federal sewage construction aid.

45 Environmental Regulations--State Aid

The unexpended balances as of June 30, 1992 in the Major Hazardous Waste Facilities Siting Act-Training Programs account are appropriated.

46 Environmental Planning and Administration--State Aid

99-4800 Management and Administrative Services	<u>\$3,732,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$3,732,000</u>

State Aid:

Payment of in lieu taxes	(\$875,000)
Administration, planning and development activities of the Pinelands Commission	(2,489,000)
Mosquito control, research, administration and operations	(368,000)

Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; and P.L.1983, c.354, and the unexpended balance as of June 30, 1992 of such receipts, not to exceed \$250,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

47 Enforcement Policy--State Aid

08-4855 Water Enforcement	<u>\$1,000,000</u>
Total Appropriation, Enforcement Policy	<u>\$1,000,000</u>

State Aid:

County Environmental Health Act (\$1,000,000)

Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed \$2,300,000 and for grants to local environmental commissions in an amount not to exceed \$200,000, from the following programs: Air Pollution, P.L.1954, c.212 (C.26:2C-1 et seq.); Coastal Resources, R.S. 12:5-6; Pesticides, section 10 of P.L.1971, c.176 (C.13:1F-10); Radiation, section 13 of P.L.1956, c.116 (C.26:2D-13); Water Resources, section 10 of P.L.1977, c.74 (C.58:10A-10); Solid Waste, section 9 of P.L.1970, c.39 (C.13:1E-9); and Hazardous Waste, section 9 of P.L.1970, c.39 (C.13:1E-9).

Such fees, fines and penalties, as deemed appropriate by the Commissioner of Environmental Protection and Energy, may be allocated to the Environmental Health Fund as established pursuant to subsection b. of section 11 of P.L.1977, c.443, as amended by P.L.1991, c.99 (C.26:3A2-29) for 100 percent non-matching grants to certified local health agencies for those purposes as specified in P.L.1991, c.99, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from interest earnings in the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund, such sums as are necessary for costs attributable to the administration of the Clean Shores program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1992 in the Operation Clean Shores account are appropriated.

Total Appropriation, Department of Environmental Protection and Energy	<u>\$9,332,000</u>

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--State Aid

02-4220 Community Health Services	<u>\$3,000,000</u>

Total Appropriation, Health Services	<u>\$3,000,000</u>

State Aid:

Community health services	(\$3,000,000)

The capitation is set at 30 cents for the year ending June 30, 1993 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Total Appropriation, Department of Health \$3,000,000

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--State Aid

06-5400 Aid to County Colleges \$103,188,000

Total Appropriation, Office of the Chancellor \$103,188,000

State Aid:

Operational costs..... (\$77,305,000)

Debt service (10,141,000)

Employer contributions--alternate benefit program..... (13,047,000)

Northern/Central CIM Center (150,000)

County college urban education..... (450,000)

Employer contributions--Teachers' Pension and Annuity Fund..... (1,455,000)

Employer contributions--Teachers' Pension and Annuity Fund FY 1992 deficit (737,000)

Southern New Jersey CIM Center..... (150,000)

Employer contributions--FICA for county college members of Teachers' Pension and Annuity Fund (522,000)

Less:

Savings from pension revaluation..... (769,000)

Such additional sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

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 at page L-34 in the Governor's Budget Recommendation document dated January 28, 1992 first shall be charged to the State Lottery Fund.

Total Appropriation, Department of Higher Education \$103,188,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services--State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services \$81,958,000

Total Appropriation, Division of Mental Health and Hospitals \$81,958,000

State Aid:

Support of Patients in County Mental Hospitals (\$81,958,000)

An amount not to exceed \$3,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security--State Aid**7550 Division of Economic Assistance*15-7550 Income Maintenance Management \$448,841,000Total Appropriation, Division of Economic Assistance \$448,841,000

State Aid:

Payments to Municipalities for Cost of General Assistance.....	(\$138,783,000)
Payments for Dependent Children Assistance, Regular Segment.....	(205,034,000)
Payments for Emergency Assistance.....	(35,035,000)
Payments for Supplemental Security Income	(47,628,000)
Payments for Dependent Children Assistance, Unemployment of Father.....	(11,759,000)
Payments for Dependent Children Assistance, Insufficient Employment of Parents ...	(10,254,000)
Social Services Block Grant - COLA.....	(348,000)

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 R.S. 44:7-14, P.L.1959, c.86 (C.44:10-4 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1993 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1993 are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

A portion of the amount hereinabove appropriated for Payments to municipalities appropriated for the cost of general assistance, not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L.1947 c.156 (C.44:8-107 et seq.). Any funds

transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance; and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of State law to the contrary, there will be no further payment for benefits previously provided under the General Assistance Program for the costs of hospitalization for such expenses incurred on or after July 1, 1991.

Notwithstanding the provisions of P.L.1947, c.156 (C.44:8-107 et seq.) to the contrary, "employable persons" shall be limited to a total of six months of assistance during Fiscal Year 1993.

Notwithstanding the provisions of section 18 of P.L.1947, c.156 (C.44:8-124) to the contrary, outpatient services, including, but not limited to, emergency room, clinic and diagnostic services rendered on or after July 1, 1992 to recipients of General assistance by hospitals shall not be reimbursed. Furthermore, municipalities shall not provide reimbursement for inpatient or outpatient medical services provided in prior fiscal years if submitted for reimbursement after July 31, 1992.

Notwithstanding the provisions of P.L.1947, c.156 (C.44:8-107 et seq.) to the contrary, assistance shall not be granted to an illegal alien or to aliens admitted as students or visitors. To be eligible for assistance an individual shall be either a citizen of the United States or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of section 207(c), Section 203(a)(7) (prior to April 1, 1980), section 208, and section 212(d)(5) of the "Immigration and Nationality Act," 8 U.S.C. §1101 et seq.

In addition to the provisions of section 3 of P.L.1973, c.256, the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible per-

sons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

In addition to the provisions of section 5 of P.L.1959, c.86, for payments that are not eligible for federal financial participation, payment of the State share of expenditures by the county welfare agency for Aid to Families with Dependent children shall be at the rate of 115% during the period July 1 through December 31 of each year and at a rate of 75% during the period January 1 through June 30; provided, that the total payment of the State share of expenditures during the period January 1 through December 31 of each year shall not exceed 95%.

Total Appropriation, Department of Human Services	<u>\$530,799,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services--State Aid

06-2535 Museum Services	<u>\$1,720,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,720,000</u>

State Aid:

Operational grant for Newark Museum...	(\$1,720,000)	
Total Appropriation, Department of State		<u>\$1,720,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

27-2085 Other Distributed Taxes	\$6,500,000
28-2077 County Boards of Taxation.....	992,000
29-2088 Locally Provided Services	19,110,000
30-2081 Railroad Property Taxes	809,000
31-2082 Business Personal Property Tax Replacement	158,704,000
35-2087 Consolidated Police and Firemen's Pension Fund	6,635,000
36-2081 Municipal Purposes Tax Assistance Fund	<u>30,000,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$222,750,000</u>

Personal Services:

County Tax Board members (71).....	(\$992,000)

State Aid:

Payments to municipalities for services to	
State-owned property.....	(19,035,000)
Tuition payments for local assessors.....	(75,000)
Payments to municipalities in lieu of railroad	
property tax pursuant to P.L.1941, c.291	
(C.54:29A-1 et seq.)	(809,000)
Payments to municipalities to replace property	
tax on business personalty	(158,704,000)
State contribution to Consolidated Police and	
Firemen's Pension Fund.....	(6,635,000)

Payments to municipalities pursuant to
Municipal Purposes Tax Assistance Program,
P.L.1980, c.12 (C.54:1-46 et seq.)..... (30,000,000)

Payments to municipalities to replace franchise
tax on certain telecommunications carriers (6,500,000)

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the Corporation Business Tax Act (1945) and the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the 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.

Notwithstanding the provisions of P.L.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for payments to municipalities in lieu of railroad property tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

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 P.L.1945, c.132 (C.54:18A-1 et seq.), and the unexpended balance as of June 30, 1992 shall lapse.

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 section 22 of P.L.1981, c.211 (C.54:4-2.2e1).

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for State-owned property, the cities of Camden and Newark shall first receive payments for services for new prisons and new prison expansions in the same amounts as provided therefor pursuant to P.L.1991, c.185 in fiscal year 1992.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for services to State-owned property, municipalities shall first receive pay-

ments for services to State Building Authority constructed facilities in the same amounts as provided therefor pursuant to P.L.1991, c.185 in fiscal year 1992.

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 State Firemen's Association; provided however, that the unexpended balance as of June 30, 1992 shall lapse, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1981, c.190, P.L.1981, c.399 and section 22 of P.L.1981, c.211 (C.54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in fiscal year 1993.

The unexpended balance as of June 30, 1992 from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during fiscal year 1993 shall be \$685,000,000 and the payments due in July, 1992 are limited to \$105,000,000; provided however, that amounts collected in excess of these sums shall be anticipated as revenue for general State purposes.

The sum appropriated hereinabove for Payments to municipalities to replace franchise taxes on telecommunications shall be distributed not later than November 1, 1992, to eligible municipalities as provided in subsection b. of section 5 of P.L.1989, c.2 (C.54:30A-24.2), except that any amounts remaining undistributed following the application of that subsection shall be allocated and distributed on a proportionate basis to those qualifying and participating municipalities receiving a distribution in calendar year 1992 from the "Municipal Purposes Tax Assistance Fund" established pursuant to section 3 of P.L.1980, c.12 (C.54:1-48). The Director of the Division of Taxation shall certify the distribution as herein provided.

Of the amount appropriated hereinabove for Payments to municipalities for State-owned property, and in addition to pay-

ments pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.), the city of Newark shall receive payments for services to the Department of Transportation building, in the same amount as provided therefor pursuant to P.L.1991, c.185 in fiscal year 1992.

Total Appropriation, Department of the Treasury	<u>\$222,750,000</u>
Total Appropriation, State Aid.....	<u>\$2,171,752,000</u>

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer the same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other law which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay any municipality, on or before December 31, 1992, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1993. 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, 1992, 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, 1993 is fixed by law.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

*70 Government Direction, Management and Control**1 Legislative Activities*

The unexpended balance as of June 30, 1992 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE

*40 Community Development and Environmental Management**42 Natural Resource Management**50 Economic Planning, Development and Security**51 Economic Planning and Development*

The unexpended balance as of June 30, 1992 in this department is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services**2920 New Jersey Public Broadcasting Authority*

The unexpended balance as of June 30, 1992 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS

*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**18 Juvenile Correctional Services**19 Central Planning, Direction and Management*

The unexpended balance as of June 30, 1992 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**5010 Division of Direct Services**5011 Marie H. Katzenbach School for the Deaf**35 Education Administration and Management*

*37 Cultural and Intellectual Development Services**5070 Division of State Library*

The unexpended balance as of June 30, 1992 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

*40 Community Development and Environmental Management**42 Natural Resource Management*

There is appropriated from the Fish, Game and Wildlife Recreational Development, and the Fish, Game and Wildlife Renovations and Improvements accounts, and from the Shore protection account such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection and Energy may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

There are appropriated from the Development and State land acquisition accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

*43 Science and Technical Programs**44 Site Remediation*

There is appropriated from the Hazardous site mitigation-State-wide site cleanup account, or the "Hazardous Discharge Fund" created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the "Hazardous Discharge Fund of 1986" created pursuant to section 14 of the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, an amount not to exceed \$7,500,000 for costs attributable to planning, contracting, engineering, construction, inspection, laboratory, scientific and administrative services of the Hazardous waste site cleanup program, and to compel potential responsible parties to clean up hazardous waste sites and for

related State oversight and inspection of such cleanups, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for Hazardous site mitigation-Statewide site cleanup shall be credited to the "Hazardous Discharge Site Cleanup Fund" in accordance with P.L.1986, c.144.

46 Environmental Planning and Administration

The unexpended balance as of June 30, 1992 in this department is appropriated.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

The unexpended balance as of June 30, 1992 in this department is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

5600 Rutgers, The State University

5630 University of Medicine and Dentistry of New Jersey

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1992 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

50 Economic Planning, Development and Security
55 Social Services Programs
7570 Division of Youth and Family Services

70 Government Direction, Management and Control
76 Management and Administration

The unexpended balance as of June 30, 1992 in this department is appropriated.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

12 Law Enforcement

19 Central Planning, Direction and Management

80 Special Government Services

82 Protection of Citizens' Rights

The unexpended balance as of June 30, 1992 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

3630 Menlo Park Veterans' Memorial Home

3640 Paramus Veterans' Memorial Home

3650 Vineland Veterans' Memorial Home

The unexpended balance as of June 30, 1992 in this department is appropriated.

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

*70 Government Direction, Management and Control**74 General Government Services*

The unexpended balance as of June 30, 1992 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION*60 Transportation Programs**61 State Highway Facilities*

Capital Project:

Transportation Trust Fund Account (\$331,000,000)

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1992 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

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.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, from increases in fees charged for commercial motor vehicles, and from funds received or receivable from the various transportation-oriented authorities.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

62 Public Transportation

Total Appropriation, Department of Transportation \$331,000,000

The unexpended balance as of June 30, 1992 in this department is appropriated.

There is appropriated the sum of \$537,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) for the specific projects identified under the 11 general program headings as follows:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
1. CONSTRUCTION - State Highway Facilities				
A. Transportation Trust Fund cost sharing with various federal aid programs				
		MAGIC-Phase 1; Routes 80, 46, 4, 3, and 280	Various	(212,000)
		Emergency call boxes	Various	(360,000)
B. Transportation Trust Fund financed projects				
		Doremus Ave., roadway rehabilitation	Essex	(5,000,000)
9	21F	Intersection at Aldrich Road	Monmouth	(1,035,000)
21		Bridge over Route 78 and Conrail, interim repairs	Essex	(4,200,000)
27	1C	Bridge over Harry's Brook	Mercer	(1,760,000)
45	3A3C	Bridges over Majors Run, Cowtown Rodeo, and Culliers Run	Salem	(1,537,000)
46		Interchange at Passaic Ave. and Two Bridges Road	Essex	(2,400,000)
78	15	Lake Surprise silt elimination	Union	(1,035,000)
78	5CE	Noise walls	Union	(5,005,000)
		Americans with Disabilities Act; curb cuts	Various	(100,000)
		Bridge deck patching	Various	(13,000,000)
		Betterments	Various	(9,000,000)
		Contingency, emergency, and non- participating capital program expenses	Various	(17,000,000)
		Existing certificate of participation lease payments		(6,500,000)
		Movable bridges, minor rehabilitation	Various	(4,750,000)
		Physical plant	Various	(14,000,000)
		Rail freight projects	Various	(4,500,000)
		Resurfacing program	Various	(56,200,000)
		Air quality mitigation; re- duced vehicle pollutants	Various	(1,000,000)
		Traffic signal replacement	Various	(3,000,000)
2. DESIGN/ENGINEERING - State Highway Facilities				
A. Transportation Trust Fund cost sharing with various federal aid programs				
		MAGIC-Phase 2; Route 78 corridor	Various	(344,000)

		MAGIC-Phase 3; Route 287, 1&9, Parkway, and Turnpike	Various	(444,000)
21	TSM 1	Green Street to south of Raymond Blvd.	Essex	(89,000)
21	TSM 2	Raymond Blvd. to north of Saybrook Place	Essex	(89,000)
21	TSM 3	Saybrook Place to south of Clay Street	Essex	(134,000)

B. Transportation Trust Fund financed projects

9/52	1	Intersection at Laurel Drive	Atlantic	(336,000)
9W	1	Access improvements in Englewood Cliffs	Bergen	(200,000)
17		Route 17 northbound lanes, vicinity of Moonachie Ave.	Bergen	(200,000)
22		Intersection at Rock Ave.	Somerset	(200,000)
22		Intersection at Washington Ave.	Somerset	(100,000)
22		Intersection at West End Ave.	Somerset	(200,000)
23		Intersections of Fairview Ave., Commerce Road, and Vincent Road	Essex	(400,000)
23	7D8C	Intersection of Route 23 and Route 94	Sussex	(100,000)
94				
23	7	Intersection at County Route 517	Sussex	(100,000)
40		Mays Landing TSM, various intersections	Atlantic	(200,000)
46		Interchange at Passaic Ave. and Two Bridges Road	Essex	(600,000)
57	3D	Penwell Road to bridge over Musconetcong River	Warren	(200,000)
71		Intersection at Parker Road	Monmouth	(150,000)
71		Intersection at Wall Street	Monmouth	(150,000)
72		Intersection at Bay Ave.	Ocean	(200,000)
95		Interchange at County Route 537	Monmouth	(200,000)
			Ocean	
322		Intersection at Main and State Streets	Gloucester	(200,000)
322		Intersection at High St.	Gloucester	(200,000)
322		Intersection at New Street	Gloucester	(200,000)
322		Intersection at County Routes 609 and 618	Gloucester	(200,000)
322		Intersection at County Routes 610 and 654	Gloucester	(400,000)
322		Intersection at County Routes 635 and 667	Gloucester	(200,000)

		Noise walls	Various	(1,000,000)
		Special environmental funds	Various	(2,000,000)
3.	RIGHT-OF-WAY - State Highway Facilities			
A.	Transportation Trust Fund cost sharing with various federal aid programs			
4	1L2W	Virginia Drive to Garden	Bergen	(760,000)
208	3T	State Parkway		
21	TSM 1	Green Street to south of Raymond Blvd.	Essex	(100,000)
21	TSM 2	Raymond Blvd.to north of Saybrook Place	Essex	(100,000)
21	TSM 3	Saybrook Place to south of Clay Street	Essex	(200,000)
78	5CD	West Peddie Street ramps	Essex	(800,000)
B.	Transportation Trust Fund financed projects			
168	2H1D	Gloucester/Camden county line to Third Ave.	Camden	(210,000)
		Advance acquisition of right-of- way for transportation corridors and facilities	Various	(2,000,000)
4.	STUDY AND DEVELOPMENT - State Highway Facilities			
	Transportation Trust Fund financed projects			
		Project development, preliminary engineering	Various	(3,200,000)
		Planning and research	Various	(4,400,000)
		Training and technology investment	Various	(500,000)
		Bridge project development	Various	(1,100,000)
5.	STATE AID			
	Transportation Trust Fund financed projects			
		State aid in lieu of federal aid funds	Various	(35,000,000)
		Municipal aid	Various	(30,000,000)
		Additional local aid program		
		1. County aid	Various	(15,000,000)
		2. Municipal aid	Various	(15,000,000)
		3. Discretionary aid	Various	(5,000,000)
6.	CAPITAL PROGRAM IMPLEMENTATION - State Highway Facilities			
	Transportation Trust Fund financed projects			

For personal services to support current and previously authorized projects	Various	(55,200,000)

<u>Description</u>	<u>County</u>	<u>Amount</u>
7. CONSTRUCTION - Public Transportation		
Transportation Trust Fund financed projects		
NJ Transit Bus passenger facilities	Various	(500,000)
NJ Transit Bus support facilities and equipment	Various	(1,265,000)
NJ Transit Rail station accessibility for disabled people	Various	(3,200,000)
NJ Transit Building capital leases	Various	(1,750,000)
NJ Transit Environmental compliance	Various	(1,000,000)
NJ Transit Track rehabilitation	Various	(1,000,000)
NJ Transit Bridge and tunnel rehabilitation	Various	(2,600,000)
NJ Transit Signals and communication, and electric traction system	Various	(690,000)
NJ Transit Rail support facilities and equipment	Various	(1,452,000)
NJ Transit Rail passenger facility and terminal improvements	Various	(6,850,000)
NJ Transit Acquisition/overhaul of locomotives and coaches	Various	(5,200,000)
NJ Transit Associated rail capital maintenance	Various	(1,375,000)
NJ Transit Wildwood terminal	Cape May	(800,000)
NJ Transit Bus support facilities and equipment	Various	(10,875,000)
NJ Transit Bridge and tunnel rehabilitation	Various	(12,800,000)
NJ Transit Rail support facilities and equipment	Various	(7,338,000)
NJ Transit Associated rail capital maintenance	Various	(4,705,000)
NJ Transit Claims support	Various	(2,000,000)
NJ Transit Immediate action program	Various	(7,700,000)
NJ Transit Rail park and ride facilities	Various	(8,000,000)
NJ Transit Bombardier lease payments on existing rail coaches	Various	(9,500,000)
NJ Transit Hackettstown rail extension	Warren	(400,000)
NJ Transit Acquisition/overhaul of locomotives and coaches	Various	(8,250,000)
NJ Transit Rail passenger facility and terminal improvements	Various	(2,650,000)
NJ Transit Kearny Connection	Various	(24,000,000)
8. STUDY AND DEVELOPMENT - Public Transportation		
Transportation Trust Fund financed projects		
NJ Transit Burlington -Gloucester initiative	Burlington Gloucester	(250,000)
NJ Transit Studies	Various	(2,750,000)

NJ Transit	Transportation Management Associations	Various	(1,500,000)

9. CAPITAL PROGRAM IMPLEMENTATION - Public Transportation
Transportation Trust Fund financed projects

NJ Transit	For personal services to support current and previously authorized projects	Various	(5,000,000)

10. CAPITALIZED MAINTENANCE

Transportation Trust Fund financed projects

NJ Transit	Bus vehicle and facility maintenance	Various	(18,100,000)
NJ Transit	Rail maintenance-of-way, major repairs	Various	(14,800,000)
NJ Transit	Rail maintenance of equipment, heavy repairs	Various	(19,200,000)

11. RESERVED

Unallocated, for projects and at amounts per project to be submitted by the Department of Transportation for approval by the Joint Budget Oversight Committee	(20,300,000)

The unexpended balances as of June 30, 1992 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provision of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is empowered to review

all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

74 *General Government Services*

76 *Management and Administration*

The unexpended balance as of June 30, 1992 in this department is appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*

43 *Science and Technical Programs*

9140 *Delaware River Basin Commission*

The unexpended balance as of June 30, 1992 in this commission is appropriated.

Total Appropriation, Capital Construction	<u>\$331,000,000</u>

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1992 in the Capital Construction accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1992 and any receipts derived during the fiscal year ending June 30, 1993 in the various bond funds are appropriated for the purposes authorized in the several bond acts.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-3370 Interest on Bonds	\$3,636,000
99-3370 Bond Redemption	<u>2,904,000</u>
Total Appropriation, Department of Agriculture	<u>\$6,540,000</u>

Special Purpose:

Interest:

Farmland Preservation Bonds (P.L.1981, c.276)	(\$2,925,000)
Farmland Preservation Refunding Bonds (P.L.1985, c.74)	(85,000)
1989 New Jersey Open Space Preser- vation Bonds (P.L.1989, c.183)	(626,000)

Redemption:

Farmland Preservation Bonds (P.L.1981, c.276)	(2,400,000)
Farmland Preservation Refunding Bonds (P.L.1985, c.74)	(12,000)
1989 New Jersey Open Space Preser- vation Bonds (P.L.1989, c.183)	(492,000)

20 DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

99-2920 Interest on Bonds	\$113,000
99-2920 Bond Redemption	<u>252,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$365,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$113,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(252,000)

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

99-2910 Interest on Bonds	\$6,759,000
99-2910 Bond Redemption	<u>5,481,000</u>
Total Appropriation, Economic Planning and Development	<u>\$12,240,000</u>

Special Purpose:

Interest:

Community Development Bonds (P.L.1981, c.486)	(\$1,911,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(3,097,000)
Community Development Refunding Bonds (P.L.1985, c.74)	(473,000)
Jobs, Science and Technology Refunding Bonds (P.L.1985,c.74)	(182,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(1,096,000)

Redemption:

Community Development Bonds (P.L.1981, c.486)	(1,870,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(2,621,000)
Community Development Refunding Bonds (P.L.1985, c.74)	(114,000)
Jobs, Science and Technology Refunding Bonds (P.L.1985,c.74)	(24,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(852,000)
Total Appropriation, Department of Commerce and Economic Development	<u>\$12,605,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Interest on Bonds	\$994,000
99-8070 Bond Redemption	<u>1,770,000</u>
Total Appropriation, Department of Community Affairs	<u>\$2,764,000</u>

Special Purpose:

Interest:

State Housing Assistance Bonds (P.L.1968, c.127)	(\$111,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(644,000)
State Mortgage Assistance Refund- ing Bonds (P.L.1985, c.74)	(239,000)

Redemption:

State Housing Assistance Bonds (P.L.1968, c.127)	(500,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(950,000)
State Mortgage Assistance Refund- ing Bonds (P.L.1985, c.74)	(320,000)

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000 Interest on Bonds	\$27,428,000
99-7000 Bond Redemption	<u>25,819,000</u>
Total Appropriation, Department of Corrections	<u>\$53,247,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$319,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,054,000)

Institutional Construction Bonds (P.L.1978, c.79)	(402,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(1,728,000)
Correctional Facilities Construction Bonds (P.L.1982, c.120)	(5,714,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(544,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(891,000)
Public Purpose Buildings Construction Refunding Bonds (P.L.1985, c.74) .	(1,211,000)
Correctional Facilities Construction Refunding Bonds (P.L.1985, c.74)	(4,011,000)
Correctional Facilities Construction Bonds (P.L.1987, c.178)	(11,330,000)
Public Purpose Buildings and Com- munity-Based Facilities Construc- tion Bonds (P.L.1989, c.184)	(224,000)
Redemption:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(711,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,401,000)
Institutional Construction Bonds (P.L.1978, c.79)	(600,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(2,432,000)
Correctional Facilities Construc- tion Bonds (P.L.1982, c.120)	(8,765,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(630,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(1,045,000)
Public Purpose Buildings Construc- tion Refunding Bonds (P.L.1985, c.74)	(582,000)
Correctional Facilities Construc- tion Refunding Bonds (P.L.1985, c.74)	(734,000)
Correctional Facilities Construction Bonds (P.L.1987, c.178)	(8,750,000)
Public Purpose Buildings and Community- Based Facilities Construction Bonds (P.L.1989, c.184)	(169,000)

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5095 Interest on Bonds	\$694,000
99-5095 Bond Redemption	<u>1,278,000</u>
Total Appropriation, Department of Education	<u><u>\$1,972,000</u></u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L. 1968, c.128)	(\$413,000)
Institutional Construction Bonds (P.L. 1978, c.79)	(88,000)
Institutional Construction Refunding Bonds (P.L. 1985, c.74)	(193,000)

Redemption:

Public Buildings Construction Bonds (P.L. 1968, c.128)	(921,000)
Institutional Construction Bonds (P.L. 1978, c.79)	(130,000)
Institutional Construction Refunding Bonds (P.L. 1985, c.74)	(227,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds	\$76,020,000
99-4800 Bond Redemption	<u>85,566,000</u>
Total Appropriation, Department of Environmental Protection and Energy	<u>\$161,586,000</u>

Special Purpose:

Interest:

Water Conservation Bonds (P.L. 1969, c.127)	(\$4,182,000)
State Recreation and Conservation Land Acquisition Bonds (P.L. 1971, c.165)	(929,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L. 1974, c.102)	(3,492,000)
Clean Waters Bonds (P.L. 1976, c.92)	(3,364,000)
Beaches and Harbors Bonds (P.L. 1977, c.208)	(644,000)
State Land Acquisition and Development Bonds (P.L. 1978, c.118)	(4,794,000)
Emergency Flood Control Bonds (P.L. 1978, c.78)	(1,047,000)
Energy Conservation Bonds (P.L. 1980, c.68)	(2,056,000)
Natural Resources Bonds (P.L. 1980, c.70)	(2,745,000)
Water Supply Bonds (P.L. 1981, c.261)	(11,746,000)

Hazardous Discharge Bonds (P.L.1981, c.275)	(2,864,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(5,134,000)
Shore Protection Bonds (P.L.1983, c.356)	(1,838,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(328,000)
State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,161,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(219,000)
Energy Conservation Refunding Bonds (P.L.1985, c.74)	(226,000)
Natural Resources Refunding Bonds (P.L.1985, c.74)	(1,301,000)
Water Supply Refunding Bonds (P.L.1985, c.74)	(1,177,000)
1983 New Jersey Green Acres Refunding Bonds (P.L.1985, c.74)	(630,000)
Shore Protection Refunding Bonds (P.L.1985, c.74)	(580,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(2,958,000)
Clean Waters Refunding Bonds (P.L.1985, c.74)	(219,000)
Beaches and Harbors Refunding Bonds (P.L.1985, c.74)	(543,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(1,155,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(11,473,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(2,125,000)
1989 New Jersey Open Space Preser- vation Bonds (P.L.1989, c.183) ...	(3,126,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(964,000)
Redemption:	
Water Conservation Bonds (P.L.1969, c.127)	(10,830,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165)	(5,330,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102)	(6,130,000)

Clean Waters Bonds (P.L.1976, c.92)	(5,430,000)
Beaches and Harbors Bonds (P.L.1977, c.208)	(1,455,000)
State Land Acquisition and Develop- ment Bonds (P.L.1978, c.118)	(6,150,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(1,200,000)
Energy Conservation Bonds (P.L.1980, c.68)	(1,970,000)
Natural Resources Bonds (P.L.1980, c.70)	(4,415,000)
Water Supply Bonds (P.L.1981, c.261)	(9,603,000)
Hazardous Discharge Bonds (P.L.1981, c.275)	(2,150,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(4,935,000)
Shore Protection Bonds (P.L.1983, c.356)	(1,815,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(95,000)
State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,181,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(64,000)
Energy Conservation Refunding Bonds (P.L.1985, c.74)	(30,000)
Natural Resources Refunding Bonds (P.L.1985, c.74)	(326,000)
Water Supply Refunding Bonds (P.L.1985, c.74)	(414,000)
1983 New Jersey Green Acres Refunding Bonds (P.L.1985, c.74)	(152,000)
Shore Protection Refunding Bonds (P.L.1985, c.74)	(111,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(3,481,000)
Clean Waters Refunding Bonds (P.L.1985, c.74)	(64,000)
Beaches and Harbors Refunding Bonds (P.L.1985, c.74)	(141,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(900,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(9,350,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(1,635,000)

1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ...	(2,459,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(750,000)

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*25 *Health Administration*

99-4210 Interest on Bonds	\$20,000
99-4210 Bond Redemption	<u>44,000</u>
Total Appropriation, Department of Health	<u>\$64,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$20,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(44,000)

50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*36 *Higher Educational Services*

99-5400 Interest on Bonds	\$18,529,000
99-5400 Bond Redemption	<u>26,282,000</u>
Total Appropriation, Department of Higher Education	<u>\$44,811,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$3,040,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(1,847,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(3,678,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,819,000)
Jobs, Science and Technology Refunding Bonds (P.L.1985, c.74)	(107,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(8,038,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(6,780,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(7,700,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(4,000,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,540,000)

Jobs, Science and Technology Refund- ing Bonds (P.L.1985, c.74)	(14,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(6,248,000)

54 DEPARTMENT OF HUMAN SERVICES

70 Government Direction, Management and Control

76 Management and Administration

99-7500 Interest on Bonds	\$12,512,000
99-7500 Bond Redemption	<u>14,456,000</u>
Total Appropriation, Department of Human Services	<u>\$26,968,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$1,164,000)
Institutions Construction Bonds (P.L.1976, c.93)	(978,000)
Institutional Construction Bonds (P.L.1978, c.79)	(791,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(2,373,000)
Human Services Facilities Construc- tion Bonds (P.L.1984, c.157)	(2,613,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(505,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(1,752,000)
Public Purpose Buildings Construction Refunding Bonds (P.L.1985, c.74)	(1,663,000)
Human Services Facilities Construction Refunding Bonds (P.L.1985, c.74)	(97,000)
Public Purpose Buildings and Community- Based Facilities Construction Bonds (P.L.1989, c.184)	(576,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(2,595,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,300,000)
Institutional Construction Bonds (P.L.1978, c.79)	(1,180,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(3,339,000)
Human Services Facilities Construc- tion Bonds (P.L.1984, c.157)	(2,160,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(584,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(2,054,000)

Public Purpose Buildings Construction	
Refunding Bonds (P.L.1985, c.74) .	(799,000)
Human Services Facilities Construction	
Refunding Bonds (P.L.1985, c.74) .	(13,000)
Public Purpose Buildings and Community-	
Based Facilities Construction Bonds	
(P.L.1989, c.184)	(432,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-1050 Interest on Bonds	\$195,000
99-1050 Bond Redemption	<u>247,000</u>
Total Appropriation, Department of Law and Public Safety	<u>\$442,000</u>

Special Purpose:

Interest:

Institutional Construction Bonds	
(P.L.1978, c.79)	(\$61,000)
Institutional Construction Refund-	
ing Bonds (P.L.1985, c.74)	(134,000)

Redemption:

Institutional Construction Bonds	
(P.L.1978, c.79)	(90,000)
Institutional Construction Refund-	
ing Bonds (P.L.1985, c.74)	(157,000)

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-2530 Interest on Bonds	\$1,417,000
99-2530 Bond Redemption	<u>1,090,000</u>
Total Appropriation, Department of State	<u>\$2,507,000</u>

Special Purpose:

Interest:

1987 Green Acres, Cultural Centers and	
Historic Preservation Bonds	
(P.L.1987, c.265)	(\$1,417,000)

Redemption:

1987 Green Acres, Cultural Centers and	
Historic Preservation Bonds	
(P.L.1987, c.265)	(1,090,000)

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

64 Regulation and General Management

99-6000 Interest on Bonds	\$40,307,000
99-6000 Bond Redemption	<u>58,226,000</u>
Total Appropriation, Department of Transportation	<u>\$98,533,000</u>

Special Purpose:

Interest:

State Transportation Bonds (P.L.1968, c.126)	(\$9,105,000)
Transportation Rehabilitation and Improve- ment Bonds (P.L.1979, c.165)	(13,312,000)
Bridge Rehabilitation and Improve- ment Bonds (P.L.1983, c.363)	(7,275,000)
Transportation Rehabilitation and Improve- ment Refunding Bonds (P.L.1985, c.74)	(8,336,000)
Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)..	(667,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of- Way Preservation Bonds (P.L.1989, c.180)	(1,612,000)

Redemption:

State Transportation Bonds (P.L.1968, c.126)	(24,810,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(18,385,000)
Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363).....	(6,695,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(6,912,000)
Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)..	(174,000)
1989 Bridge Rehabilitation and Improvement and Railroad-Right-of- way Preservation Bonds (P.L.1989, c.180)	(1,250,000)

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

99-2070 Interest on Bonds	<u>\$32,262,000</u>
Total Appropriation, Department of the Treasury	<u><u>\$32,262,000</u></u>

Special Purpose:

For payment of interest on current and future bond sales.....	(\$32,262,000)
Total Appropriation, Debt Service	<u><u>\$444,301,000</u></u>

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Total Appropriation, General Fund..... \$10,039,995,000

PROPERTY TAX RELIEF FUND

GRANTS-IN-AID

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

75 *State Subsidies and Financial Aid--Grants-In-Aid*

33-2076 Homestead Rebates \$300,000,000

Total Appropriation, State Subsidies and Financial Aid \$300,000,000

Grants:

Homestead property tax rebates for homeowners
and tenants (P.L.1990,c.61)..... (\$300,000,000)

A homestead property tax rebate to be paid from the amount appropriated hereinabove during Fiscal Year 1993 for a tax year 1991 claim, for a claimant who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, or who is a joint claimant with such an individual, shall be calculated by the Division of Taxation pursuant to the provisions of the "Homestead Property Tax Rebate Act of 1990," P.L.1990, c.61 (C.54:4-8.57 et seq.).

Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.57 et seq.) to the contrary, if the claimant or joint claimant is not 65 years of age or older at the close of the 1991 tax year or is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, a homestead property tax rebate shall be paid from the amount appropriated hereinabove during Fiscal Year 1993 for a tax year 1991 claim only for a claimant or joint claimants with "gross income," as defined pursuant to section 2 of P.L.1990, c.61 (C.54:4-8.58) not in excess of \$40,000 for the tax year, and shall be calculated by the Division of Taxation and paid based upon a maximum rebate of \$30 for a claimant whose status is a tenant whose homestead is a unit of residential rental property and a maximum rebate of \$90 for a claimant whose status is an owner of a homestead. Such rebates shall be calculated without regard to the amount of property taxes paid, property taxes paid through rent or rent constituting property taxes paid and without re-

gard to the amount of gross income not in excess of \$40,000 and shall be calculated subject to such proportionate reductions in and aggregations of such maximum rebate amounts as relate to the number of days as a tenant of a homestead or as an owner of a homestead during the tax year and the share of property owned or share of rent paid during the tax year.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates subject to the limitations and conditions provided in this act.

Total Appropriation, Department of the Treasury	<u>\$300,000,000</u>
Total Appropriation, Grants-In-Aid	<u>\$300,000,000</u>

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management--State Aid*

04-8030 Local Government Services	<u>\$360,000,000</u>
Total Appropriation, Community Development Management	<u>\$360,000,000</u>

State Aid:

Supplemental municipal property tax relief act-formula aid	(\$305,000,000)
Supplemental municipal property tax relief act-discretionary aid	(30,000,000)
Supplemental municipal property tax relief act-additional municipal aid	(25,000,000)

Notwithstanding the provisions of any other law to the contrary, distribution of Supplemental municipal property tax relief-formula aid shall use the 1990 federal decennial census as certified by the U.S. Bureau of the Census for legislative reapportionment purposes, and the "Per Capita Money Income" table for 1989, issued by the New Jersey State Data Center in the Division of Labor Market and Demographic Research of the New Jersey Department of Labor for determination of municipal population, municipal and State per capita income, and per capita aid.

Notwithstanding the provisions of P.L.1991, c.63 (C.52:27D-118.32 et seq.) to the contrary, the amount hereinabove for Supplemental municipal property tax relief act-discretionary aid shall be paid in the same amounts to the same municipalities as received such aid in Fiscal Year 1992.

Notwithstanding the provisions of any other law to the contrary, the amount appropriated for Supplemental municipal property tax relief act - additional municipal aid shall be allocated to provide a uniform percentage increase in the amount otherwise apportioned to eligible municipalities pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) for Fiscal Year 1993.

Total Appropriation, Department of Community Affairs	<u>\$360,000,000</u>

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance--State Aid*

01-5120 General Formula Aid	\$1,590,251,000
05-5120 Bilingual Education	57,577,000
06-5120 Programs For At-Risk Pupils	291,835,000
07-5120 Special Education	<u>581,631,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,521,294,000</u>

State Aid:

Foundation aid - Quality Education	
Act of 1990	(\$1,504,693,000)
Transition aid - Quality Education	
Act of 1990	(85,558,000)
Bilingual education aid	(57,577,000)
Aid for at risk pupils	(291,835,000)
Special education aid	(581,631,000)

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding the provisions of N.J.S.18A:7D-4, for the purpose of computing each district's foundation aid, excess surplus for all districts shall be zero dollars (\$0.00).

33 *Supplemental Education and Training Programs--State Aid*

20-5120 General Vocational Education Programs	<u>\$28,294,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$28,294,000</u>

State Aid:

County vocational program aid	(\$28,294,000)

34 *Educational Support Services--State Aid*

36-5120 Pupil Transportation	\$258,255,000
38-5120 Facilities Planning and School Building Aid	69,945,000

39-5095 Teachers' Pension and Annuity Assistance	<u>692,699,000</u>
Total Appropriation, Educational Support Services	<u>\$1,020,899,000</u>
State Aid:	
Transportation aid	(\$258,255,000)
School building aid	(69,945,000)
Teachers' Pension and Annuity Fund	(330,570,000)
Social Security tax	(362,129,000)

The amount appropriated hereinabove for the Social Security tax account shall be available for the payment of such tax applicable to the prior year.

In addition to the sums hereinabove there is appropriated \$500,000 to be allocated among school districts that participate in cooperative transportation agreements that include two or more local school districts, special services school districts or jointure commissions, for the purpose of transporting public and nonpublic school pupils.

Total Appropriation, Department of Education	<u>\$3,570,487,000</u>

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

Notwithstanding the provisions of N.J.S.18A:70-6, the State foundation amount for the 1992-1993 school year for the purpose of computing foundation aid shall equal \$6,742.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

29-2088 Locally Provided Services	\$33,000,000
34-2078 Reimbursement--Senior Citizens and Veterans	<u>42,404,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$75,404,000</u>
State Aid:	
Aid to densely populated municipalities (P.L.1990, c.85)	(\$33,000,000)

State reimbursement to municipalities for senior/disabled citizens' property tax exemptions	(22,571,000)
State reimbursement for veterans' property tax exemptions	(19,833,000)

Notwithstanding the provisions of P.L.1990, c.85 (C.52:27D-384 et seq.), the amount hereinabove for Aid to densely populated municipalities shall be distributed in the same amount and to the same municipalities which received such aid in Fiscal Year 1992 pursuant to the provisions of P.L.1991, c.185.

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.

Total Appropriation, Department of the Treasury	<u>\$75,404,000</u>
Total Appropriation, State Aid.....	<u>\$4,005,891,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$4,305,891,000</u>

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

30-1460 Gaming Enforcement	<u>\$34,296,000</u>
Total Appropriation, Law Enforcement ...	<u>\$34,296,000</u>
Personal Services:	
Salaries and wages	(\$19,296,000)
Cash in lieu of maintenance	(716,000)
Employee benefits.....	(5,824,000)
Materials and Supplies	(741,000)
Services Other Than Personal.....	(2,379,000)
Maintenance and Fixed Charges.....	(2,902,000)
Special Purpose:	
Indirect costs.....	(1,801,000)
Additions, Improvements and Equipment	(637,000)

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$34,296,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

73 *Financial Administration*

25-2095 Administration of Casino Gambling	<u>\$23,075,000</u>

Total Appropriation, Financial Administration	<u>\$23,075,000</u>

Personal Services:

Chairman and Commissioners.....	(\$455,000)

Salaries and wages	(14,799,000)

Employee benefits.....	(4,370,000)

Materials and Supplies.....	(301,000)

Services Other Than Personal.....	(1,446,000)

Maintenance and Fixed Charges.....	(1,484,000)

Special Purpose:

Other special purpose.....	(190,000)

Additions, Improvements and Equipment.....	(30,000)

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	<u>\$23,075,000</u>

Total Appropriation, Direct State Services--Casino Control Fund	<u>\$57,371,000</u>

Total Appropriation, Casino Control Fund	<u>\$57,371,000</u>

CASINO REVENUE FUND

DIRECT STATE SERVICES

22 DEPARTMENT OF COMMUNITY AFFAIRS

50 *Economic Planning, Development and Security*

55 *Social Services Programs*

08-8060 Programs for the Aging	<u>\$365,000</u>

Total Appropriation, Social Services Programs	<u>\$365,000</u>

Personal Services:

Salaries and wages	(\$274,000)	
Employee benefits	(80,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(6,000)	
Total Appropriation, Department of Community Affairs		<u>\$365,000</u>

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*21 *Health Services*

02-4220 Family Health Services	<u>\$233,000</u>
Total Appropriation, Health Services	<u>\$233,000</u>

Personal Services:

Salaries and wages	(\$185,000)	
Employee Benefits	(29,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(14,000)	
Total Appropriation, Department of Health		<u>\$233,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and Management	\$3,795,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>5,593,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$9,388,000</u>

Personal Services:

Salaries and wages	(\$4,453,000)
Compensation Awards	(1,000)
Employee benefits	(1,277,000)
Materials and Supplies	(101,000)
Services Other Than Personal	(732,000)
Maintenance and Fixed Charges	(838,000)

Special Purpose:

Replacement of fiscal agent functions	(6,000)
Payments to fiscal agents	(313,000)
Eligibility determination	(349,000)
Payments to fiscal agents (PAA)	(986,000)
Other special purpose	(135,000)
Additions, Improvements and Equipment	(197,000)

30 *Educational, Cultural and Intellectual Development*32 *Operation and Support of Educational Institutions*7601 *Community Programs*

02-7601 Social Supervision and Consultation	<u>\$34,000</u>
Total Appropriation, Community Programs	<u>\$34,000</u>

Special Purpose:

Homemaker services (State share) (\$34,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*28-7540 Lifeline Programs \$4,409,000

Total Appropriation, Division of Medical

Assistance and Health Services \$4,409,000

Personal Services:

Salaries and wages (\$2,642,000)

Compensation Awards (5,000)

Employee benefits (735,000)

Materials and Supplies (42,000)

Services Other Than Personal (348,000)

Maintenance and Fixed Charges (285,000)

Special Purpose:

Other special purpose (270,000)

Additions, Improvements and Equipment (82,000)

Total Appropriation, Department of Human Services \$13,831,000**66 DEPARTMENT OF LAW AND PUBLIC SAFETY***80 Special Government Services**82 Protection of Citizens' Rights*15-1326 Operation of State Professional Boards \$92,000Total Appropriation, Protection of Citizens' Rights \$92,000

Personal Services:

Salaries and wages (\$20,000)

Employee benefits (6,000)

Materials and Supplies (14,000)

Services Other Than Personal (48,000)

Additions, Improvements and Equipment (4,000)

Total Appropriation, Department of Law and Public Safety \$92,000

Total Appropriation, Direct State Services--

Casino Revenue Fund \$14,521,000**GRANTS-IN-AID****22 DEPARTMENT OF COMMUNITY AFFAIRS***40 Community Development and Environmental Management**41 Community Development Management--Grants-In-Aid*12-8025 Boarding Home Regulation and Assistance \$3,200,000Total Appropriation, Community Development Management \$3,200,000

Grants:

Boarding House Rental Assistance Fund . (\$3,200,000)

In addition to the amount hereinabove for the Boarding House
Rental Assistance Fund, such additional funds as may be re-

quired for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17), subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

08-8060 Programs for the Aging		<u>\$5,525,000</u>
Total Appropriation, Social Services Programs		<u>\$5,525,000</u>
Grants:		
Home delivered meals expansion.....	(\$950,000)	
Senior citizen housing-safe housing and transportation.....	(2,633,000)	
Congregate housing support services.....	(1,902,000)	
Task force study: housing options for seniors.....	(40,000)	
Total Appropriation, Department of Community Affairs		<u>\$8,725,000</u>

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services		<u>\$1,447,000</u>
Total Appropriation, Health Services.....		<u>\$1,447,000</u>
Grants:		
Statewide birth defects registry.....	(\$500,000)	
Demonstration adult day care center program-Alzheimer's disease.....	(947,000)	
Total Appropriation, Department of Health		<u>\$1,447,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

*7540 Division of Medical Assistance and Health Services
Grants-In-Aid*

22-7540 General Medical Services		\$48,257,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		<u>82,703,000</u>
Total Appropriation, Division of Medical Assistance and Health Services.....		<u>\$130,960,000</u>
Grants:		
Payments for medical assistance recipients	(\$36,197,000)	
Respite care for the elderly	(3,500,000)	
Home care expansion.....	(8,000,000)	
Hearing aid assistance for the aged and disabled	(560,000)	
Pharmaceutical assistance to the aged and disabled - claims P.L.1975, c.194 (C.30:4D-20 et seq.).....	(115,703,000)	
Less:		
Savings from PAAD drug rebates	(\$33,000,000)	

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1993, are appropriated.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

Notwithstanding the provisions of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be \$5.00. This copayment is effective on all prescriptions on or after July 1, 1992.

An amount not to exceed \$1,500,000 is appropriated to the Department of Human Services, Division of Medical Assistance and Health Services from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) to expand the Community Care Program for the Elderly and Disabled.

For purposes of accrual accounting in the General Medical Services program, the funds hereinabove appropriated provide

funds for all expenditures incurred during Fiscal Year 1993 and received for payment on or before September 30, 1994.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care	\$14,905,000
02-7601 Social Supervision and Consultation	1,657,000
03-7601 Adult Activities	7,374,000
04-7601 Education and Day Training	551,000
Total Appropriation, Community Programs	<u>\$24,487,000</u>
Grants:	
Private institutional care	(\$1,311,000)
Skill development homes	(1,141,000)
Group homes	(12,325,000)
Family care	(128,000)
Home assistance	(1,657,000)
Purchase of adult activity services	(7,374,000)
Purchase of day training services	(551,000)

Group home maintenance recoveries during the fiscal year ending June 30, 1993, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs

7570 Division of Youth and Family Services--Grants-In-Aid

18-7570 General Social Services	\$1,668,000
99-7570 Management and Administrative Services	<u>3,333,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$5,001,000</u>
Grants:	
Protective services for the elderly and disabled	(\$1,668,000)

Personal attendant program.....	(3,333,000)	
Total Appropriation, Department of Human Services		<u>\$160,448,000</u>

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*

54 *Manpower and Employment Services--Grants-In-Aid*

07-4535 Vocational Rehabilitation Services		<u>\$1,440,000</u>
Total Appropriation, Manpower and Employment Services		<u>\$1,440,000</u>
Grants:		
Sheltered workshop transportation.....	(\$1,440,000)	
Total Appropriation, Department of Labor		<u>\$1,440,000</u>
Total Appropriation, Grants-In-Aid--Casino Revenue Fund		<u>\$172,060,000</u>

STATE AID

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

62 *Public Transportation--State Aid*

04-6050 Railroad and Bus Operations		<u>\$18,480,000</u>
Total Appropriation, Public Transportation		<u>\$18,480,000</u>
State Aid:		
Transportation assistance for senior citizens and disabled residents.....	(\$18,480,000)	
The unexpended balance as of June 30, 1992 in this account is ap- propriated.		
Total Appropriation, Department of Transportation		<u>\$18,480,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

75 *State Subsidies and Financial Aid--State Aid*

34-2076 Reimbursement--Senior Citizens and Veterans		<u>\$17,180,000</u>
Total Appropriation, State Subsidies and Financial Aid		<u>\$17,180,000</u>
State Aid:		
Reimbursements to municipalities - senior and disabled citizens' tax exemptions.....	(\$17,180,000)	

In addition to the amount hereinabove, there are appropriated
from the Casino Revenue Fund such additional sums as may
be required for reimbursements to municipalities qualifying
for such payments or reimbursements.

Total Appropriation, Department of the Treasury	<u>\$17,180,000</u>
Total Appropriation, State Aid--Casino Revenue Fund	<u>\$35,660,000</u>
Total Appropriation, Casino Revenue Fund	<u>\$222,241,000</u>

Any appropriation or part thereof made from the Casino Revenue
Fund may be transferred and recorded as an appropriation

from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

GUBERNATORIAL ELECTIONS FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 *Public Safety and Criminal Justice*
13 *Special Law Enforcement Activities*

The amount hereinabove for public financing of the gubernatorial primary and general election is appropriated from the Gubernatorial Elections Fund.

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided, however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund, as a loan to the Gubernatorial Elections Fund, such sums as may be required.

Grand Total Appropriation, All State Funds \$14,625,498,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 *Community Development and Environmental Management*
42 *Natural Resource Management*

01-3310 Animal Disease Control	\$15,000
02-3320 Plant Pest and Disease Control	<u>619,000</u>
Total Appropriation, Natural Resource Management	<u>\$634,000</u>

Personal Services:

Salaries and wages	(\$150,000)
Employee benefits	(34,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(43,000)
Maintenance and Fixed Charges	(24,000)

Special Purpose:

Cooperative gypsy moth suppression	(285,000)
Other special purpose	(90,000)

50 *Economic Planning, Development and Security*
51 *Economic Planning and Development*

06-3360 Marketing Services	\$5,000

07-3360 Commodity Distribution	<u>1,257,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,262,000</u>
Personal Services:	
Salaries and wages	(\$489,000)
Employee benefits	(142,000)
Materials and Supplies	(18,000)
Services Other Than Personal	(61,000)
Maintenance and Fixed Charges	(218,000)
Special Purpose:	
Jobs bills	(334,000)

52 Economic Regulation

05-3350 Other Commodity Regulation	<u>\$190,000</u>
Total Appropriation, Economic Regulation	<u>\$190,000</u>
Personal Services:	
Salaries and wages	(\$126,000)
Employee benefits	(51,000)
Services Other Than Personal	(2,000)
Maintenance and Fixed Charges	(11,000)
Total Appropriation, Department of Agriculture	<u>\$2,086,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

02-8020 Housing Services	\$185,073,000
17-8017 Fire Safety Program	<u>20,000</u>
Total Appropriation, Community Development Management	<u>\$185,093,000</u>

Personal Services:	
Salaries and wages	(\$8,567,000)
Employee benefits	(2,864,000)
Materials and Supplies	(239,000)
Services Other Than Personal	(1,234,000)
Maintenance and Fixed Charges	(604,000)
Special Purpose:	
National community volunteer fire prevention	(20,000)
Other special purpose	(813,000)
State Aid and Grants:	
Emergency shelter grants program	(3,000,000)
Moderate rehabilitation housing assistance	(14,987,000)
Permanent housing for the handicapped	
homeless	(7,000,000)
Rental rehabilitation assistance program	(5,836,000)
Section 8 existing housing rental assistance	(66,302,000)
Section 8 housing voucher Program	(37,513,000)
Small cities block grant program	(9,055,000)
Transitional housing - Homeless	(2,000,000)
National affordable housing - HOME	
investment partnerships	(25,000,000)
Additions, Improvements and Equipment	(59,000)

*50 Economic Planning, Development and Security**55 Social Service Programs*

05-8050 Community Resources		\$21,076,000
08-8060 Programs for the Aging		31,723,000
15-8051 Women's Programs		<u>45,000</u>
Total Appropriation, Social Service Programs		<u>\$52,844,000</u>
Personal Services:		
Salaries and wages	(\$1,908,000)	
Employee benefits	(514,000)	
Materials and Supplies	(30,000)	
Services Other Than Personal	(134,000)	
Maintenance and Fixed Charges	(28,000)	
Special Purpose:		
Community Services Block Grant - HHS	(37,000)	
Low income energy assistance program		
training and technical assistance	(15,000)	
Older Americans' Act Title III	(17,000)	
Project care - National Eldercare Campaign	(125,000)	
Other special purpose	(211,000)	
State Aid and Grants:		
Community Services Block Grant - HHS	(9,489,000)	
Community food and nutrition program ..	(87,000)	
Emergency Homeless Program	(688,000)	
Home Energy Assistance Program	(3,022,000)	
Purchase of legal services	(1,382,000)	
Weatherization assistance program	(4,688,000)	
USDA Older Americans' Act Title III	(3,900,000)	
Older Americans' Act Title III	(26,514,000)	
Child development associate		
scholarship assistance grant	(45,000)	
Additions, Improvements and Equipment	(10,000)	
Total Appropriation, Department of Community Affairs		<u>\$237,937,000</u>

26 DEPARTMENT OF CORRECTIONS*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**7080 Edna Mahan Correctional Facility For Women*

10-7080 Education Program	<u>\$54,000</u>
Total Appropriation, Edna Mahan Correctional Facility For Women	<u>\$54,000</u>

Personal Services:

Salaries and wages	(\$54,000)

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program	<u>\$273,000</u>
Total Appropriation, Garden State Reception	
and Youth Correctional Facility	<u>\$273,000</u>

Personal Services:

Salaries and wages	(\$200,000)
Employee benefits	(73,000)

7130 Mountainview Youth Correctional Facility

10-7130 Education Program	<u>\$270,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$270,000</u>
Personal Services:	
Salaries and wages	(\$212,000)
Employee benefits.....	(34,000)
Special Purpose:	
Other special purpose.....	(24,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole.....	<u>\$603,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$603,000</u>
Personal Services:	
Salaries and wages	(\$111,000)
Employee benefits.....	(36,000)
Special Purpose:	
Intensive supervision surveillance	(450,000)
Other special purpose.....	(6,000)

*18 Juvenile Correctional Services**7220 New Jersey Training School for Boys*

10-7220 Education Program	<u>\$325,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$325,000</u>
Personal Services:	
Salaries and wages	(\$274,000)
Employee benefits.....	(51,000)

7225 Juvenile Medium Security Center

10-7225 Education Program	<u>\$159,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$159,000</u>
Personal Services:	
Salaries and wages	(\$133,000)
Employee benefits.....	(26,000)

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation	<u>\$2,391,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$2,391,000</u>
Personal Services:	
Salaries and wages	(\$1,538,000)
Employee benefits.....	(123,000)
Materials and Supplies.....	(158,000)
Special Purpose:	
The Campus - Substance abuse program..	(372,000)
Elizabeth and Union day programs	(200,000)

*19 Central Planning, Direction and Management**7000 Division of Management and General Support*

01-7000 Planning, Management and General Support	\$985,000
02-7000 Program Operations Support	271,000
99-7000 Management and Administrative Services	<u>810,000</u>
Total Appropriation, Division of Management and General Support	<u>\$2,066,000</u>
Personal Services:	
Salaries and wages	(\$1,426,000)
Employee benefits.....	(163,000)
Services Other Than Personal.....	(30,000)
Special Purpose:	
Incarcerated Mariel Cubans	
reimbursement program	(176,000)
Chapter II block grant	(56,000)
Additions, Improvements and Equipment	(215,000)
Total Appropriation, Department of Corrections	<u>\$6,141,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous Grants-In-Aid	\$10,556,000
04-5062 Adult and Continuing Education ...	9,842,000
05-5063 Bilingual Education	103,000
05-5120 Bilingual Education	1,132,000
06-5063 Programs For At-Risk Pupils.....	6,219,000
06-5120 Programs For At-Risk Pupils	216,021,000
07-5065 Special Education	25,074,000
07-5120 Special Education	<u>69,861,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$338,808,000</u>
Personal Services:	
Salaries and wages	(\$5,954,000)
Employee benefits.....	(1,788,000)
Materials and Supplies	(614,000)
Services Other Than Personal.....	(1,455,000)
Maintenance and Fixed Charges.....	(708,000)
Special Purpose:	
Adult basic education-administrative.....	(5,000)
Adult basic education - Evaluation and training	(1,057,000)
Emergency immigrants' education-	
assistance-administrative.....	(9,000)
Deaf/Blind children services.....	(39,000)
ESEA, Title VI (handicapped), administration	(89,000)
Early intervention - administration	(3,000)
ECIA, Chapter I - administration	(10,000)
Migrant educational program - administration	(1,000)
Preschool Regional T.A. project LRC North	(162,000)
Preschool Regional T.A. project LRC Central	(173,000)
Preschool Regional T.A. project LRC South	(201,000)
Training Personnel - P2R Special Education	(5,000)
Title VI-B LRC South.....	(5,000)
Title VI-B LRC Central	(10,000)

Title VI-B LRC North Satellite	(10,000)
Preschool incentive grant- administration	(49,000)
Preschool incentive grant- Child find.....	(67,000)
Other special purpose.....	(773,000)
State Aid and Grants:	
ECIA, Chapter 2, Block Grant programmatic	(10,556,000)
Adult basic education-administrative	(5,077,000)
Adult Education - 353 program discretionary	(615,000)
Bilingual and compensatory education -	
Homeless children and youth.....	(850,000)
Deaf/Blind children services	(192,000)
Emergency immigrants' education- assistance	(1,132,000)
ECIA, Chapter I, Disadvantaged.....	(211,677,000)
ECIA, Chapter I, State institutions, handicapped	(1,351,000)
ECIA, Chapter I, expenses for private	
school children	(2,809,000)
ECIA, Chapter I, State program	
improvement grants	(775,000)
Migrant educational program- administration	(1,535,000)
Even Start (Ch. 1) - Administrative/Discretionary	(2,194,000)
Preschool incentive grant programmatic ..	(13,728,000)
Preschool Regional T.A. project LRC South	(185,000)
Systems change - Inclusive Education	(220,000)
Transition services, youth with disabilities	(201,000)
Workplace literacy partnership- discretionary	(750,000)
State legalization impact assistance grant	(971,000)
ESEA, Title VI (handicapped), administration	(2,777,000)
ESEA, Title VI (handicapped), programmatic	(65,733,000)
Early intervention - Administration	(2,158,000)
Additions, Improvements and Equipment.....	(135,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$185,000
15-5010 Project COED	<u>170,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$355,000</u>
Personal Services:	
Salaries and wages	(\$264,000)
Employee benefits.....	(78,000)
Materials and Supplies.....	(3,000)
Special Purpose:	
Other special purpose.....	(10,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$27,206,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$27,206,000</u>
Personal Services:	
Salaries and wages	(\$2,078,000)
Employee benefits.....	(625,000)
Materials and Supplies.....	(115,000)
Services Other Than Personal.....	(383,000)

Maintenance and Fixed Charges	(99,000)
Special Purpose:	
Veterans' readjustment benefits	(2,000)
Career education--research and development project grant	(1,000)
Leadership-Consumer and homemaking education	(14,000)
Other special purpose.....	.(195,000)
State Aid and Grants:	
Consumer and useful homemaking- discretionary	(836,000)
Vocational education - Secondary programmatic	(12,227,000)
Vocational education - Post-secondary and adult	(5,400,000)
Vocational education - Community based organizations - administration	(279,000)
Vocational education - single parent Title II, A - discretionary	(1,762,000)
Vocational education - sex bias, Title II, A	(790,000)
Vocational education technical preparation Title III-E	(2,375,000)
Additions, Improvements and Equipment	(25,000)

34 Educational Support Services

30-5063 Educational Programs and Student Services	\$11,030,000
30-5120 Educational Programs and Student Services	16,628,000
33-5067 Service to Local Districts	943,000
33-5091 Service to Local Districts	606,000
34-5067 Equal Educational Opportunity	894,000
37-5120 School Nutrition	<u>120,550,000</u>
Total Appropriation, Educational Support Services	<u>\$150,651,000</u>
Personal Services:	
Salaries and wages	(\$4,843,000)
Employee benefits.....	(1,449,000)
Materials and Supplies	(258,000)
Services Other Than Personal.....	(655,000)
Maintenance and Fixed Charges.....	(5,000)
Special Purpose:	
AIDS prevention education- administration	(40,000)
Child nutrition programs - administration	(41,000)
EESA, Title II-administration	(103,000)
Civil rights - Technical assistance and training	(3,000)
School breakfast start-up - Administration	(30,000)
Other special purpose.....	(462,000)
State Aid and Grants:	
ECIA, Chapter 2, Block Grant, Administration	(750,000)
Substance Abuse Coordinator discretionary	(5,673,000)
Education for Economic Security Act (EESA)-Title II-Programmatic	(4,804,000)
Drug-free schools and communities - Administration.....	(762,000)
Drug-free schools and communities - Discretionary	(224,000)

Drug-free schools and communities -	
Programmatic	(11,124,000)
Child nutrition programs - administration	(79,286,000)
School health education - administration .	(175,000)
Special milk	(1,291,000)
School breakfast.....	(7,936,000)
School breakfast - administration.....	(2,201,000)
Child care food.....	(20,486,000)
Building resistance skills - discretionary..	(545,000)
Child care sponsor administration.....	(1,030,000)
Cash for commodities	(946,000)
Summer food.....	(5,075,000)
Summer sponsor-administration.....	(434,000)
Additions, Improvements and Equipment.....	(20,000)

35 Education Administration and Management

42-5120 School Finance	\$346,000
43-5092 Compliance and Auditing	586,000
99-5095 Management and Administrative Services	<u>385,000</u>
Total Appropriation, Education Administration and Management	<u>\$1,317,000</u>
Personal Services:	
Salaries and wages	(\$713,000)
Employee benefits.....	(215,000)
Materials and Supplies.....	(3,000)
Services Other Than Personal.....	(40,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Byrd scholarship program	(14,000)
Other special purpose.....	(63,000)
State Aid and Grants:	
Byrd scholarship program	(256,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services.....	<u>\$3,700,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,700,000</u>
Personal Services:	
Salaries and wages	(\$1,073,000)
Employee benefits.....	(322,000)
Materials and Supplies.....	(65,000)
Services Other Than Personal.....	(160,000)
Maintenance and Fixed Charges	(9,000)
Special Purpose:	
LSCA Title I-administration	(38,000)
LSCA Title III Interlibrary cooperation ...	(3,000)
Other special purpose.....	(133,000)
State Aid and Grants:	
LSCA Title III Interlibrary cooperation ...	(433,000)
LSCA Title I-administration	(900,000)
LSCA Title II programmatic.....	(533,000)
Additions, Improvements and Equipment.....	(31,000)
Total Appropriation, Department of Education	<u><u>\$522,037,000</u></u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 *Community Development and Environmental Management*

42 *Natural Resource Management*

11-4870 Forest Resource Management.....	\$3,465,000
12-4875 Parks Management	10,240,000
13-4880 Hunters' and Anglers' License Fund	4,255,000
14-4885 Shellfish and Marine Fisheries Management	<u>2,281,000</u>
Total Appropriation, Natural Resource Management	<u>\$20,241,000</u>
Personal Services:	
Salaries and wages	(\$3,677,000)
Employee benefits.....	(774,000)
Materials and Supplies	(772,000)
Services Other Than Personal.....	(1,396,000)
Maintenance and Fixed Charges	(570,000)
Special Purpose:	
Forest Resource Management -	
Cooperative forest fire control	(500,000)
Consolidated forest management	(452,000)
Small Business Administration - Tree planting	(1,000,000)
New Jersey forest health monitoring.....	(10,000)
Regional forest health monitoring.....	(20,000)
Historic preservation - Acquisition and	
development	(8,800,000)
Artificial reef program	(100,000)
Atlantic sturgeon investigation and managemen	(25,000)
Other special purpose.....	(1,015,000)
State Aid and Grants:	
Rural community fire protection	(40,000)
Survey and planning - Operational/	
State administration.....	(254,000)
Additions, Improvements and Equipment	(836,000)

43 *Science and Technical Programs*

01-4820 Radiation Protection	\$979,000
04-4835 Pesticide Control	486,000
05-4840 Water Supply and Watershed Management	1,350,000
07-4850 Water Monitoring and Planning	3,065,000
09-4860 Public Wastewater Facilities	112,625,000
18-4810 Science and Research	306,000
22-4861 Water Quality Management	<u>100,000</u>
Total Appropriation, Science and Technical Programs	<u>\$118,911,000</u>
Personal Services:	
Salaries and wages	(\$2,771,000)
Positions funded from a special	
purpose appropriation.....	(25,000)
Employee benefits.....	(765,000)
Materials and Supplies	(162,000)

Services Other Than Personal.....	(3,047,000)
Maintenance and Fixed Charges.....	(31,000)
Special Purpose:	
NY/NJ harbor estuary program	(245,000)
Environmental monitoring and assessment	(500,000)
Municipal water pollution prevention	(50,000)
POTWS diagnostic and evaluations and on site	(20,000)
Offshore beach replenishment exploration	(100,000)
Other special purpose.....	(1,141,000)
State Aid and Grants:	
Construction loan revolving fund.....	(110,000,000)
Additions, Improvements and Equipment.....	(54,000)

44 Site Remediation

19-4815 Publicly-Funded Site Remediation	\$140,000,000
23-4815 Hazardous Waste Management	937,000
27-4815 Responsible Party Site Remediation	<u>9,300,000</u>
Total Appropriation, Site Remediation ...	<u>\$150,237,000</u>

Personal Services:

Salaries and wages	(\$10,140,000)
Employee benefits.....	(2,774,000)
Materials and Supplies.....	(146,000)
Services Other Than Personal.....	(130,344,000)
Maintenance and Fixed Charges.....	(120,000)
Special Purpose:	
Department of Defense - Hazardous waste agreement	(1,000,000)
CERCLA grants	(1,400,000)
Other special purpose.....	(4,047,000)
Additions, Improvements and Equipment.....	(266,000)

45 Environmental Regulations

02-4892 Air Pollution Control	\$1,940,000
15-4890 Land Use Regulation	3,400,000
16-4891 Water Monitoring and Planning.....	5,790,000
23-4910 Hazardous Waste Management.....	<u>3,517,000</u>
Total Appropriation, Environmental Regulations	<u>\$14,647,000</u>

Personal Services:

Salaries and wages	(\$6,048,000)
Employee benefits.....	(1,418,000)
Materials and Supplies.....	(435,000)
Services Other Than Personal.....	(2,609,000)
Maintenance and Fixed Charges.....	(20,000)
Special Purpose:	
Air pollution maintenance program	(548,000)
Non-point source pollution control.	(500,000)
Other special purpose.....	(1,875,000)
State Aid and Grants:	
Monitoring and planning.....	(300,000)
Additions, Improvements and Equipment.....	(894,000)

46 Environmental Planning and Administration

02-4801 Air Pollution Control	\$3,350,000
26-4805 Regulatory and Governmental Affairs	94,000
56-4801 Energy Resource Management	1,475,000
99-4800 Administration and Management...	<u>4,750,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$9,669,000</u>
Personal Services:	
Salaries and wages	(\$2,695,000)
Employee benefits	(308,000)
Materials and Supplies	(23,000)
Services Other Than Personal	(307,000)
Special Purpose:	
Air grant	(814,000)
Environmental education	(94,000)
Multi-media permit evaluation	(250,000)
Other special purpose	(139,000)
Additions, Improvements and Equipment	(5,039,000)

47 Enforcement Policy

02-4855 Air Pollution Control	\$1,710,000
08-4855 Water Enforcement	3,250,000
23-4855 Hazardous Waste Management	<u>1,017,000</u>
Total Appropriation, Enforcement Policy	<u>\$5,977,000</u>
Personal Services:	
Salaries and wages	(\$4,798,000)
Employee benefits	(162,000)
Materials and Supplies	(70,000)
Services Other Than Personal	(424,000)
Maintenance and Fixed Charges	(3,000)
Special Purpose:	
Air pollution maintenance program	(203,000)
Other special purpose	(240,000)
Additions, Improvements and Equipment	(77,000)

52 Economic Regulation

54-4927 Utility Regulation	<u>\$250,000</u>
Total Appropriation, Economic Regulation	<u>\$250,000</u>
Personal Services:	
Salaries and wages	(\$144,000)
Employee benefits	(58,000)
Services Other Than Personal	(6,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose:	
Other special purpose	(21,000)
Total Appropriation, Department of Environmental Protection and Energy	<u>\$319,932,000</u>

46 DEPARTMENT OF HEALTH*20 Physical and Mental Health**21 Health Services***New Jersey State Library**

01-4215 Vital Statistics.....	\$465,000
02-4220 Family Health Services	85,392,000
03-4230 Epidemiology and Disease Control	9,699,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	49,908,000
08-4280 Laboratory Services	456,000
11-4235 Occupational and Environmental Health Control	1,341,000
12-4245 AIDS Services	<u>16,716,000</u>
Total Appropriation, Health Services....	<u>\$163,977,000</u>
Personal Services:	
Salaries and wages	(\$17,330,000)
Employee benefits.....	(4,988,000)
Materials and Supplies.....	(2,631,000)
Services Other Than Personal.....	(6,601,000)
Maintenance and Fixed Charges	(288,000)
Special Purpose:	
Supplemental food program--W.I.C.....	(48,561,000)
Assistance sexual assault.....	(70,000)
Comprehensive AIDS Prevention and Surveillance Grant.....	(69,000)
Seer project	(316,000)
Alcohol, drug abuse and mental health block grant--Alcoholism, drug abuse and addiction services	(912,000)
Immunization project	(40,000)
Other special purpose.....	(5,884,000)
State Aid and Grants:	
Community youth block grant.....	(92,000)
Family health services grants	(2,667,000)
Supplemental food program--W.I.C.....	(7,475,000)
Preventive health and health services block grant - Family health services.....	(2,247,000)
Maternal and child health block gran	(8,629,000)
HIV/AIDS prevention education grant.....	(481,000)
Comprehensive AIDS Prevention and Surveillance Grant.....	(18,000)
Social services block grant-- family planning	(1,904,000)
Family planning program--Title X	(2,424,000)
Epidemiology and disease control grants	(1,972,000)
Parental and child health - energy block grant.....	(333,000)
Preventive health and health services block grant- Epidemiology and disease control	(264,000)
Preventive health and health services block grant-Alcoholism, drug abuse and addiction services grants.....	(262,000)
Alcohol, drug abuse and mental health block grant--Family health services	(685,000)
Alcoholism, drug abuse and addictive services grants	(7,988,000)
Alcohol, drug abuse and mental health block grant--Alcoholism, drug abuse and addiction services	(28,823,000)

Social services block grant--	
alcohol rehabilitation program	(638,000)
AIDS services grants.....	(9,017,000)
Additions, Improvements and Equipment	(368,000)

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$950,000
07-4270 Health Planning and Resource Development	530,000
10-4265 Health Facilities Evaluation	<u>5,211,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$6,691,000</u>
Personal Services:	
Salaries and wages	(\$2,877,000)
Employee benefits.....	(823,000)
Materials and Supplies	(101,000)
Services Other Than Personal.....	(510,000)
Maintenance and Fixed Charges.....	(450,000)
Special Purpose:	
Health Planning and Resource Development	(410,000)
Other special purpose.....	(935,000)
State Aid and Grants:	
Preventive health and health services block grant	(126,000)
Emergency medical services training	
project - Highway safety	(32,000)
Pediatric EMS system development	
for New Jersey.....	(177,000)
Additions, Improvements and Equipment	(250,000)

25 Health Administration

87-4210 Office of Health Policy and Research	<u>\$189,000</u>
Total Appropriation, Health Administration	<u>\$189,000</u>
Personal Services:	
Salaries and wages	(\$111,000)
Employee benefits.....	(33,000)
Materials and Supplies	(2,000)
Services Other Than Personal.....	(6,000)
Special Purpose:	
Other special purpose.....	(37,000)
Total Appropriation, Department of Health	<u>\$170,857,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400 Student Financial Support Services	\$2,168,000
05-5400 Student Financial Assistance Administration	14,258,000
99-5400 Management and Administrative Services	<u>15,748,000</u>
Total Appropriation, Office of the Chancellor	<u>\$32,174,000</u>
Personal Services:	
Salaries and wages	(\$7,062,000)

Employee benefits.....	(2,022,000)	
Materials and Supplies.....	(440,000)	
Services Other Than Personal.....	(3,140,000)	
Maintenance and Fixed Charges.....	(809,000)	
Special Purpose:		
Veterans' programs.....	(94,000)	
Other special purpose.....	(1,129,000)	
State Aid and Grants:		
State student incentive grant program	(1,680,000)	
Paul Douglas teaching scholarship.....	(488,000)	
Pre-collegiate academic programs.....	(58,000)	
National Community Service Grants.....	(6,439,000)	
National Science Foundation Math/Science	(1,878,000)	
Vocational education.....	(4,442,000)	
Eisenhower Mathematics and Science		
Education Act.....	(1,758,000)	
Additions, Improvements and Equipment.....	(735,000)	
Total Appropriation, Department of Higher Education		<u>\$32,174,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services.....	\$13,011,000
99-7700 Management and Administrative Services	<u>125,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$13,136,000</u>
Personal Services:	
Salaries and wages	(\$375,000)
Employee benefits.....	(110,000)
Special Purpose:	
New Jersey consumer movement initiative	(138,000)
New Jersey Psychosocial Rehabilitation ..	(125,000)
Other special purpose.....	(36,000)
State Aid and Grants:	
Community mental health services	
for the homeless	(1,024,000)
Mental health block grant supplemental...	(125,000)
Block grant mental health services.....	(11,203,000)

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management	\$35,980,000
22-7540 General Medical Services	<u>1,620,312,000</u>
Total Appropriation, Division of Medical	
Assistance and Health Services	<u>\$1,656,292,000</u>
Personal Services:	
Salaries and wages	(\$16,594,000)
Compensation Awards	(97,000)

Materials and Supplies	(170,000)
Services Other Than Personal.....	(3,855,000)
Maintenance and Fixed Charges.....	(2,341,000)
Special Purpose:	
Payments to fiscal agents	(8,185,000)
Replacement of fiscal agent functions	(603,000)
Eligibility determination	(3,383,000)
Professional standards review	
organization--utilization review	(407,000)
Affirmative action and equal employ-	
ment opportunity program.....	(18,000)
State Aid and Grants:	
Garden State Health Plan	(37,249,000)
Medical assistance	(1,326,904,000)
Peer grouping.....	(44,454,000)
Community care programs for elderly	
and disabled.....	(36,197,000)
Maternal & Child Health Expansion	(15,684,000)
Respite care for the elderly	(500,000)
Medicaid expansion to age 19 and	
100% of poverty	(2,207,000)
Medicaid expansion to 185% of poverty..	(8,400,000)
Medicaid expansion SOBRA	(148,717,000)
Additions, Improvements and Equipment	(327,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$7,213,000</u>
Total Appropriation, Division of Developmental Disabilities	<u>\$7,213,000</u>
Personal Services:	
Salaries and wages	(\$6,961,000)
Materials and Supplies	(16,000)
Services Other Than Personal.....	(32,000)
Maintenance and Fixed Charges.....	(14,000)
Special Purpose:	
Foster grandparents.....	(182,000)
Additions, Improvements and Equipment	(8,000)

7601 Community Programs

01-7601 Purchased Residential Care	\$59,049,000
02-7601 Social Supervision and Consultation	11,319,000
03-7601 Adult Activities	32,551,000
04-7601 Education and Day Training.....	<u>552,000</u>
Total Appropriation, Community Programs	<u>\$103,471,000</u>
Personal Services:	
Salaries and wages	(\$14,429,000)
State Aid and Grants:	

Community care waiver, Title XIX.....	(61,077,000)
Community care waiver, expansion	(320,000)
Developmental Disabilities Council.....	(1,192,000)
Day care services	(383,000)
Work-study training program for caseworkers	(684,000)
Citizens' advocacy program	(145,000)
Adult activities services, Title XX	(564,000)
Intermediate care facilities - Mental retardation	(24,677,000)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation ..	\$2,727,000
06-7610 Health Services.....	726,000
07-7610 Education and Training	655,000
98-7610 Physical Plant and Support Services	968,000
99-7610 Management and Administrative Services	<u>628,000</u>
Total Appropriation, Green Brook Regional Center	<u>\$5,704,000</u>
Personal Services:	
Salaries and wages	(\$5,704,000)

7615 Developmental Center At Ancora

05-7615 Residential Care and Habilitation ..	\$543,000
06-7615 Health Services	33,000
98-7615 Physical Plant and Support Services	105,000
99-7615 Management and Administrative Services	<u>122,000</u>
Total Appropriation, Developmental Center At Ancora	<u>\$803,000</u>
Personal Services:	
Salaries and wages	(\$803,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation .	\$14,795,000
06-7620 Health Services.....	3,832,000
98-7620 Physical Plant and Support Services	1,241,000
99-7620 Management and Administrative Services	<u>610,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$20,478,000</u>
Personal Services:	
Salaries and wages	(\$20,478,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation .	\$5,172,000
06-7630 Health Services.....	2,458,000
98-7630 Physical Plant and Support Services	476,000
99-7630 Management and Administrative Services	<u>695,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$8,801,000</u>
Personal Services:	
Salaries and wages	(\$8,801,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation .	\$8,954,000
06-7640 Health Services.....	1,976,000
98-7640 Physical Plant and Support Services	1,488,000
99-7640 Management and Administrative Services	<u>798,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$13,216,000</u>

Personal Services:

Salaries and wages (\$13,216,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation.. \$14,119,000

06-7650 Health Services..... 5,835,000

98-7650 Physical Plant and Support Services 2,034,000

99-7650 Management and Administration... 838,000Total Appropriation, New Lisbon Developmental Center \$22,826,000

Personal Services:

Salaries and wages (\$22,826,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation.. \$11,475,000

06-7660 Health Services..... 725,000

98-7660 Physical Plant and Support Services 378,000

99-7660 Management and Administrative Services 1,290,000Total Appropriation, Woodbridge Developmental Center \$13,868,000

Personal Services:

Salaries and wages (\$13,868,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation.. \$5,992,000

06-7670 Health Services..... 1,215,000

98-7670 Physical Plant and Support Services 1,525,000

99-7670 Management and Administrative Services 1,327,000Total Appropriation, Hunterdon Developmental Center \$10,059,000

Personal Services:

Salaries and wages (\$10,059,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation.. \$72,000

06-7680 Health Services 65,000

98-7680 Physical Plant and Support Services 14,000

99-7680 Management and Administrative Services 16,000Total Appropriation, Edward R. Johnstone
Training and Research Center \$167,000

Personal Services:

Salaries and wages (\$167,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation . \$6,807,000

06-7690 Health Services..... 1,058,000

98-7690 Physical Plant and Support Services 965,000

99-7690 Management and Administrative Services 844,000Total Appropriation, North Princeton Developmental Center \$9,674,000

Personal Services:

Salaries and wages (\$9,674,000)

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation.....	\$6,922,000
12-7560	Instruction, Community Programs and Prevention	319,000
99-7560	Management and Administrative Services	<u>1,452,000</u>
	Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$8,693,000</u>

Personal Services:

Salaries and wages	(\$3,323,000)
Materials and Supplies	(180,000)
Services Other Than Personal	(595,000)
Maintenance and Fixed Charges	(249,000)

State Aid and Grants:

Independent living - supported employment	(181,000)
Independent living - Part C, Older Blind..	(228,000)
Social Security Administration Reimbursement	(1,200,000)
Vocational rehabilitation-independent living, Title VII, Part A	(66,000)
Vocational rehabilitation--direct service..	(1,874,000)
Social services block grant.....	(319,000)
Additions, Improvements and Equipment.....	(478,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Economic Assistance*

15-7550	Income Maintenance Management	<u>\$605,806,000</u>
	Total Appropriation, Division of Economic Assistance	<u>\$605,806,000</u>

Personal Services:

Salaries and wages	(\$9,556,000)
Materials and Supplies.....	(318,000)
Services Other Than Personal.....	(11,349,000)
Maintenance and Fixed Charges	(1,681,000)

Special Purpose:

AFDC transitional housing demonstration	(942,000)
Automated Child Support Enforcement Program	(3,281,000)
Electronic benefit transfer/distribution....	(1,173,000)
Realizing economic potential program - Title IV-A	(20,605,000)
REACH Title IV-F.....	(26,998,000)
Title IV-A at risk child care	(16,764,000)
Parents fair share.....	(411,000)

State Aid and Grants:

Supplemental Security Income.....	(4,000,000)
FSA grant to improve child care licensing and registration.....	(379,000)
Refugee resettlement program	(1,100,000)
Administration expenses to counties - Assistance programs	(64,050,000)

Energy assistance program.....	(42,954,000)
County administrative expenses - Title IV-D	(15,120,000)
County administrative expenses -	
Low income energy assistance	(4,251,000)
Food stamp program--county administration	(42,420,000)
Food Stamp Employment - Transportation	(1,350,000)
IV-D CSP payments to CPD and county sheriff	(1,890,000)
Title XIX--county administration	(26,670,000)
Social services block grant--	
county administration.....	(22,840,000)
County administrative expenses - Refugee	
resettlement /Cuban- Haitian entrant	
program	(100,000)
Dependent children assistance	(285,131,000)
Additions, Improvements and Equipment	(473,000)

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$29,550,000
17-7570 Substitute Care	21,807,000
18-7570 General Social Services.....	48,006,000
99-7570 Management and Administrative Services	<u>16,919,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$116,282,000</u>
Personal Services:	
Salaries and wages	(\$23,646,000)
Materials and Supplies	(2,836,000)
Services Other Than Personal.....	(10,889,000)
Maintenance and Fixed Charges.....	(12,556,000)
Special Purpose:	
State Aid and Grants:	
Initial response/Case management	(1,254,000)
Multi-purpose resource center.....	(450,000)
National Conference, FY 91	(100,000)
Newark reunification project	(100,000)
Pediatric AIDS grant project.....	(400,000)
Family Life Center 2	(200,000)
Family violence prevention and services .	(270,000)
Dependent care planning and development	(450,000)
Grassroots adoptive families.....	(80,000)
Carri crisis nursery project.....	(270,000)
SHSP respite program.....	(270,000)
Title XIX.....	(220,000)
Title XIX, children in residential centers .	(6,662,000)
Title IV-A/E.....	(9,799,000)
State Legalization Impact Assistance Grant	(1,502,000)
Independent living, Title IV-E	(1,970,000)
Low income energy assistance.....	(19,000)
Low income energy assistance Purchase	
of service	(6,000)
National Center for Child Abuse and Neglect	(536,000)

Purchase of service contracts	(8,601,000)
Title IV-B child welfare services	(793,000)
General social services	(124,000)
Child care development block grant.....	(15,060,000)
Children's Justice Act.....	(388,000)
Office of refugee resettlement.....	(2,945,000)
Targeted assistance disabilities grant	(632,000)
JOB links disability grant.....	(300,000)
National Center For Child Abuse and Neglect	(1,016,000)
Child Abuse and Neglect State Grant -	
Disabled infants.....	(210,000)
LIEAA day care	(643,000)
SSBG day care	(9,043,000)
Additions, Improvements and Equipment.....	(2,042,000)

70 Government Direction, Management and Control

6 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning	\$1,948,000
99-7500 Management and Administrative Services	<u>25,140,000</u>
Total Appropriation, Division of Management and Budget	<u>\$27,088,000</u>
Personal Services:	
Salaries and wages	(\$1,028,000)
Employee benefits.....	(11,865,000)
Special Purpose:	
Challenge grant (Children's Trust Fund) ..	(396,000)
Automated child support enforcement program	(299,000)
Head Start State Collaboration project.....	(85,000)
Office of prevention	(439,000)
Title IV-A, Aid to families with	
dependent children	(492,000)
Title IV-B, Child welfare services	(134,000)
Title IV-E, Foster care	(288,000)
Low income energy assistance block grant	(70,000)
Community care waiver	(6,000)
Title XIX, ICF-MR	(3,627,000)
Title XIX, Medical assistance	(2,400,000)
Refugee resettlement program	(18,000)
Social services block grant.....	(2,323,000)
Vocational rehabilitation act Section 120.	(148,000)
Food stamp program	(447,000)
REACH - Title IV-F	(119,000)
Adult basic education program	(140,000)
ECIA, Chapter I-State institutions- handicapped	(2,309,000)
ECIA, Chapter I-Neglected and delinquent	(248,000)
Vocational education, basic grant,	
Chapter 2 block grant	(44,000)
Early intervention compliance	(93,000)
Other special purpose.....	(70,000)
Total Appropriation, Department of Human Services	<u>\$2,643,577,000</u>

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

18-4570 Planning and Research	\$6,131,000
99-4565 Management and Administrative Services	<u>13,570,000</u>
Total Appropriation, Economic Planning and Development	<u>\$19,701,000</u>
Personal Services:	
Salaries and wages	(\$10,911,000)
Compensation awards	(9,000)
Employee benefits.....	(3,121,000)
Materials and Supplies	(154,000)
Services Other Than Personal.....	(2,013,000)
Maintenance and Fixed Charges.....	(1,113,000)
Special Purpose:	
Occupational informational coordinating program	(6,000)
Career information military	(4,000)
Other special purpose.....	(96,000)
State Aid and Grants:	
Occupational informational coordinating program	(2,000)
Additions, Improvements and Equipment	(2,272,000)

52 *Economic Regulation*

12-4550 Enforcement of Workplace Standards	<u>\$1,300,000</u>
Total Appropriation, Economic Regulation	<u>\$1,300,000</u>
Personal Services:	
Salaries and wages	(\$784,000)
Employee benefits.....	(232,000)
Materials and Supplies	(10,000)
Services Other Than Personal.....	(28,000)
Maintenance and Fixed Charges.....	(131,000)
Special Purpose:	
OSHA on-site consultation	(91,000)
Other special purpose.....	(24,000)

53 *Economic Assistance and Security*

01-4510 Unemployment Insurance	\$80,398,000
02-4515 Disability Determination	<u>35,000,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$115,398,000</u>
Personal Services:	
Salaries and wages	(\$68,522,000)
Employee benefits.....	(16,385,000)
Materials and Supplies	(467,000)
Services Other Than Personal.....	(9,621,000)
Maintenance and Fixed Charges.....	(9,158,000)
Special Purpose:	
Old age and survivors' insurance--	
Disability determination	(3,845,000)
Other special purpose.....	(375,000)

State Aid and Grants:

Old age and survivors' insurance--	
Disability determination	(5,988,000)
Additions, Improvements and Equipment.....	(1,037,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$34,966,000
09-4545 Employment Services	36,363,000
10-4545 Employment Development Services	<u>74,565,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$145,894,000</u>

Personal Services:

Salaries and wages	(\$29,525,000)
Compensation awards	(304,000)
Employee benefits.....	(8,694,000)
Materials and Supplies.....	(249,000)
Services Other Than Personal.....	(3,965,000)
Maintenance and Fixed Charges.....	(6,086,000)

Special Purpose:

Vocational rehabilitation services	(700,000)
Rehabilitation in-service training	(48,000)
Rehabilitation of supplemental	
security income beneficiaries	(900,000)
Job Training Partnership Act.....	(501,000)
Other special purpose.....	(1,026,000)

State Aid and Grants:

DVR independent living program-Part B.	(340,000)
Vocational rehabilitation services	(13,356,000)
Vocational rehabilitation - migrant workers	(125,000)
Job Training Partnership Act-- Title II-A,	
Training services for the disadvantaged	(42,143,000)
Job Training Partnership Act-- Title II-B,	
Summer youth employment and	
training program	(17,019,000)
Job Training Partnership Act--	
Title III, Dislocated workers.....	(12,582,000)
Job Training Partnership Act--Title IV,	
federally administered programs	(180,000)
Comprehensive services for independent living	(250,000)
Supported Employment.....	(656,000)
Trade adjustment assistance projects	(5,250,000)
Technology related assistance project.....	(1,100,000)
Vocational rehabilitation - Integrated employ	(476,000)
Vocational Rehabilitation Services -	
Basic Support Grant	(100,000)
Additions, Improvements and Equipment.....	(319,000)
Total Appropriation, Department of Labor	<u>\$282,293,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

03-1160 Driver Control and Regulatory Affairs	<u>\$8,186,000</u>
Total Appropriation, Vehicular Safety ...	<u>\$8,186,000</u>
Personal Services:	
Salaries and wages	(\$389,000)
Employee benefits.....	(114,000)
Materials and Supplies	(27,000)
Services Other Than Personal.....	(47,000)
Maintenance and Fixed Charges	(60,000)
Special Purpose:	
Federal highway safety program- State match	(2,155,000)
Alcohol incentive program.....	(696,000)
Motorcycle/occupant protection program	(446,000)
Drunk driver prevention program	(447,000)
Other special purpose.....	(40,000)
State Aid and Grants:	
Federal highway safety program- State match	(1,997,000)
DTS 403 contracts	(280,000)
Trauma research HTS	(1,482,000)
Additions, Improvements and Equipment	(6,000)

12 Law Enforcement

08-1200 Emergency Services	\$3,517,000
09-1020 Criminal Justice	19,710,000
24-1200 Marine Police Operations	<u>1,100,000</u>
Total Appropriation, Law Enforcement ...	<u>\$24,327,000</u>
Personal Services:	
Salaries and wages	(\$1,001,000)
Cash in lieu of maintenance	(5,000)
Employee benefits.....	(333,000)
Materials and Supplies	(219,000)
Services Other Than Personal.....	(347,000)
Maintenance and Fixed Charges	(113,000)
Special Purpose:	
Earthquake preparedness grant	(100,000)
Emergency management and training - State match	(48,000)
FEMA State assistance program	(125,000)
Environmental hazardous material	
computerization grant.....	(97,000)
Hazard mitigation program	(20,000)
Office of Justice grant - Violent crimes ...	(300,000)
U.S. Attorney General Office -	
Violent crimes reduction grant	(950,000)
Juvenile justice administration and grants	(1,384,000)
Victim assistance grants.....	(2,500,000)
JJDP advisory board	(16,000)
Medicaid fraud unit.....	(570,000)
Recreational boating safety financial	
assistance.....	(1,100,000)
Drug enforcement administration and grants	(12,700,000)
Other special purpose.....	(83,000)

State Aid and Grants:

Maintenance and services	(350,000)
EMA, Local Jurisdictions.....	(1,200,000)
Emergency management assistance program	(600,000)
Additions, Improvements and Equipment.....	(166,000)

19 Central Planning, Direction and Management

99-1000 Management and Administrative Services	<u>\$479,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$479,000</u>
Special Purpose:	
Computerized criminal history information	(\$479,000)

*80 Special Government Services**82 Protection of Citizens' Rights*

16-1350 Protection of Civil Rights	\$597,000
19-1440 Violent Crimes Compensation.....	<u>2,795,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$3,392,000</u>

Personal Services:

Salaries and wages	(\$791,000)
Employee benefits.....	(45,000)
Materials and Supplies.....	(15,000)
Services Other Than Personal.....	(16,000)

Special Purpose:

Victim compensation award.....	(2,515,000)
Additions, Improvements and Equipment.....	(10,000)
Total Appropriation, Department of Law and Public Safety	<u>\$36,384,000</u>

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS*10 Public Safety and Criminal Justice**14 Military Services*

30-3620 Physical Plant and Support Services	\$7,828,000
40-3620 New Jersey National Guard Support Services	<u>1,760,000</u>
Total Appropriation, Military Services ..	<u>\$9,588,000</u>

Personal Services:

Salaries and wages	(\$3,350,000)
Employee benefits.....	(568,000)
Materials and Supplies.....	(2,237,000)
Services Other Than Personal.....	(1,346,000)
Maintenance and Fixed Charges.....	(722,000)

Special Purpose:

Training and equipment pool sites	(129,000)
Service contracts	(79,000)
Atlantic City air base service contract.....	(1,000)
Additions, Improvements and Equipment.....	(1,156,000)

Total Appropriation, Department of Military and Veterans' Affairs.....	<u>\$9,588,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 *Special Government Services*82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$473,000
04-8410 Trial Services To Indigents and Special Programs	2,442,000
08-8350 Advocacy for the Developmentally Disabled	<u>693,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$3,608,000</u>
Personal Services:	
Salaries and wages	(\$2,085,000)
Employee benefits.....	(600,000)
Materials and Supplies	(54,000)
Services Other Than Personal.....	(109,000)
Maintenance and Fixed Charges	(157,000)
Special Purpose:	
Advocacy for the developmentally disabled	(416,000)
Mental health protection and advocacy....	(119,000)
Other special purpose.....	(58,000)
Additions, Improvements and Equipment	(10,000)
Total Appropriation, Department of the Public Advocate	<u><u>\$3,608,000</u></u>

74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

05-2530 Support of the Arts	\$916,000
06-2535 Museum Services	<u>175,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,091,000</u>
Personal Services:	
Materials and Supplies	(\$9,000)
Services Other Than Personal.....	(187,000)
Maintenance and Fixed Charges	(2,000)
Special Purpose:	
Minority arts initiative	(75,000)
Southern New Jersey Arts Initiative.....	(75,000)
NEA Arts: Basic to education	(50,000)
NEA arts expansion	(50,000)
National Endowment for the Humanities	
Afro American life in New Jersey	(50,000)
IMS general support.....	(75,000)
Other special purpose.....	(10,000)
State Aid and Grants:	
Basic block grant	(366,000)
Arts in school.....	(131,000)
Additions, Improvements and Equipment	(11,000)

70 *Government Direction, Management and Control*74 *General Government Services*2505 *Office of the Secretary of State*

08-2505 Records Management	\$23,000

08-2545 Records Management		<u>129,000</u>
Total Appropriation, Office of the Secretary of State		<u>\$152,000</u>
Personal Services:		
Salaries and wages	(\$23,000)	
Special Purpose:		
NEH New Jersey newspaper project	(129,000)	
Total Appropriation, Department of State		<u>\$1,243,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

02-6200 Transportation Systems Improvements-Planning		\$16,200,000
03-6200 Research and Demonstration		9,000,000
10-6200 Interstate Program		79,756,000
28-6200 Demonstration Program		108,169,000
29-6200 Congestion Mitigation and Air Quality Program		56,608,000
36-6200 National Highway System		47,158,000
37-6200 Surface Transportation Program ..		135,883,000
40-6200 Bridge Program		68,400,000
65-6200 Rail Freight Line		<u>500,000</u>
Total Appropriation, State Highway Facilities		<u>\$521,674,000</u>
Special Purpose:		
Metropolitan planning funds	(\$5,000,000)	
Highway planning and research	(8,500,000)	
Rail freight lines hazardous materials	(500,000)	
New Jersey Statewide public trans- portation grant (NJ 09-8007)	(2,700,000)	
TRANSCOM	(9,000,000)	

Interstate program:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>

1. CONSTRUCTION

A. Federal share of Federal/NJ Turnpike
financed projects

Annual set-aside for NJ Turnpike	Bergen	(6,000,000)

B. Federally financed projects

27	5F	Municipal Blvd. to Vineyard Road	Middlesex	(1,650,000)
78		Interim crossovers for traffic mitigation	Somerset Hunterdon	(5,000,000)
80	9H5AS	East of Passaic River bridge to east of Hackensack River bridge	Bergen	(19,239,000)
10K				

287 6P	Interim improvements for Route 287 project	Somerset	(2,400,000)
287 19H	Detention basin and Mountain Ave. culvert	Morris	(650,000)
287 20K	Interchange at Ringwood Ave.	Passaic	(9,032,000)
	Interstate preventive maintenance	Various	(1,000,000)
	Interstate resurfacing	Various	(4,260,000)

2. DESIGN/ENGINEERING

Federally financed projects

130	Intersection at Adams Lane	Middlesex	(400,000)
130	Intersection at County Route 539	Middlesex	(500,000)
130	Intersection at Dey Road	Middlesex	(400,000)
130	Intersection at Dutch Neck Road	Mercer	(500,000)
130	Intersection at Half Acre Road	Middlesex	(500,000)
130	Intersection at Hankins Road	Mercer	(400,000)
295 3	Repaupo Road to Delaware Street	Gloucester	(6,928,000)
	Traffic Signal No.10; Route 1 from Quaker Bridge Road to Garden State Parkway	Mercer Middlesex	(2,220,000)

3. RIGHT-OF-WAY

Federally financed projects

80 5AU 11K	Eastbound local lanes only, Vreeland Ave., exit to east of Hackensack River bridge	Bergen	(800,000)
206 15J	Dukes Parkway to Somerville Circle	Somerset	(2,625,000)
287 10	Wetlands site #3	Passaic	(1,000,000)
287 19H	Detention basin and Mountain Ave. culvert	Morris	(752,000)
295 3	Repaupo Road to Delaware Street	Gloucester	(13,500,000)

Special Purpose:

Demonstration program:

1. CONSTRUCTION

A. Federal share of Federal/Transportation
Trust Fund financed projects

MAGIC - Phase 1; Routes 80, 46, 4, 3, and 280	Various	(848,000)
Emergency call boxes	Various	(1,440,000)

B. Federal share of Federal/State Toll
Road financed projects

Electronic toll and traffic management program	Various	(25,000,000)

C. Federally financed projects

South Jersey transportation management program	Camden Gloucester	(3,000,000)
Renovate Beckett Street Terminal	Camden	(8,300,000)
Replace five bridges over Molley Ann's Brook	Passaic	(9,500,000)
Parking facility at United Hospital (UMDNJ)	Essex	(4,900,000)

2. DESIGN/ENGINEERING

A. Federal share of Federal/Transportation
Trust Fund financed projects

	MAGIC - Phase 2; Route 78 corridor	Various	(1,376,000)
	MAGIC - Phase 3; Routes 287, 1&9, Turnpike, and Parkway	Various	(1,776,000)
21	TSM Green Street to south of 1 Raymond Blvd.	Essex	(358,000)
21	TSM Raymond Blvd. to north of 2 Saybrook Place	Essex	(358,000)
21	TSM Saybrook Place to south of 3 Clay Street	Essex	(540,000)

B. Federally financed projects

1	7L Pierson Ave. to south of Green Street	Middlesex	(1,379,000)
21	TSM Clay Street to 4 Gouvernor Street	Essex	(560,000)
21F	1 Monroe Street to Route 46	Passaic	(3,250,000)
46	14L Bridge over Passaic River	Bergen Passaic	(560,000)

46	14M	Interchange of Route 46	Passaic	(2,464,000)
20	4P	and Route 20 (Crooks Ave. interchange)		
280	9	Edwards Road - New Road interchange	Morris	(810,000)

3. RIGHT-OF-WAY

A. Federal share of Federal/Transportation
Trust Fund financed projects

4	1L2W	Virginia Drive to Garden	Bergen	(3,040,000)
208	3T	State Parkway		
21	TSM 1	Green Street to south of Raymond Blvd.	Essex	(400,000)
21	TSM 2	Raymond Blvd. to north of Saybrook Place	Essex	(400,000)
21	TSM 3	Saybrook Place to south of Clay Street	Essex	(800,000)
78	5CD	West Peddie Street ramps	Essex	(3,200,000)

B. Federally financed projects

1	7L	Pierson Ave. to south of Green Street	Middlesex	(3,300,000)
21	TSM 4	Clay Street to Gouvernor Street	Essex	(4,000,000)
21F	1	Monroe Street to Route 46	Passaic	(15,400,000)
46	14M	Interchange of Route 46	Passaic	(5,000,000)
20	4P	and Route 20 (Crooks Ave. interchange)		
78	5CD	West Peddie Street ramps	Essex	(1,900,000)

4. STUDY AND DEVELOPMENT

Federally financed projects

		Ocean City to Longport bridge	Cape May Atlantic	(1,000,000)
4	11	Garden State Parkway to Farview Ave., Route 4 and Route 17 interchange	Bergen	(500,000)
9		Raritan River Crossing	Middlesex	(660,000)
21	2	Bridge over Route 78 and Conrail	Essex	(2,150,000)

Special Purpose:

Congestion mitigation
and air quality program:

1. CONSTRUCTION

A. Federal share of Federal/Transportation
Trust Fund financed projects

MAGIC - Phase 1; Routes 80, 46, 4, 3, and 280	Various	(12,317,000)

B. Federally financed projects

Traffic Signal No. 12; Route 9 from County Route 526 to Perrine Road	Middlesex Monmouth Ocean	(4,400,000)
Traffic Signal No. 13; Routes 1 and 9	Middlesex Union	(4,400,000)
Purchase commuter vans	Various	(3,000,000)
Incident management	Various	(5,000,000)
Local congestion mitigation and air quality initiatives	Various	(1,000,000)
Park & ride, high occupancy vehicles, ridesharing	Various	(4,800,000)
Transportation Management Associations	Various	(5,000,000)

2. DESIGN/ENGINEERING

Federally financed projects

	Traffic signal No.15; Routes 1&9, 1&9T, 139, and 440	Various	(2,220,000)
1&9 6J	Traffic signal No.19; Route 36 Secaucus Road over the Northern Branch of Conrail and the N.Y., Susquehanna and Western Railroad	Monmouth Hudson	(1,220,000) (112,000)
287 8	Route 24 to Route 80, including HOV lanes	Morris	(5,600,000)

3. RIGHT-OF-WAY

Federally financed projects

1&9 6J	Secaucus Road over the Northern Branch of Conrail and the N.Y., Susquehanna and Western Railroad	Hudson	(7,539,000)

Special Purpose:

National highway system:

1. CONSTRUCTION

		Federally financed projects		
		Highway Lighting contract No. 9; Route 440	Middlesex	(7,150,000)
9	12C	Intersection at Oak Ave.	Atlantic	(460,000)
10	2H	East of Franklin Road to west of Salem Street	Morris	(6,589,000)
18	3	Interim improvements; River Road to Route 287	Middlesex	(4,100,000)
23	8D	Intersection at Lower Unionville Road	Sussex	(1,010,000)
80	9H5AS 10K	East of Passaic River bridge to east of Hackensack River bridge	Bergen	(9,581,000)
206	1C	Newton-Hampton Township line to south of Route 94	Sussex	(5,521,000)

2. DESIGN/ENGINEERING

		Federally financed projects		
10	4L	Intersection at Ridgedale Ave.	Morris	(600,000)
18	3	River Road to Route 287	Middlesex	(2,000,000)
22	14H	West of Meeker Ave.	Essex	(224,000)
	15J	to vicinity of Morris Ave.	Union	
22	TSM-2	Dunbar Ave. to Fairway Drive	Union	(448,000)
40	3K	West of Chester Ave. to east Jonathons Thorofare	Atlantic	(952,000)
322				
46	12H	Interchange at Riverview Drive	Passaic	(1,153,000)
78		Intersection at Route 655 (Diamond Hill Road)	Union	(1,000,000)
206	2E18D	North of Bartley Road to south of Flanders Bartley Road	Morris	(200,000)
		Palisades Interstate Parkway; lengthen acceleration and deceleration lanes	Bergen	(800,000)

3. RIGHT-OF-WAY

Federally financed projects

31	8M	Halstead Street to County Route 513 (Mary Ann's Corner)	Hunterdon	(3,085,000)
31		Wetlands mitigation	Hunterdon	(1,535,000)
206	2E18D	North of Bartley Road to south of Flanders Bartley Road	Morris	(750,000)

Special Purpose:

Surface transportation program:

1. CONSTRUCTION

Federally financed projects

15	4B5D	Intersection of Route 15 and Route 94 and climbing lane on Route 15	Sussex	(2,320,000)
94	7C			
17	7F6K	Houvenkopf Road to Franklin Turnpike	Bergen	(24,625,000)
34	6B	Intersection at Cottrell Road	Middlesex	(974,000)
41	1B	Route 47 to Cooper Street	Gloucester	(3,094,000)
		Cooper Street		
47	11C	Landis Ave. Circle	Cumberland	(1,273,000)
49	6D	West Commerce Street to west of West Ave. (County Route 753)	Cumberland	(3,200,000)
56	1A1D	Cornwell Drive, Burlington Road, Route 77 and Landis Ave.	Cumberland	(4,344,000)
77				
147	1E	Route 9 to west of Greassy Sound	Cape May	(33,003,000)
322	5B	East of Union Road to west of Horse Shoe Run Stream	Gloucester	(690,000)
		Rehabilitate three historic Delaware & Raritan Canal tender houses	Mercer	(550,000)
		Delaware & Raritan Canal	Somerset	
		recreational trail	Mercer	(1,000,000)
		Shuttle vans for Liberty State Park	Hunterdon	
		Local aid highways	Hudson	(400,000)
		Local FAUS backlog	Various	(8,000,000)
		Remove nonconforming outdoor advertising signs	Various	(2,000,000)
		Bridge painting	Various	(1,000,000)
		Bridge deck patching	Various	(6,166,000)
		Restriping program	Various	(5,832,000)
		Signage program	Various	(4,000,000)
			Various	(5,000,000)

		Wetlands mitigation bank	Various	(2,000,000)
		Hazard elimination	Various	(5,000,000)
		Rail - highway crossings	Various	(5,000,000)
		Adopt-a-highway program	Various	(480,000)
		Roadside rehabilitation program	Various	(2,000,000)
2. DESIGN/ENGINEERING				
Federally financed projects				
		Traffic signal No. 16;	Burlington	(2,220,000)
		Routes 70, 30, 38 and 73	Camden	
22		Somerset Ave./Watchung Ave.	Somerset	(600,000)
		overpass of County Route 531		
22		Intersection at North Drive	Somerset	(400,000)
22		Intersection at Wilson Ave.	Somerset	(400,000)
31	2C3C	Interstate 295 to Conrail overpass	Mercer	(1,500,000)
40		Intersection at English	Atlantic	(800,000)
322		Creek Road		
47	Site 5	Intersection at Deptford	Gloucester	(500,000)
		Ave./Turkey Hill Road		
70	3	Intersection at Evesboro Road	Burlington	(500,000)
70	3H	Medford Circle	Burlington	(560,000)
130		Intersection at County Route 571	Mercer	(400,000)
		Safety management system	Various	(750,000)
		Sussex Trail	Sussex	(560,000)
3. RIGHT-OF-WAY				
Federally financed projects				
40	11B	Intersection at County Route 552	Atlantic	(450,000)
		(Bears Head Road)		
4. STUDY AND DEVELOPMENT				
Federally financed projects				
73		Interstate 295 to Evesham Road,	Burlington	(592,000)
		operational improvements		
		Training and technology investment	Various	(1,000,000)
		Pavement management system	Various	(700,000)
		Traffic data collection	Various	(2,000,000)

Special Purpose:

Bridge program:

1. CONSTRUCTION

Federally financed projects

		Cregar Road over NJ Transit, Raritan Valley Line	Hunterdon	(1,760,000)
		Maple Ave. over NJ Transit Pemberton Line	Camden	(3,740,000)
17	2N	Farview Ave. over Route 17	Bergen	(8,400,000)
45	3A3C	Bridges over Majors Run, Cowtown Rodeo, and Culliers Run	Salem	(1,366,000)
50	2D	Bridge over NJ Transit	Cape May	(5,336,000)
156	1A	Bridge over Doctors Creek	Mercer	(2,420,000)
		Bridge painting	Various	(8,834,000)
		Calcium magnesium acetate de-icer demonstration program	Various	(1,000,000)
		Various local bridge projects sponsored by local jurisdictions	Various	(18,000,000)

2. DESIGN/ENGINEERING

Federally financed projects

45	1A	Bridge over Fenwick Creek	Salem	(672,000)
45	1B	Bridge over Mannington Creek	Salem	(672,000)
		Bridge inspection	Various	(4,500,000)
		Bridge management system	Various	(250,000)

3. RIGHT-OF-WAY

Federally financed projects

1&9	2AG	Southbound viaduct over Waverly Yard	Essex	(8,000,000)
4	2AB	Farview Ave. over Route 4	Bergen	(1,000,000)

4. STUDY AND DEVELOPMENT

Federally financed projects

7	3	Bridge over Passaic River	Bergen Essex	(750,000)
35	8	Bridge over Shark River and North Channel	Monmouth	(700,000)
50	1	Bridge over Tuckahoe River	Atlantic Cape May	(1,000,000)

62 Public Transportation

29-6310	Congestion Mitigation and Air Quality Program		\$30,000,000
37-6310	Surface Transportation Program....		5,500,000
66-6310	Federal Transit Administration		<u>371,140,000</u>
	Total Appropriation, Public Transportation		<u>\$406,640,000</u>

Special Purpose:

Congestion mitigation and
air quality program:

CONSTRUCTION

Federally financed projects

NJ Transit	Northeast Corridor signal improvements (PSNY/NEC)	Various	(17,000,000)
NJ Transit	U34CH Diesel locomotive replacement	Various	(13,000,000)

Special Purpose:

Surface transportation program:

CONSTRUCTION

Federally financed projects

NJ Transit	Historic stations	Various	(4,000,000)
NJ Transit	Hoboken Terminal	Hudson	(1,500,000)

Special Purpose:

Federal Transit Administration:

1. CONSTRUCTION

Federally financed projects

NJ Transit	Bus passenger facilities	Various	(1,000,000)
NJ Transit	Bus support facilities and equipment	Various	(5,060,000)
NJ Transit	Rail station accessibility for disabled people	Various	(5,000,000)
NJ Transit	Building capital leases	Various	(8,030,000)
NJ Transit	Environmental compliance	Various	(5,000,000)
NJ Transit	Computer equipment and other administrative equipment and facilities	Various	(2,280,000)
NJ Transit	Track rehabilitation	Various	(27,350,000)
NJ Transit	Bridge and tunnel rehabilitation	Various	(10,400,000)

NJ Transit	Signals and communication, and electric traction system	Various	(10,500,000)
NJ Transit	Rail support facilities and equipment	Various	(13,810,000)
NJ Transit	Rail passenger facility and terminal improvements	Various	(8,500,000)
NJ Transit	Acquisition/overhaul of locomotives and coaches	Various	(9,750,000)
NJ Transit	Associated rail capital maintenance	Various	(3,000,000)
NJ Transit	Bus rolling stock	Various	(22,770,000)
NJ Transit	Associated bus capital maintenance	Various	(3,100,000)
NJ Transit	Vans for paratransit service; accessibility for disabled people	Various	(2,100,000)
NJ Transit	Private carrier capital improvement program	Various	(2,000,000)
NJ Transit	Centralized traffic control on Northeast Corridor	Various	(6,370,000)
NJ Transit	New York, Susquehanna and Western, bridge rehabilitation and Paterson Station improvements	Various	(41,890,000)
NJ Transit	Penn Station, New York improvements	Various	(2,000,000)
NJ Transit	Secaucus transfer station	Hudson	(100,050,000)
NJ Transit	Kearny Connection rolling	Various	(25,000,000)

2. DESIGN/ENGINEERING

Federally financed projects

NJ Transit	Atlantic City bus maintenance facility	Atlantic	(3,000,000)
NJ Transit	Greenville bus maintenance facility	Hudson	(500,000)
NJ Transit	Newark subway car replacement	Essex	(1,000,000)
NJ Transit	Montclair connection	Essex	(4,000,000)
NJ Transit	Atlantic City rail line improvements	Various	(1,600,000)
NJ Transit	Newark - Elizabeth rail link	Essex Union	(3,280,000)
NJ Transit	Hamilton (I-295) complex Hamilton Township	Mercer	(3,000,000)

3. STUDY AND DEVELOPMENT

Federally financed projects

NJ Transit	Lakewood-Freehold-Matawan/ Jamesburg rail project	Various	(1,800,000)

4. OPERATING ASSISTANCE	(38,000,000)
<i>64 Regulation and General Management</i>	
05-6070 Access and Use Management	<u>\$13,000,000</u>
Total Appropriation, Regulation and General Management	<u>\$13,000,000</u>
Special Purpose:	
Airport Fund	(\$10,000,000)
Motor carrier safety assistance program ..	(3,000,000)
Total Appropriation, Department of Transportation	<u>\$941,314,000</u>

98 THE JUDICIARY

*10 Public Safety and Criminal Justice**15 Judicial Services*

03-9720 Civil Courts	\$10,000
05-9730 Family Courts	38,836,000
11-9760 Field Operations	<u>15,000</u>
Total Appropriation, Judicial Services ...	<u>\$38,861,000</u>
Personal Services:	
Salaries and Wages	(\$1,622,000)
Employee benefits	(465,000)
Materials and Supplies	(16,000)
Services Other Than Personal	(84,000)
Maintenance and Fixed Charges	(7,000)
State Aid and Grants:	
Child support and paternity program,	
Title IV-D	(36,652,000)
Measurement of trial court performance ..	(4,000)
Additions, Improvements and Equipment	(11,000)
Total Appropriation, The Judiciary	<u>\$38,861,000</u>
Total Appropriation, Federal Funds	<u>\$5,248,032,000</u>

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended

by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; federal financial aid funds for students attending post secondary educational institutions in excess of the amount specifically appropriated; provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances of federal funds as of June 30, 1992 are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1992 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1992 are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1992 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by

March 1, 1993, reports on proposed expenditures during fiscal year 1994 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Grand Total Appropriation, All Funds.....

\$19,873,530,000

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable 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, 1992 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1992 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which nonreimbursable costs and ineligible expenditures have been incurred.

6. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

7. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1992 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

9. Unless otherwise provided, balances remaining as of June 30, 1992 in accounts of appropriations enacted subsequent to April 1, 1992 are appropriated.

10. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise

provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, fund code and program code unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State funds, in amounts greater than \$300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than \$8,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than \$8,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item;

(7) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (5) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch

of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or his designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency and necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

11. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and 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 and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be 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.

12. 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, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of

funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJEEN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

24. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated January 28, 1992.

25. State agencies shall prepare and submit a copy of their agency or departmental budget requests for Fiscal Year 1994 by October 1, 1992 and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 1992, and updated spending plans on February 1, and May 1, 1993. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

28. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.25 per mile.

29. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1992 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision.

30. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds, such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub. L.99-514 (26 U.S.C. §1 et seq.) which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

31. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund to implement the fiscal year 1993 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term

notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

32. The State Treasurer, with the approval of the Joint Budget Oversight Committee, is authorized to issue in fiscal year 1993 short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution. Such short-term notes shall mature and be paid in fiscal year 1993 and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times during fiscal year 1993 as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

33. Such sums as may be necessary are appropriated from delinquent tax judgments, delinquent student loans, administrative fines and penalties, unclaimed property, escheats, overpayments of state entitlements and other debts owing to the State or its agencies collected or recovered by the Division of Taxation and the Unclaimed Property/Escheats Unit in the Department of the Treasury or by the Division of Law in the Department of Law and Public Safety or any other unit of State government to fund the cost of auditors, attorneys and other staff and other costs in such divisions or units incurred in order to col-

lect or recover these funds, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee or its successor, with written reports on January 1, 1993, March 1, 1993 and July 1, 1993 of the amount of such collections and recoveries itemized by type of debt and the detailed appropriation and expenditure of such sums within each agency.

34. The Commissioner of the Department of Personnel shall report on or before October 1, 1992, to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee on the implementation of the management, administrative and unclassified service personnel reductions resulting from savings in Salaries and wages accounts.

35. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, at the time of delivery of the Governor's Recommended Budget Document to the Legislature a copy of the Integrated Planning and Budget System Salary Reconciliation Analyses for the Governor's Fiscal Year 1994 Recommended Budget for each department and for each program class within each department, showing the gross salary requirements, adjustments taken against the gross salary requirements and positions recommended and funded for Fiscal Year 1993 and Fiscal Year 1994. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, copies of job 1824-Count of positions on budget bureau complement expenditure file as of pay period 5 and pay period 11 within ten days after the end of the pay period showing all positions filled and vacant from all funding sources for budgeted, non-budgeted, special services, summer seasonal and non-State positions and job 1068-Report of paychecks issued for all departments and institutions, all positions types, and all funding sources as of February 1, 1993 and May 15, 1993 within ten days of the date of those reports.

36. None of the funds appropriated to the Executive Branch of State government for information processing-internal, information processing-external, professional services or additions, improvements and equipment shall be available to pay for any

computer services or equipment without the authorization and approval of the Office of Telecommunications and Information Systems.

37. There are appropriated from the General Fund to the Department of Law and Public Safety and the Department of Health such amounts as are necessary to support the 24-hour-a-day operation of the New Jersey Emergency Medical Service Helicopter Response Program, subject to the approval of the Director of the Division of Budget and Accounting.

38. Notwithstanding the provisions of any law to the contrary, no State Troopers, corrections officers or personnel providing services in any institution operated by the State shall be laid off. Whenever possible, layoffs shall exclude those employees of any department who provide direct services and shall also exclude career State employees who have occupied the same job title for at least five years or who have ten years of State service.

39. The Consolidated State Laboratory shall be in but not of the Department of the Treasury. Moneys appropriated to the Departments of Health, Environmental Protection and Energy, and Agriculture to support the previously individual laboratory service units are transferred to the Consolidated State Laboratory for laboratory services. The Consolidated State Laboratory is authorized to establish fees for services provided. Revenues generated thereby shall be utilized to support the operation of the Consolidated State Laboratory. The unexpended balances as of June 30, 1992 in the accounts of the individual laboratory service units are appropriated for the same purpose and transferred to the Consolidated State Laboratory.

40. This act shall take effect July 1, 1992 and section 37 shall expire on the first day of the fourth month after enactment of P.L.1992, c.87 (C.39:3-8.2 et al.).

Passed June 30, 1992.

CHAPTER 41

AN ACT concerning the State-administered retirement systems and the State Investment Council, revising various parts of the statutory law, and repealing section 12 of P.L.1966, c.67.

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

1. N.J.S.18A:66-2 is amended to read as follows:

Definitions.

18A:66-2. As used in this article:

- a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by or in behalf of the member, including interest credited to January 1, 1956, standing to the credit of the member's individual account in the annuity savings fund.
- b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this article.
- c. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this article.
- d. "Compensation" means the contractual salary, for services as a teacher as defined in this article, 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 or extracurricular duties beyond the regular school day or the regular school year.
- e. "Employer" means the State, the board of education or any educational institution or agency of or within the State by which a teacher is paid.
- f. "Final compensation" means the average annual compensation for which contributions are made for the three years of creditable service in New Jersey immediately preceding the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.
- g. "Fiscal year" means any year commencing with July 1, and ending with June 30, next following.

h. "Pension" means payments for life derived from appropriations made by the State or employers to the Teachers' Pension and Annuity Fund.

i. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this article, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted to a member from the Teachers' Pension and Annuity Fund, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

k. "Present-entrant" means any member of the Teachers' Pension and Annuity Fund who had established status as a "present-entrant member" of said fund prior to January 1, 1956.

l. "Rate of contribution initially certified" means the rate of contribution certified by the retirement system in accordance with N.J.S.18A:66-29.

m. "Regular interest" shall mean interest as determined by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last day of the month as of which the annual actuarial valuation is prepared.

n. "Retirement allowance" means the pension plus the annuity.

o. "School service" means any service as a "teacher" as defined in this section.

p. "Teacher" means any regular teacher, special teacher, helping teacher, teacher clerk, principal, vice-principal, supervisor, supervising principal, director, superintendent, city superintendent, assistant city superintendent, county superintendent, State Commissioner or Assistant Commissioner of Education, members of the State Department of Education who are certificated, unclassified professional staff and other members of the teaching or professional staff of any class, public school, high school, normal school, model school, training school, vocational school, truant

reformatory school, or parental school, and of any and all classes or schools within the State conducted under the order and superintendence, and wholly or partly at the expense of the State Board of Education, of a duly elected or appointed board of education, board of school directors, or board of trustees of the State or of any school district or normal school district thereof, and any persons under contract or engagement to perform one or more of these functions. It shall also mean any person who serves, while on an approved leave of absence from regular duties as a teacher, as an officer of a local, county or State labor organization which represents, or is affiliated with an organization which represents, teachers as defined in this subsection. No person shall be deemed a teacher within the meaning of this article who is a substitute teacher. In all cases of doubt the board of trustees shall determine whether any person is a teacher as defined in this article.

q. "Teachers' Pension and Annuity Fund," hereinafter referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this article, including the several funds placed under said system. By that name all its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force or Navy of the Allies of the United States in World War I between July 14, 1914, and November 11, 1918, or who served in any Army, Air Force or Navy of the Allies of the United States in World War II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose United States citizenship, and any officer, soldier, sailor, marine, airman, nurse or army field clerk who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I, between April 6, 1917, and November 11, 1918;

(10) World War II, between September 16, 1940, and December 31, 1946, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein provided;

(11) Korean conflict on or after June 23, 1950, and on or prior to January 31, 1955, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein pro-

vided; and provided further that any member classed as a veteran pursuant to this subsection prior to August 1, 1966, shall continue to be classed as a veteran, whether or not that person completed the 90-day service between said dates as herein provided;

(12) Vietnam conflict, on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein provided;

(13) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(14) Grenada peacekeeping mission, on or after October 25, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(15) Panama peacekeeping mission, on or after the date of inception of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days' commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(16) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after the date of inception of that operation, as proclaimed by the President of the United States, Congress or the Governor, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided.

"Veteran" also means any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits.

s. "Child" means 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 the 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.

t. "Widower" means the man to whom a member was married 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. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

u. "Widow" means the woman to whom a member was married 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 was receiving at least one-half of her 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 widow will be considered terminated by the marriage of the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

v. "Parent" means the parent of a member who was receiving at least one-half of the parent's 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.

w. "Medical board" means the board of physicians provided for in N.J.S.18A:66-56.

2. N.J.S.18A:66-18 is amended to read as follows:

Contingent reserve fund.

18A:66-18. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State and other employers.

a. Upon the basis of the tables recommended by the actuary which the board of trustees adopts and regular interest, the actuary of the board shall compute annually the amount of contribution, expressed as a proportion of the compensation paid to all members, except veteran members who were employed as teachers on January 1, 1955, which, if paid monthly during the entire prospective service of such members, will be sufficient to provide for the pension reserves required at the time of discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account, and to provide for the amount of the death and accidental disability benefits payable on their account, and which amount is not covered by

other contributions to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution." The actuary shall redetermine the normal contributions for the retirement system as of March 31, 1990 and March 31, 1991.

b. Upon the basis of the tables recommended by the actuary which the board of trustees adopts and regular interest, the actuary of the board shall compute the amount of the unfunded liability as of March 31, 1990, excluding the liability for pension adjustment benefits and post-retirement medical benefits for active employees funded pursuant to section 2 of P.L.1987, c.385 (C.18A:66-18.1), which is not already covered by the assets of the retirement system, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary which shall reasonably reflect the market value of the assets, and by prospective employer normal contributions and employee contributions. Using the total amount of this unfunded accrued liability, the actuary shall determine a rate of contribution that shall be an initial amount of contribution divided by the compensation of all active members for the valuation period where, if the contribution is increased annually for a specific period of time, it will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years. This shall be known as the "accrued liability contribution rate." The actuary shall compute annually an amount of contribution based upon the total compensation of all members in active service and the accrued liability contribution rate. This shall be known as the "accrued liability contribution."

The value of the assets for the valuation period ending March 31, 1990 shall be the full market value of the assets as of that date. The value of the assets for the valuation period ending March 31, 1991 shall be the value of the assets for the preceding valuation period increased by $8\frac{3}{4}\%$, plus the net cash flow for the valuation period (the difference between the benefits paid by the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of March 31, 1991.

The tables of actuarial assumptions previously adopted by the board of trustees for the valuation periods ending March 31, 1990 and March 31, 1991 shall be applicable to the revaluations of the retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.), except that the assumptions for salary increases, medical premium inflation and increases in pension adjustment benefits shall be those proposed by the actuary to the retirement system in the draft revision of the annual actuarial reports for the valuation periods ending March 31, 1990 and March 31, 1991 submitted by the actuary on April 27, 1992.

c. (Deleted by amendment, P.L.1992, c.41.)

d. The retirement system shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section, and which shall be paid into the contingent reserve fund in the manner provided by section 18A:66-33.

e. Except as provided in sections 18A:66-26 and 18A:66-53, the death benefits payable under the provisions of this article upon the death of an active or retired member shall be paid from the contingent reserve fund.

f. The disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contribution of the State.

3. Section 2 of P.L.1987, c.385 (C.18A:66-18.1) is amended to read as follows:

C.18A:66-18.1 Payment of pension adjustment benefits; health care benefits.

2. Pension adjustment benefits for members and beneficiaries of the Teachers' Pension and Annuity Fund as provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and health care benefits for qualified retirees and their dependents as provided by P.L.1987, c.384 (C.52:14-17.32f) shall be paid by the retirement system from the contingent reserve fund or other fund or trust, established under the jurisdiction of the board of trustees, which shall receive contributions only to the extent that contributions cannot otherwise be made to a section 401 (h) account due to the requirements of subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C.§401). Any premium payments for retired participants shall first be a charge upon such other fund or trust and only secondarily on the assets set aside under subsection (h) of section 401 of the federal

Internal Revenue Code of 1986 (26 U.S.C. §401). The pension adjustment benefits and premiums for health care benefits for qualified retirees shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system. The funding shall be phased in as provided by the board of trustees after consultation with the Director of the Division of Pensions and the actuary, except that: a. any reduction in contributions from recognition of the full market value of the assets as of March 31, 1990 over the adjusted book value of the assets written up by 60% of the excess of market value over adjusted book value as of March 31, 1990 in a fashion similar to that presented in the draft revision of the annual actuarial reports for the valuation periods ending March 31, 1990 and March 31, 1991 submitted by the actuary on April 27, 1992 shall be used to accelerate the funding of the liabilities for pension adjustment and health care benefits, and b. (1) the level of funding normal contributions to cover the pension adjustment and health care benefits for current active employees upon their retirement shall be at least 48% for valuation year 1992 and 56% for valuation year 1993, and (2) thereafter, the funding of the pension adjustment and health care benefits for active employees shall be phased in in a uniform manner which fully recognizes those liabilities within 11 years commencing with valuation year 1994. The board of trustees shall determine the assumed percentage rate of increase applied to the cost of providing paid health benefits for retirees.

4. N.J.S.18A:66-33 is amended to read as follows:

Employer and State contributions.

18A:66-33. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund and the maintenance of retirement allowances and other benefits granted by the board of trustees under the provisions of this article are hereby made obligations of each employer, except in the case of employers that are institutions of higher education. Obligations of employers that are institutions of higher education shall be obligations of the State, and the employer shall be deemed to be the State for the purposes of this section. Except as provided in N.J.S.18A:66-27, all income, interest, and dividends derived from deposits and investments authorized by this article shall be used for payment of these obligations.

Upon the basis of each actuarial determination and appraisal provided for in this article, the board of trustees shall annually certify, on or before December 1st of each year, to the Commissioner of Education, the State Treasurer, and to each employer, including the State, the contributions due on behalf of its employees for the ensuing fiscal year and payable by the employer to the contingent reserve fund. The amounts payable into the contingent reserve fund for each employer, including the State, shall be paid by the State Treasurer, upon the certification of the commissioner and the warrant of the Director of the Division of Budget and Accounting, to the contingent reserve fund not later than June 30 of the ensuing fiscal year. The commissioner shall deduct the amount so certified from any State aid payable to the employer. In the event that no State aid is payable to the employer or in the event that the amount deducted is less than the amount certified as due, the commissioner shall certify the net amount due on behalf of the members to the chief fiscal officer of the employer. Each employer shall pay the net amount due, if any, to the State pursuant to a payment schedule established by the commissioner. The payment schedule shall provide for interest penalties for late payments.

Nothing in this section shall cause the State aid of an institution of higher education to be offset, nor shall an institution of higher education incur a debt or be required to make payments pursuant to this section.

5. N.J.S.18A:66-56 is amended to read as follows:

Board of trustees; duties, appointment or election, terms, vacancies, oaths, voting, expenses.

18A:66-56. Subject to the provisions of chapter 70 of the laws of 1955, the general responsibility for the proper operation of the teachers' pension and annuity fund shall be vested in the board of trustees. Subject to the limitations of the law, the board shall annually establish rules and regulations for the administration and transaction of its business and for the control of the funds created by this article. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems. The membership of the board shall consist of the following:

(a) The State Treasurer or the deputy State Treasurer, when designated for that purpose by the State Treasurer;

(b) Two trustees appointed by the Governor, with the advice and consent of the Senate, who shall serve for a term of office of three years and until their successors are appointed, and who shall be private citizens of the State of New Jersey and who are neither an officer thereof nor active or retired members of the system, except that of the two trustees initially appointed by the Governor pursuant to P.L.1992, c.41 (C.43:6A-33.1 et al.), one shall be appointed for a term of two years and one for a term of three years;

(c) Three trustees from among the active or retired members of the retirement system, elected by the membership or by the delegates elected for this purpose by the membership, one of whom shall be elected each year for a three-year term commencing on January 1, following such election in such manner as the board of trustees may prescribe;

(d) One trustee not an active or retired teacher nor an officer of the State, elected by the other trustees, other than the State Treasurer, for a term of three years.

A vacancy occurring in the board of trustees shall be filled in the same manner as provided in this section for regular appointment or election to the position where the vacancy exists.

Each member of the board shall, upon appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the board's affairs, and that he will not knowingly violate or willfully permit to be violated any provision of law applicable to this article. The oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and filed immediately in the office of the Secretary of State.

Each trustee shall be entitled to one vote in the board and a majority of all the votes of the entire board shall be necessary for a decision by the board of trustees at a meeting of the board. The board shall keep a record of all its proceedings, which shall be open to public inspection.

The members of the board shall serve without compensation but shall be reimbursed for any necessary expenditures. No employee shall suffer loss of salary or wages through serving on the board.

The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board for valid reason. It shall be composed of three physicians who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this article, shall investigate

all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

6. N.J.S.18A:66-57 is amended to read as follows:

Officers, actuary, legal adviser, secretary.

18A:66-57. The board shall elect annually from its membership a chairman and may also elect a vice chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman. The actuary of the fund shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the board for valid reason.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

The Attorney General shall be the legal adviser of the retirement system, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the board on a matter affecting the retirement system, the board may select and employ legal counsel to advise and represent the board on that matter.

The chief or assistant chief of the office of secretarial services of the Division of Pensions of the State Department of the Treasury, shall be the secretary of the board. The chief and assistant chief of the office of secretarial services shall be in the competitive division of the State classified service. The secretary presently in office shall hold the position as chief of the office of secretarial services subject to all of the provisions of Title 11 of the Revised Statutes and shall not be removed from said office except in the manner provided under the provisions of said title relating to permanent employees in the competitive division of the State classified service. The board of trustees shall select its secretary from among the eligible candidates.

7. Section 3 of P.L.1973, c.140 (C.43:6A-3) is amended to read as follows:

C.43:6A-3 Definitions.

3. As used in this act:

a. "Accumulated deductions" means the sum of all 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 saving fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this amendatory and supplementary act.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity computed on the basis of such mortality tables recommended by the actuary as the State House Commission adopts with regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Child" means a deceased member's or retirant's unmarried child who is either (a) under the age of 18; (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; or (c) under the age of 21 and is attending school full time.

f. "Compensation" means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State 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 schedule.

g. "Final salary" means the annual salary received by the member at the time of his retirement or death.

h. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

i. "Medical board" means the board of physicians provided for in section 29 of this act.

j. "Member" means the Chief Justice and associate justices of the Supreme Court, judges of the Superior Court and tax court of the State of New Jersey required to be enrolled in the retirement system established by this act.

For purposes of this act, the person holding the office of standing master by appointment pursuant to N.J.S.2A:1-7 shall have

the same privileges and obligations under this act as a judge of a Superior Court.

k. "Parent" means 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.

l. "Pension" means payment for life derived from contributions by the State.

m. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the State House Commission with regular interest.

n. "Regular interest" means interest as determined by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the State House Commission and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last of the month as of which the annual actuarial valuation is prepared.

o. "Retirant" means any former member receiving a pension or retirement allowance as provided by this act.

p. "Retirement allowance" means the pension plus the annuity.

q. "Retirement system" or "system" herein refers to the "Judicial Retirement System of New Jersey," which is the corporate name of the arrangement for the payment of pensions, retirement allowances and other benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Service" means public service rendered for which credit is allowed on the basis of contributions made by the State.

s. "Several courts" means the Supreme, Superior, and tax courts.

t. "Widow" means the woman to whom a member or a retirant was married at least four years before the date of his death and to whom he continued to be married until the date of his death. The

eligibility of such a widow to receive a survivor's benefit will be considered terminated by the marriage of the widow subsequent to the member's or the retirant's death. In the event of accidental death the four-year qualification shall be waived. When used in this act, the term "widow" shall mean and include "widower" as may be necessary and appropriate to the particular situation.

u. "Widower" means the man to whom a member or a retirant was married at least four years before the date of her death and to whom she continued to be married until the date of her death. The eligibility of such a widower to receive a survivor's benefit will be considered terminated by the marriage of the widower subsequent to the member's or retirant's death. In the event of accidental death the four-year qualification shall be waived.

8. Section 29 of P.L.1973, c.140 (C.43:6A-29) is amended to read as follows:

C.43:6A-29 Operation of retirement system.

29. a. Subject to the provisions of P.L.1955, c.70 (C.52:18A-95 to 52:18A-104), the general responsibility for the proper operation of the retirement system is hereby vested in the State House Commission.

b. Except as otherwise herein provided, no member of the State House Commission shall have any direct interest in the gains or profits of any investments of the retirement system, nor shall any member of the State House Commission directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the commission; nor shall any member of the State House Commission become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

c. For purposes of this act, each member of the State House Commission shall be entitled to one vote and a majority vote of all members shall be necessary for any decision by the commission at any meeting of said commission.

d. Subject to the limitations of this act, the State House Commission shall annually establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division

of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

e. The actuary of the system shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the commission for valid reason. He shall be the technical adviser of the commission on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection herewith.

f. The Attorney General shall be the legal adviser of the retirement system, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the commission on a matter affecting the retirement system, the commission may select and employ legal counsel to advise and represent the commission on that matter.

g. The Director of the Division of Pensions of the State Department of the Treasury shall be the secretary of the commission for purposes pertaining to the provisions of this act.

h. For purposes of this act, the State House Commission shall keep a record of all of its proceedings which shall be open to public inspection. The retirement system shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of any actuarial valuation of the assets and liabilities of the retirement system.

i. The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions. It shall be composed of three physicians. The medical board shall pass on all medical examinations required under the provisions of this act, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

9. Section 33 of P.L.1973, c.140 (C.43:6A-33) is amended to read as follows:

C.43:6A-33 Contingent reserve fund.

33. a. Upon the basis of the tables recommended by the actuary which the commission adopts and regular interest, the actuary shall compute annually the amount of the contribution, expressed as a proportion of the salaries paid to all members, which if paid monthly during the entire prospective service of the members,

will be sufficient to provide for the pension reserves required at the time of the discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account and to provide for the amount of the death benefits payable on their account, which amount is not covered by other contributions to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution." The actuary shall redetermine the normal contributions for the retirement system as of June 30, 1990 and June 30, 1991.

b. Upon the basis of the tables recommended by the actuary which the commission adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1990, which is not already covered by the assets of the retirement system, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the commission and the actuary which shall reasonably reflect the market value of the assets, and by prospective employer normal contributions and employee contributions. Using the total amount of this unfunded accrued liability, the actuary shall determine a rate of contribution that shall be an initial amount of contribution divided by the compensation of all active members for the valuation period where, if the contribution is increased annually for a specific period of time, it will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions, the commission and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years. This shall be known as the "accrued liability contribution rate." The actuary shall compute annually an amount of contribution based upon the total compensation of all members in active service and the accrued liability contribution rate. This shall be known as the "accrued liability contribution."

The value of the assets for the valuation period ending June 30, 1990 shall be the full market value of the assets as of that date. The value of the assets for the valuation period ending June 30, 1991 shall be the value of the assets for the preceding valuation period increased by $8\frac{3}{4}\%$, plus the net cash flow for the valuation period (the difference between the benefits paid by the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of June 30, 1991.

The tables of actuarial assumptions previously adopted by the commission for the valuation periods ending June 30, 1990 and June 30, 1991 shall be applicable to the revaluations of the retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.), except that the assumptions for salary increases, medical premium inflation and increases in pension adjustment benefits shall be those proposed by the actuary to the retirement system in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1990 and June 30, 1991 submitted by the actuary on April 27, 1992.

c. The actuary shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the proportion of the earnable salary of all members, computed as described in subsection a. hereof and of the State's accrued liability contribution, payable in the ensuing year, as described in subsection b. hereof. The State shall pay into the contingent reserve fund during the ensuing year the amount so determined. In the event the amount certified to be paid by the State includes amounts due for services rendered by members to counties, the total amount so certified shall be paid to the retirement system by the State; provided, however, the full cost attributable to such services rendered to such counties shall be computed separately by the actuary and the State shall be reimbursed for such amounts by such counties.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement, shall be paid from the contingent reserve fund.

d. (Deleted by amendment, P.L.1992, c.41.)

C.43:6A-33.1 Payment of pension adjustment benefits, health benefits.

10. Pension adjustment benefits for members and beneficiaries of the Judicial Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and premiums or periodic charges which the State is required to pay for benefits provided to retired State employees and their dependents under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), shall be paid by the retirement system from the contingent reserve fund or other fund or trust, established under the jurisdiction of the State House Commission, which shall receive contributions only to the extent that contributions cannot otherwise be made to a section 401 (h) account

due to the requirements of subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C. §401). Any premium payments for retired participants shall first be a charge upon such other fund or trust and only secondarily on the assets set aside under subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C. §401). The pension adjustment benefits and premiums for health care benefits for qualified retirees shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system. The funding shall be phased in as determined by the State House Commission after consultation with the Director of the Division of Pensions and the actuary, except that: a. the phase-in period shall begin with valuation year 1993 and shall be 25 years, and b. any reduction in contributions from recognition of the full market value of the assets as of June 30, 1990 over the adjusted book value of the assets written up by 60% of the excess of market value over adjusted book value as of June 30, 1990 in a fashion similar to that presented in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1990 and June 30, 1991 submitted by the actuary on April 27, 1992 shall be used to accelerate the funding of the liabilities for pension adjustment and health care benefits. The State House Commission shall determine the assumed percentage rate of increase applied to the cost of providing health benefits for retirees.

C.43:3B-4.4 Payment of benefits by Judicial Retirement System.

11. Notwithstanding the provisions of the "Pension Adjustment Act, P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits provided under that act for members of the Judicial Retirement System shall be paid by the retirement system.

12. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read as follows:

C.43:15A-6 Definitions.

6. As used in this act:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by or on behalf of the member, standing to the credit of the member's individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this act.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this act, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

d. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this act.

e. "Child" means a deceased member's unmarried child either (1) under the age of 18 or (2) 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 the 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.

f. "Parent" shall mean the parent of a member who was receiving at least 1/2 of the parent's 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.

g. "Widower" means the man to whom a member was married 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 1/2 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. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

h. "Final compensation" means the average annual compensation for which contributions are made for the three years of creditable service in New Jersey immediately preceding the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.

i. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

j. "Medical board" shall mean the board of physicians provided for in section 17 (C.43:15A-17).

k. "Pension" means payments for life derived from appropriations made by the employer as provided in this act.

l. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted under the provisions of this act, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

m. "Public Employees' Retirement System of New Jersey," hereinafter referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this act including the several funds placed under said system. By that name all of its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

n. "Regular interest" shall mean interest as determined by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last day of the month as of which the annual actuarial valuation is prepared.

o. "Retirement allowance" means the pension plus the annuity.

p. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force or Navy of the Allies of the United States in World War I, between July 14, 1914, and November 11, 1918, or who served in any Army, Air Force or Navy of the Allies of the United States in World War II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose United States citizenship, and any officer, soldier, sailor, marine, airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions, or emergencies, and who

has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I, between April 6, 1917, and November 11, 1918;

(10) World War II, between September 16, 1940, and December 31, 1946, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies any part of which 90 days was served between said dates; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90-day service as herein provided;

(11) Korean conflict on or after June 23, 1950, and on or prior to January 31, 1955, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided, that any person receiving an actual service-

incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90-day service as herein provided; and provided further, that any member classed as a veteran pursuant to this paragraph prior to August 1, 1966, shall continue to be classed as a veteran whether or not that person completed the 90-day service between said dates as herein provided;

(12) Vietnam conflict on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90 days' service as herein provided;

(13) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(14) Grenada peacekeeping mission, on or after October 25, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(15) Panama peacekeeping mission, on or after the date of inception of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(16) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after the date of inception of that operation, as proclaimed by the President of the United States, Congress or the Governor, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided.

"Veteran" also means any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits.

q. "Widow" means the woman to whom a member was married 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 was receiving at least 1/2 of her 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 widow will be considered terminated by the marriage of the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

r. "Compensation" means the base or contractual salary, for services as an employee, 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 or extracurricular duties beyond the regular workday or the regular work year. 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.

13. Section 17 of P.L.1954, c.84 (C.43:15A-17) is amended to read as follows:

C.43:15A-17 Board of trustees.

17. Subject to the provisions of P.L.1955, c. 70 the general responsibility for the proper operation of the Public Employees' Retirement System shall be vested in the board of trustees. Subject to the limitations of the law, the board shall annually establish rules and regulations for the administration and transaction of its business and for the control of the funds created by this subtitle. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

The membership of the board shall consist of the following:

a. Two trustees appointed by the Governor, with the advice and consent of the Senate, who shall serve for a term of office of three years and until their successors are appointed, who shall be private citizens of the State of New Jersey and who are neither an officer thereof nor active or retired members of the system. Of the two trustees initially appointed by the Governor pursuant to P.L.1992, c.41 (C.43:6A-33.1 et al.), one shall be appointed for a term of two years and one for a term of three years.

b. The State Treasurer or the Deputy State Treasurer, when designated for that purpose by the State Treasurer.

c. Three trustees elected for a term of three years by the member employees of the State from among the active or retired State members of the retirement system in a manner prescribed by the board of trustees.

d. One trustee elected for a term of three years by the member employees of counties from among the active or retired county members of the retirement system and the same method of holding an election from time to time used for the State employees' repre-

sentatives shall be followed in elections held for county representatives.

e. Two trustees elected for a term of three years by the member employees of municipalities from among the active or retired municipal members of the retirement system and the same method of holding an election from time to time used for the State employees' representatives shall be followed in elections held for municipal representatives.

A vacancy occurring in the board of trustees shall be filled by the appointment or election of a successor in the same manner as his predecessor.

Each member of the board shall, upon appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the board's affairs, and that he will not knowingly violate or willfully permit to be violated any provision of law applicable to this act. The oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and filed immediately in the office of the Secretary of State.

Each trustee shall be entitled to one vote in the board and a majority of all the votes of the entire board shall be necessary for a decision by the board of trustees at a meeting of the board. The board shall keep a record of all its proceedings, which shall be open to public inspection.

The members of the board shall serve without compensation but shall be reimbursed for any necessary expenditures. No employee shall suffer loss of salary or wages through the serving on the board.

The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board of trustees for valid reason. It shall be composed of three physicians who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

14. Section 18 of P.L.1954, c.84 (C.43:15A-18) is amended to read as follows:

C.43:15A-18 Officers, actuary, legal adviser, secretary.

18. The board shall elect annually from its membership a chairman and may also elect a vice-chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman.

The actuary of the fund shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the board for valid reason.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection therewith.

The Attorney General shall be the legal adviser of the retirement system, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the board on a matter affecting the retirement system, the board may select and employ legal counsel to advise and represent the board on that matter.

The chief or assistant chief of the office of secretarial services of the Division of Pensions of the State Department of the Treasury shall be the secretary of the board. The chief and assistant chief of the office of secretarial services shall be in the competitive division of the State classified service. The secretary presently in office shall hold the position as assistant chief of the office of secretarial services subject to all of the provisions of Title 11 of the Revised Statutes and shall not be removed from said office except in the manner provided under the provisions of said Title relating to permanent employees in the competitive division of the State classified service. The board of trustees shall select its secretary from among the eligible candidates.

15. Section 24 of P.L.1954, c.84 (C.43:15A-24) is amended to read as follows:

C.43:15A-24 Contingent reserve fund.

24. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State and other employers.

a. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually the amount of contribution, expressed as a proportion of the compensation paid to all members, which, if paid monthly during the entire prospective service of the members,

will be sufficient to provide for the pension reserves required at the time of discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account and to provide for the amount of the death and accidental disability benefits payable on their account, and which amount is not covered by other contributions, to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution." The actuary shall redetermine the normal contributions for the retirement system as of March 31, 1990 and March 31, 1991.

b. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of March 31, 1990, excluding the liability for pension adjustment benefits and post-retirement medical benefits for active employees funded pursuant to section 6 of P.L.1990, c.6 (C.43:15A-24.1), which is not already covered by the assets of the retirement system, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary which shall reasonably reflect the market value of the assets, and by prospective employer normal contributions and employee contributions. Using the total amount of this unfunded accrued liability, the actuary shall determine a rate of contribution that shall be an initial amount of contribution divided by the compensation of all active members for the valuation period where, if the contribution is increased annually for a specific period of time, it will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years. This shall be known as the "accrued liability contribution rate." The actuary shall compute annually an amount of contribution based upon the total compensation of all members in active service and the accrued liability contribution rate. This shall be known as the "accrued liability contribution."

The value of the assets for the valuation period ending March 31, 1990 shall be the full market value of the assets as of that date. The value of the assets for the valuation period ending March 31, 1991 shall be the value of the assets for the preceding valuation period increased by 8 3/4%, plus the net cash flow for the valuation period (the difference between the benefits paid by

the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of March 31, 1991.

The tables of actuarial assumptions previously adopted by the board of trustees for the valuation periods ending March 31, 1990 and March 31, 1991 shall be applicable to the revaluations of the retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.), except that the assumptions for salary increases, medical premium inflation and increases in pension adjustment benefits shall be those proposed by the actuary to the retirement system in the draft revision of the annual actuarial reports for the valuation periods ending March 31, 1990 and March 31, 1991 submitted by the actuary on April 27, 1992.

c. The retirement system shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section. The State shall pay into the contingent reserve fund during the ensuing year the amount so determined. The death benefits, payable as a result of contribution by the State under the provisions of this chapter upon the death of an active or retired member, shall be paid from the contingent reserve fund.

d. The disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contributions of the State and other employers.

16. Section 2 of P.L.1990, c.6 (C.43:15A-24.1) is amended to read as follows:

C.43:15A-24.1 Payment of pension adjustment benefits, health benefits.

2. Pension adjustment benefits for members and beneficiaries of the Public Employees' Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and premiums or periodic charges which the State is required to pay for benefits provided to retired State employees and their dependents under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), shall be paid by the retirement system from the contingent reserve fund or other fund or trust, established under the jurisdiction of the board of trustees, which shall receive contributions only to the extent that contributions cannot otherwise be made to a section 401 (h) account due to the requirements of subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C.§401). Any premium

payments for retired participants shall first be a charge upon such other fund or trust and only secondarily on the assets set aside under subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C. §401). The pension adjustment benefits and premiums for health care benefits for qualified retirees shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system. The funding shall be phased in as determined by the board of trustees after consultation with the Director of the Division of Pensions and the actuary, except that: a. any reduction in contributions from recognition of the full market value of the assets as of March 31, 1990 over the adjusted book value of the assets written up by 60% of the excess of market value over adjusted book value as of March 31, 1990 in a fashion similar to that presented in the draft revision of the annual actuarial reports for the valuation periods ending March 31, 1990 and March 31, 1991 submitted by the actuary on April 27, 1992 shall be used to accelerate the funding of the liabilities for pension adjustment and health care benefits as follows: 70% of the State's portion of that amount shall be used to fund pension adjustment benefits and 30% to fund health care benefits and 100% of the other employers' portion of that amount shall be used to fund pension adjustment benefits, and b. (1) the level of funding normal contributions to cover the pension adjustment and health care benefits for current active employees upon their retirement shall be at least 48% for valuation year 1992 and 56% for valuation year 1993, and (2) thereafter, the funding of the pension adjustment and health care benefits for active employees shall be phased in in a uniform manner which fully recognizes those liabilities within 11 years commencing with valuation year 1994. The board of trustees shall determine the assumed percentage rate of increase applied to the cost of providing paid health benefits for retirees. The liability for pension adjustment benefits and for premiums or periodic charges for health care benefits for retired State employees and their dependents shall be included as a liability of the retirement system as of April 1, 1988.

17. Section 68 of P.L.1954, c.84 (C.43:15A-68) is amended to read as follows:

C.43:15A-68 Information certified to chief fiscal officer; payment of charge and contributions.

68. The Public Employees' Retirement System shall certify to the chief fiscal officer of the employer the rates of contributions

payable by members. The system shall further certify, no later than December 31 each year, the contributions, including the accrued liability contribution similar to the State accrued liability contribution, payable by the employer to the contingent reserve fund on behalf of these members, and a pro rata share of the cost of the administration of the retirement system, based upon the payroll of the members who are employees of the employer. The initial actuarial expense incident to the determination of the accrued liability contribution payable by the employer shall be paid by the employer. The amount certified by the system as payable by such employer to the contingent reserve fund shall be included in the next budget subsequent to the certification by the system. The treasurer or corresponding officer shall pay to the State Treasurer no later than April 1 of the State's fiscal year in which payment is due the amount of the employer's charges so certified. If payment of the full amount of such obligation is not made within 30 days after April 1, interest at the rate of 10% per annum shall commence to run against the unpaid balance thereof on the first day after such thirtieth day. The treasurer or corresponding officer shall also pay to the State Treasurer the amount of the deductions from the compensation of the members who are employees of the employer. The State Treasurer shall credit these amounts to the appropriate fund or account.

18. Section 81 of P.L.1954, c.84 (C.43:15A-81) is amended to read as follows:

C.43:15A-81 Rates of contributions; budget requirements; payments to State Treasurer.

81. The Public Employees' Retirement System shall certify to each employer the rates of contributions payable by members who are county, municipal or school district employees. The system shall further certify, no later than December 31 each year, the contributions, including the accrued liability contribution similar to the State accrued liability contribution, payable by the county, municipality or school district to the contingent reserve fund on behalf of these members, and a pro rata share of the cost of the administration of the retirement system, based upon the payroll of the members who are employees of the county, municipality or school district. The initial actuarial expense incident to the determination of the accrued liability contribution, payable by the county, municipality or school district, shall be paid by the county,

municipality or school district. The amount certified by the system as payable by the county, municipality or school district to the contingent reserve fund shall be included in the next budget subsequent to the certification by the system and levied and collected as any other taxes are levied and collected. The treasurer or corresponding officer of any county, municipality or school district shall pay to the State Treasurer no later than April 1 of the State's fiscal year in which payment is due the amount of the county, municipal or school district charges so certified. If payment of the full amount of such obligation is not made within 30 days after April 1, interest at the rate of 10% per annum shall commence to run against the unpaid balance thereof on the first day after such thirtieth day. The treasurer or corresponding officer shall also pay to the State Treasurer the amount of deductions from the compensation of the members who are employees of the county, municipality or school district. The State Treasurer shall credit these amounts to the appropriate fund or account.

19. 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 consoli-

dated 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 no later than April 1 of the State's fiscal year in which payment is due.

(2) An additional amount annually for a period of 30 years, commencing July 1, 1953, equal to 66 2/3% 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 no later than April 1 of the State's fiscal year in which payment of the employer's normal contribution is due 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 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 contributions 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 10% per annum shall commence to run against unpaid balance thereof on the first day after such thirtieth 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 10% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth 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) (Deleted by amendment, P.L.1992, c.41.)

(g) (Deleted by amendment, P.L.1992, c.41.)

(h) Upon the basis of tables recommended by the actuary which the commission adopts after consultation with the Director of the Division of Pensions, the actuary shall compute the amount of unfunded liability of the fund as of June 30, 1990 which is not already covered by the assets of the fund, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the commission and the actuary, and prospective employer normal contributions and employee contributions. Using the total amount of this unfunded liability, the actuary shall compute the amount of the flat annual payment which, if paid in each succeeding fiscal year, commencing with July 1, 1991, for a period of nine years, will provide for this lia-

bility. This payment shall be increased or decreased in succeeding fiscal years to amortize any actuarial loss or gain over the remaining time in this nine-year period. Any unfunded liability remaining after this nine-year period shall be funded by direct State appropriations. The actuary shall annually certify over the nine-year period the amount payable to the fund in the ensuing year, and the State shall pay into the fund during the ensuing year the amount so certified.

The value of the assets for the valuation period ending June 30, 1990 shall be the full market value of the assets as of that date. The value of the assets for the valuation period ending June 30, 1991 shall be the value of the assets for the preceding valuation period increased by $8\frac{3}{4}\%$, plus the net cash flow for the valuation period (the difference between the benefits paid by the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of June 30, 1991.

The tables of actuarial assumptions previously adopted by the board of trustees for the valuation periods ending June 30, 1990 and June 30, 1991 shall be applicable to the revaluations of the retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.).

20. Section 5 of P.L.1952, c.358 (C.43:16-6.1) is amended to read as follows:

C.43:16-6.1 Consolidated Police and Firemen's Pension Fund Commission.

5. There is hereby established in the Division of Pensions in the Department of the Treasury a commission which shall be known as the Consolidated Police and Firemen's Pension Fund Commission, and shall consist of nine members; two of whom shall be elected by the policemen, and two of whom shall be elected by the firemen, who are active or retired members of the consolidated fund, four of which members shall be appointed by the Governor, with the advice and consent of the Senate who shall serve for a term of office of four years and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor active or retired public employees, and the remaining member whereof shall be the State Treasurer, or, when so designated by him, the Deputy State Treasurer. Of the members initially appointed by the Governor pursuant to P.L.1992, c.41 (C.43:6A-33.1 et al.), 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 one for a term of four years. The term of office of elected members of the commission shall be four years. Any vacancy occurring in said commission shall be filled as the office was originally filled. In each municipality and county in which a pension fund consolidated by the provisions of this act existed, elections shall be held on the second Wednesday of June in each year in which a member of said commission is to be elected by the policemen or firemen hereunder. At every such election each policeman and fireman who was a member of any pension fund consolidated and a member of the pension fund created by this act shall be eligible to vote for any of such candidates who shall have been nominated for the office of elective member of said commission. The elections shall be held according to such rules and regulations as the commission shall adopt, subject to the provisions of this act, to govern the holding of such elections and the method of nominating candidates for the office to be voted for thereat.

Each member of the commission shall after his appointment or election, take and subscribe an oath that, so far as it devolves upon him, he will diligently and honestly fulfill his duties as a member, and that he will not knowingly violate nor willingly permit to be violated any of the provisions of law applicable to such fund. Each of such oaths, when certified by the officer before whom it is taken, shall be filed in the office of the Secretary of State. The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in discharging their duties as members of said commission.

The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the commission for valid reason. It shall be composed of three physicians who are not eligible to participate in the pension fund. The medical board shall pass upon all medical examinations required under the provisions of the act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the pension fund its conclusions and recommendations upon all matters referred to it.

21. Section 7 of P.L.1952, c.358 (C.43:16-6.2) is amended to read as follows:

C.43:16-6.2 Annual meeting of commission; chairman, records, legal adviser, actuary.

7. On July 1, 1952, and in each succeeding year, or, when July 1 is a legal holiday, upon the first business day thereafter, the members of the commission shall meet in annual meeting at which a chairman shall be elected from the membership thereof. The commission shall keep, in convenient form, such data as may be necessary for the actuarial evaluation of the fund committed to its charge and to serve as a record of its experience in the administration of the pension system dependent upon such fund. A record shall be kept of all proceedings of the commission, which shall be open to public inspection. The Attorney General shall act as the legal adviser of the commission, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the commission on a matter affecting the retirement system, the commission may select and employ legal counsel to advise and represent the commission on that matter. The actuary of the fund shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the commission for valid reason. He shall be the technical adviser of the commission on all matters regarding the operation of the pension fund not otherwise prescribed by law.

22. 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 police officer, firefighter, detective, line person, 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 police officer, fire-fighter, detective, line person, 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 the member's 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 that parent's 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) (Deleted by amendment, P.L.1989, c.78.)

(14) "Surviving spouse" shall mean the person to whom a member was married before the date of retirement or at least two years before the date of the member's death and whose marriage to the member continued until the member's death.

(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 whose 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 by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the commission and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last day of the month as of which the annual actuarial valuation is prepared.

(17)“Final compensation” shall mean the compensation received by the member in the last 12 months of service preceding 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.

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

C.43:16A-1 Definitions.

1. As used in this act:

(1) “Retirement system” or “system” shall mean the Police and Firemen’s Retirement System of New Jersey as defined in section 2 of this act.

(2) (a) “Policeman” shall mean a permanent, full-time employee of a law enforcement unit as defined in section 2 of P.L.1961, c.56 (C.52:17B-67) or the State, other than an officer or trooper of the Division of State Police whose position is covered by the State Police Retirement System, whose primary duties include the investigation, apprehension or detention of persons suspected or convicted of violating the criminal laws of the State and who:

(i) is authorized to carry a firearm while engaged in the actual performance of his official duties;

(ii) has police powers;

(iii) is required to complete successfully the training requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or comparable training requirements as determined by the board of trustees; and

(iv) is subject to the physical and mental fitness requirements applicable to the position of municipal police officer established by an agency authorized to establish these requirements on a Statewide basis, or comparable physical and mental fitness requirements as determined by the board of trustees.

The term shall also include an administrative or supervisory employee of a law enforcement unit or the State whose duties include general or direct supervision of employees engaged in investigation, apprehension or detention activities or training responsibility for these employees and a requirement for engagement in investigation, apprehension or detention activities if necessary, and who is authorized to carry a firearm while in the actual performance of his official duties and has police powers.

(b) "Fireman" shall mean a permanent, full-time employee of a firefighting unit whose primary duties include the control and extinguishment of fires and who is subject to the training and physical and mental fitness requirements applicable to the position of municipal firefighter established by an agency authorized to establish these requirements on a Statewide basis, or comparable training and physical and mental fitness requirements as determined by the board of trustees. The term shall also include an administrative or supervisory employee of a firefighting unit whose duties include general or direct supervision of employees engaged in fire control and extinguishment activities or training responsibility for these employees and a requirement for engagement in fire control and extinguishment activities if necessary. As used in this paragraph, "firefighting unit" shall mean a municipal fire department, a fire district, or an agency of a county or the State which is responsible for control and extinguishment of fires.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system pursuant to this amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6 et al.).

(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 by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last day of the month as of which the annual actuarial valuation is prepared.

(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 (a) under the age of 18, or (b) 18 years of age or older and enrolled in a secondary school, or (c) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member's willful misconduct, or (d) 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 workday.

(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.

(29) "Mortgage loan" shall mean any indebtedness secured by a mortgage on a residential property, which mortgage shall constitute a first lien on that property.

(30) "Residential property" shall mean any real property including land or, in the case of condominiums, an interest in a lot of land, which real property shall consist of a single one- or two-family dwelling, including appropriate garages or other outbuildings.

24. Section 13 of P.L.1944, c.255 (C.43:16A-13) is amended to read as follows:

C.43:16A-13 Police and firemen's retirement system trustees.

13. (1) Subject to the provisions of P.L.1955, c.70 (C.52:18A-95 et seq.), the general responsibility for the proper operation of the retirement system is hereby vested in a board of trustees.

(2) The board shall consist of nine trustees as follows:

(a) Four members to be appointed by the Governor, with the advice and consent of the Senate, who shall serve for a term of office of four years and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor an active or retired member of any police or fire department thereof. Of the four members initially appointed by the Governor pursuant to P.L.1992, c.41 (C.43:6A-33.1 et al.), 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 one for a term of four years.

(b) The State Treasurer or the deputy State Treasurer, when designated for that purpose by the State Treasurer.

(c) Two policemen and two firemen who shall be active or retired members of the system and who shall be elected by the members of the system for a term of four years according to such rules and regulation as the board of trustees shall adopt to govern such election.

(3) Each trustee shall, after his appointment or election, take an oath of office that, so far as it devolves upon him he will diligently and honestly fulfill his duties as a board member, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(4) If a vacancy occurs in the office of a trustee, the vacancy shall be filled in the same manner as the office was previously filled.

(5) The trustees shall serve without compensation, but they shall be reimbursed for all necessary expenses that they may incur through service on the board.

(6) Each trustee shall be entitled to one vote in the board. Five trustees must be present at any meeting of said board for the transaction of its business.

(7) Subject to the limitations of this act, the board of trustees shall annually establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

(8) The board of trustees shall elect from its membership a chairman. The Chief of the Bureau of Police and Fire Funds of

the Division of Pensions of the State Department of the Treasury shall be the secretary of the board. The administration of the program shall be performed by the personnel of the Division of Pensions.

(9) The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. The retirement system shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(10) The Attorney General of the State of New Jersey shall be the legal adviser of the retirement system, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the board on a matter affecting the retirement system, the board may select and employ legal counsel to advise and represent the board on that matter.

(11) The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board of trustees for valid reason. It shall be composed of three physicians who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

(12) The actuary of the system shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the board for valid reason. He shall be the technical adviser of the board of trustees on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(13) At least once in each three-year period the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and, with the advice of the actuary, the board of trustees shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this act.

(14) (Deleted by amendment.)

(15) On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liability of the funds of the system created by this act.

(16) (Deleted by amendment, P.L.1987, c. 330.)

(17) Each policeman or fireman member of the board of trustees shall be entitled to time off from his duty, with pay, during the periods of his attendance upon regular or special meetings of the board of trustees, and such time off shall include reasonable travel time required in connection therewith.

25. Section 15 of P.L.1944, c.255 (C.43:16A-15) is amended to read as follows:

C.43:16A-15 Contributions; expenses of administration.

15. (1) The contributions required for the support of the retirement system shall be made by members and their employers.

(2) The uniform percentage contribution rate for members shall be 8.5% of compensation.

(3) (Deleted by amendment, P.L.1989, c.204).

(4) Each employer shall make contributions equal to the percentage of compensation of members in its employ as certified by the board of trustees based on annual actuarial valuations. The percentage rate of contribution payable by employers shall be determined initially on the basis of the entry age normal cost method. This shall be known as the "normal contribution." The actuary shall redetermine the normal contributions for the retirement system as of June 30, 1989 and June 30, 1990.

(5) (Deleted by amendment, P.L.1989, c.204).

(6) The percentage rates of contribution payable by employers pursuant to subsection (4) of this section shall be subject to adjustment from time to time by the board of trustees with the advice of the actuary on the basis of annual actuarial valuations and experience investigations as provided under section 13, so that the value of future contributions of members and employers, when taken with present assets, shall be equal to the value of prospective benefit payments.

(7) Each employer shall cause to be deducted from the salary of each member the percentage of earnable compensation prescribed in subsection (2) of this section. To facilitate the making of deductions, the retirement system may modify the amount of

deduction required of any member by an amount not to exceed 1/10 of 1% of the compensation upon which the deduction is based.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted; and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1989, which is not already covered by the assets of the retirement system, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary which shall reasonably reflect the market value of the assets, and by prospective employer normal contributions and employee contributions. Using the total amount of this unfunded accrued liability, the actuary shall determine a rate of contribution that shall be an initial amount of contribution divided by the compensation of all active members for the valuation period where, if the contribution is increased annually for a specific period of time, it will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years. This shall be known as the "accrued liability contribution rate." The actuary shall compute annually an amount of contribution based upon the total compensation of all members in active service and the accrued liability contribution rate. This shall be known as the "accrued liability contribution."

The value of the assets for the valuation period ending June 30, 1989 shall be the full market value of the assets as of that date.

The value of the assets for the valuation period ending June 30, 1990 shall be the value of the assets for the preceding valuation period increased by $8\frac{3}{4}\%$, plus the net cash flow for the valuation period (the difference between the benefits paid by the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of June 30, 1990.

The tables of actuarial assumptions previously adopted by the board of trustees for the valuation periods ending June 30, 1989 and June 30, 1990 shall be applicable to the revaluations of the retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.), except that the assumptions for salary increases and increases in pension adjustment benefits shall be those proposed by the actuary to the retirement system in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1989 and June 30, 1990 submitted by the actuary on April 27, 1992.

The normal and accrued liability contributions, which shall be certified by the retirement system no later than December 31 each year, shall be included in the budget of the employer and levied and collected in the same manner as any other taxes are levied and collected for the payment of the salaries of members.

(10) The treasurer or corresponding officer of the employer shall pay to the State Treasurer no later than April 1 of the State's fiscal year in which payment is due the amount so certified as payable by the employer, and shall pay monthly to the State Treasurer the amount of the deductions from the salary of the members in the employ of the employer, and the State Treasurer shall credit such amount to the appropriate fund or funds, of the retirement system.

If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by this act, interest at the rate of 10% per annum shall commence to run against the unpaid balance thereof on the first day after such 30th day.

If payment in full, representing the monthly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 10% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such 15th day.

(11) The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be

computed as the number of members under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

(13) (Deleted by amendment, P.L.1992, c.41.)

(14) Commencing with valuation year 1991, with payment to be made in Fiscal Year 1994, the Legislature shall annually appropriate and the State Treasurer shall pay into the pension accumulation fund of the retirement system an amount equal to 1.4% of the compensation of the members of the system upon which the normal contribution rate is based to fund the benefits provided by section 16 of P.L.1964, c.241 (C.43:16A-11.1), as amended by P.L.1979, c.109.

26. Section 7 of P.L.1989, c.204 (C.43:16A-15.6) is amended to read as follows:

C.43:16A-15.6 Pension adjustment benefits; funding.

7. Pension adjustment benefits for members and beneficiaries of the Police and Firemen's Retirement System of New Jersey as provided by P.L.1958, c.143 (C.43:3B-1 et seq.) shall be paid by the retirement system from the contingent reserve fund and shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system. The funding shall be phased in as determined by the board of trustees after consultation with the Director of the Division of Pensions and the actuary, except that: a. the phase-in period shall begin with valuation year 1989 and shall be 30 years, and b. any reduction in contributions from recognition of the full market value of the assets as of June 30, 1989 over the adjusted book value of the assets written up by 60% of the excess of market value over adjusted book value as of June 30, 1989 in a fashion similar to that presented in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1989 and June 30, 1990 submitted by the actuary

on April 27, 1992 shall be used to accelerate the funding of the liabilities for pension adjustment benefits.

27. Section 3 of P.L.1965, c.89 (C.53:5A-3) is amended to read as follows:

C.53:5A-3 Definitions.

3. As used in this act:

a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him or on his behalf, standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.

b. "Annuity" means payments for life derived from the aggregate contributions of a member.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables recommended by the actuary as the board of trustees adopts and regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Board of trustees" or "board" means the board provided for in section 30 of this act.

f. "Child" means 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.

g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.

h. "Parent" means 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.

i. "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.

j. "Final salary" means the average salary received by the member in the last 12 months of creditable service preceding his retirement or death. Such term shall not include the value of the member's maintenance allowance.

k. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

l. "Medical board" means the board of physicians provided for in section 30 of this act.

m. "Member" means any full-time, commissioned officer, non-commissioned officer or trooper of the Division of State Police of the Department of Law and Public Safety of the State of New Jersey enrolled in the retirement system established by this act.

n. "Pension" means payment for life derived from contributions by the State.

o. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees and regular interest.

p. "Regular interest" means interest as determined by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed 110% of the weighted average, published by the United States Internal Revenue Service, of the rates of interest on 30-year United States Treasury Constant Maturities during the four-year period ending on the last day of the month as of which the annual actuarial valuation is prepared.

q. "Retirant" means any former member receiving a retirement allowance as provided by this act.

r. "Retirement allowance" means the pension plus the annuity.

s. "State Police Retirement System of New Jersey," herein also referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and of the benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested,

warrants for moneys drawn, and payments made and all of its cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

t. "Surviving spouse" means the person to whom a member or a retirant was married on the date of the death of the member or retirant. The dependency of such a surviving spouse will be considered terminated by the marriage of the surviving spouse subsequent to the member's or the retirant's death.

u. "Compensation" for purposes of computing pension contributions means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State 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 or shift.

28. Section 30 of P.L.1965, c.89 (C.53:5A-30) is amended to read as follows:

C.53:5A-30 State Police retirement system trustees.

30. a. Subject to the provisions of P.L.1955, c.70 (C.52:18A-95 et seq.), the general responsibility for the proper operation of the retirement system is hereby vested in the board of trustees.

b. The board shall consist of five trustees as follows:

(1) Two active or retired members of the system who shall be appointed by the Superintendent of State Police, who shall serve at the pleasure of the superintendent and until their successors are appointed and one of whom shall be or shall have been a commissioned officer of the Division of State Police.

(2) Two members to be appointed by the Governor, with the advice and consent of the Senate, who shall serve for a term of office of three years and until their successors are appointed and who shall be private citizens of the State of New Jersey who are neither an officer thereof nor active or retired members of the system. Of the two members initially appointed by the Governor pursuant to P.L.1992, c.41 (C.43:6A-33.1 et al.), one shall be appointed for a term of two years and one for a term of three years.

(3) The State Treasurer ex officio. The Deputy State Treasurer, when designated for that purpose by the State Treasurer, may sit as a member of the board of trustees and when so sitting shall

have all the powers and shall perform all the duties vested by this act in the State Treasurer.

c. Each trustee shall, after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly fulfill his duties as a board member, that he will not knowingly violate or permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed by the member taking it, and certified by the official before whom it is taken, and immediately filed in the office of the Secretary of State.

d. If a vacancy occurs in the office of a trustee, the vacancy shall be filled in the same manner as the office was previously filled.

e. The trustees shall serve without compensation, but they shall be reimbursed by the State for all necessary expenses that they may incur through service on the board. No employee member shall suffer loss of salary through the serving on the board.

f. Except as otherwise herein provided, no member of the board of trustees shall have any direct interest in the gains or profits of any investments of the retirement system; nor shall any member of the board of trustees directly or indirectly, for himself or as an agent in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any member of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the retirement system.

g. Each trustee shall be entitled to one vote in the board. A majority vote of all trustees shall be necessary for any decision by the trustees at any meeting of said board.

h. Subject to the limitations of this act, the board of trustees shall annually establish rules and regulations for the administration of the funds created by this act and for the transactions of its business. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions in order to permit the most economical and uniform administration of all such retirement systems.

i. The actuary of the fund shall be selected by the State Treasurer after consultation with the Director of the Division of Pensions and Benefits, subject to veto by the board for valid reason. He shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of

this act and shall perform such other duties as are required in connection herewith.

j. The Attorney General shall be the legal adviser of the retirement system, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the board on a matter affecting the retirement system, the board may select and employ legal counsel to advise and represent the board on that matter.

k. The Chief of the Bureau of Police and Fire Funds of the Division of Pensions of the State Department of the Treasury shall be the secretary of the board.

l. The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. The retirement system shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

m. The State Treasurer shall designate a medical board after consultation with the Director of the Division of Pensions, subject to veto by the board of trustees for valid reason. It shall be composed of three physicians. The medical board shall pass on all medical examinations required under the provisions of this act, and shall report in writing to the retirement system its conclusions and recommendations upon all matters referred to it.

n. (Deleted by amendment, P.L.1987, c.330).

29. Section 34 of P.L.1965, c.89 (C.53:5A-34) is amended to read as follows:

C.53:5A-34 Contingent reserve fund.

34. The Contingent Reserve Fund shall be the fund in which shall be credited contributions made by the State.

a. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually the amount of the contribution, expressed as a proportion of the salaries paid to all members, which, if paid monthly during the entire prospective service of the members, will be sufficient to provide for the pension reserves required at the time of the discontinuance of active service to cover all pensions to which they may be entitled or which are payable on their

account and to provide for the amount of the death and accidental disability benefits payable on their account, which amount is not covered by other contributions to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution." The actuary shall redetermine the normal contributions for the retirement system as of June 30, 1990 and June 30, 1991.

b. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1990, which is not already covered by the assets of the retirement system, valued in accordance with an asset valuation method adopted by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary which shall reasonably reflect the market value of the assets, and by prospective employer normal contributions and employee contributions. Using the total amount of this unfunded accrued liability the actuary shall determine a rate of contribution that shall be an initial amount of contribution divided by the compensation of all active members for the valuation period where, if the contribution is increased annually for a specific period of time, it will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years. This shall be known as the "accrued liability contribution rate." The actuary shall compute annually an amount of contribution based upon the total compensation of all members in active service and the accrued liability contribution rate. This shall be known as the "accrued liability contribution."

The value of the assets for the valuation period ending June 30, 1990 shall be the full market value of the assets as of that date. The value of the assets for the valuation period ending June 30, 1991 shall be the value of the assets for the preceding valuation period increased by $8\frac{3}{4}\%$, plus the net cash flow for the valuation period (the difference between the benefits paid by the system and the contributions to the system) increased by $4\frac{3}{8}\%$, plus 20% of the difference between this expected value and the full market value of the assets as of June 30, 1991.

The tables of actuarial assumptions previously adopted by the board of trustees for the valuation periods ending June 30, 1990 and June 30, 1991 shall be applicable to the revaluations of the

retirement system under P.L.1992, c.41 (C.43:6A-33.1 et al.), except that the assumptions for salary increases, medical premium inflation and increases in pension adjustment benefits shall be those proposed by the actuary to the retirement system in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1990 and June 30, 1991 submitted by the actuary on April 27, 1992.

An annual employer contribution for valuation years 1990 and 1991 is not required if the actuarial value of the assets exceeds the sum of the entry-age accrued liability and the normal contribution for those valuation years.

c. The actuary shall certify annually the aggregate amount payable to the Contingent Reserve Fund in the ensuing year, which amount shall be equal to the sum of the proportion of the earnable salary of all members, computed as described in subsection a. hereof and of the State's accrued liability contribution, payable in the ensuing year, as described in subsection b. hereof. The State shall pay into the Contingent Reserve Fund during the ensuing year the amount so certified. In the event the amount certified to be paid by the State includes amounts due for services rendered by members to specific instrumentalities or authorities the total amounts so certified shall be paid to the retirement system by the State; provided, however, the full cost attributable to such services rendered to such instrumentalities and authorities shall be computed separately by the actuary and the State shall be reimbursed for such amounts by such instrumentalities or authorities.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement shall be paid from the Contingent Reserve Fund.

C.53:5A-34.2 Payment of pension adjustment benefits, health benefits.

30. Pension adjustment benefits for members and beneficiaries of the State Police Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and premiums or periodic charges which the State is required to pay for benefits provided to retired State employees and their dependents under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), shall be paid by the retirement system from the contingent reserve fund or other fund or trust, established under the jurisdiction of the board of trustees, which shall receive contributions only to the extent that contribu-

tions cannot otherwise be made to a section 401 (h) account due to the requirements of subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C.§401). Any premium payments for retired participants shall first be a charge upon such other fund or trust and only secondarily on the assets set aside under subsection (h) of section 401 of the federal Internal Revenue Code of 1986 (26 U.S.C.§401). The pension adjustment benefits and premiums for health care benefits for qualified retirees shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system. The funding shall be phased in as determined by the board of trustees after consultation with the Director of the Division of Pensions and the actuary, except that: a. the phase-in period shall begin with valuation year 1993 and shall be 25 years, and b. any reduction in contributions from recognition of the full market value of the assets as of June 30, 1990 over the adjusted book value of the assets written up by 60% of the excess of market value over adjusted book value as of June 30, 1990 in a fashion similar to that presented in the draft revision of the annual actuarial reports for the valuation periods ending June 30, 1990 and June 30, 1991 submitted by the actuary on April 27, 1992 shall be used to accelerate the funding of the liabilities for pension adjustment benefits and health care benefits. The board of trustees shall determine the assumed percentage rate of increase applied to the cost of providing paid health benefits for retirees.

C.43:3B-4.5 Payment of benefits by State Police Retirement System.

31. Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits provided under that act for members and beneficiaries of the State Police Retirement System shall be paid by the retirement system.

32. Section 5 of P.L.1950, c.270 (C.52:18A-83) is amended to read as follows:

C.52:18A-83 State Investment Council established; membership; terms.

5. There is hereby established in the Division of Investment a State Investment Council which shall consist of 11 members.

Each of the following agencies, namely, the Board of Trustees of the Public Employees' Retirement System, the Board of Trustees of the State Police Retirement System, the Board of Trustees of the Teachers' Pension and Annuity Fund, the Board of Trustees

of the Police and Firemen's Retirement System of New Jersey and the Consolidated Police and Firemen's Pension Fund Commission, shall designate one of their members to serve as a member of the State Investment Council herein established. The five members of the council so selected shall serve as such for a period of one year from the date of their selection and until their respective successors are in like manner selected. Five of the remaining members of the State Investment Council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of five years and shall serve until his successor is appointed and has qualified. One member of the State Investment Council shall be appointed by the Governor from among three persons nominated jointly by the President of the Senate and the Speaker of the General Assembly and shall serve for a term of five years and until the member's successor is appointed and has qualified.

At least four of the six members appointed by the Governor to the council shall be qualified by training and experience in the field of investment and finance. No member of the State Investment Council shall hold any office, position or employment in any political party nor shall any such member benefit directly or indirectly from any transaction made by the Director of the Division of Investment provided for herein.

The members of the council shall elect annually from their number a chairman of such council. Any member of the council so elected shall serve as such chairman for a term of one year and until his successor is, in like manner, elected. The chairman of the council shall be its presiding officer.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties as approved by the chairman of the council.

Each member of the council, except the member appointed from among persons nominated by the President of the Senate and the Speaker of the General Assembly, may be removed from office by the Governor, for cause, upon notice and opportunity to be heard at a public hearing. Any vacancy in the membership of the council occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

33. Any reduction in employer contributions to the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Public Employees' Retirement System, the Consolidated Police and

Firemen's Pension Fund, the Police and Firemen's Retirement System, and the State Police Retirement System as a result of the revaluation of these retirement systems under this act for the 1992 fiscal year shall be refunded to the State on or before June 30, 1992.

In the case of payments of contributions to the Teachers' Pension and Annuity Fund, any such refund to the State shall not apply to or affect any reimbursements made to boards of education for pension contributions for school year 1991-1992.

Notwithstanding the provisions of section 3 of P.L.1990, c.52 (C.18A:7D-3), maximum Statewide foundation aid for the purpose of computing each district's foundation aid for the 1992-93 school year shall equal \$2,370,546,000.

Notwithstanding the provisions of section 6 of P.L.1990, c.52 (C.18A:7D-6), each district's maximum foundation budget shall be reduced by the amount of the anticipated pension aid payable to the school district for the 1992-93 school year pursuant to the notices provided to each district on January 28, 1992.

34. Any payment of contributions to a retirement system or pension fund required to be made by the State for fiscal year 1992 shall be due no later than June 30, 1992, any payment of contributions to a retirement system or pension fund required to be made by the State for fiscal year 1993 shall be due no later than June 30, 1993, and any payment of contributions to a retirement system or pension fund required to be made by any employer other than the State on July 1, 1992 shall be due no later than April 1, 1993.

35. The service of the trustees appointed by the Governor to the board of trustees of the Police and Firemen's Retirement System, the Public Employees' Retirement System, the State Police Retirement System, and the Teachers' Pension and Annuity Fund, and of the members appointed by the Governor to the Consolidated Police and Firemen's Pension Fund Commission, shall terminate at the end of the sixth calendar month following the effective date of P.L.1992, c.41 (C.43:6A-33.1 et al.).

C.52:18A-95.1 Division of Pensions renamed Division of Pensions and Benefits.

36. The Division of Pensions in the Department of the Treasury, created and established by P.L.1955, c.70 (C.52:18A-95 et seq.), shall be known and be referred to as the Division of Pensions and Benefits. Any reference in a law, rule, regulation,

judicial or administrative proceeding, or otherwise to the Division of Pensions shall mean and refer to the Division of Pensions and Benefits.

37. The members of the State Investment Council serving on the effective date of P.L.1992, c.41 (C.43:6A-33.1 et al.) shall continue in their terms of office, but each appointment by the Governor to the State Investment Council following that effective date shall be subject to the advice and consent of the Senate.

C.43:3C-11 Benefits of present, future retirees unaffected.

38. No present or future retirees of the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Public Employees' Retirement System, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, or the State Police Retirement System shall receive any reduction in benefits or incur any additional costs as a result of the provisions of P.L.1992, c.41 (C.43:6A-33.1 et al.).

39. Notwithstanding the provisions of section 29 of P.L.1992, c.40, an amount not less than \$769,000,000 refunded to the State from the retirement systems pursuant to section 33 of P.L.1992, c.41 shall be reflected as a resource to the General Fund for fiscal year 1993 on July 1, 1992.

Repealer.

40. Section 12 of P.L.1966, c.67 (C.43:15A-37.1) is repealed.

41. This act shall take effect immediately.

Approved June 30, 1992.

CHAPTER 42

AN ACT permanently designating the month of April as "Child Abuse Awareness Month."

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

1. The Legislature finds and declares that:

a. The incidence of child abuse continues to increase in this State and in the nation, and is a serious concern because it affects not only children but their families and community as well; and

b. While there were over 54,000 cases of suspected child abuse reported in New Jersey in 1990, many more cases go undetected; and

c. Although State government has increased its support of programs to identify and treat child abuse, there remains a tremendous need for community based programs which focus on the prevention of child abuse; and

d. Research has demonstrated that child abuse is not limited to any particular economic or social group, and greater community awareness and broad-based support of child abuse prevention programs will help ensure their success.

C.36:2-30 "Child Abuse Awareness Month," designated.

2. The month of April is permanently designated and declared "Child Abuse Awareness Month" in the State of New Jersey.

3. The Governor and the Legislature urge parents, families and community organizations to recognize "Child Abuse Awareness Month" by increasing awareness of the problem of child abuse and emphasizing activities and programs which prevent child abuse.

4. This act shall take effect immediately.

Approved July 2, 1992.

CHAPTER 43

AN ACT establishing the Workforce Development Partnership Program and revising parts of the statutory law.

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

C.34:15D-1 Short title.

1. This act shall be known and may be cited as the "1992 New Jersey Employment and Workforce Development Act."

C.34:15D-2 Findings, declarations.

2. The Legislature finds and declares that:

a. New Jersey, facing an intensely competitive world economy, must choose whether to compete against countries that have low-paid, unskilled workforces or to compete for the high-productivity jobs that can provide a foundation for an economic leadership position for New Jersey and high living standards for all of its citizens;

b. If New Jersey is going to take the high-skill, high-productivity, high-wage path, it will need a genuine partnership between business, labor and government to invest in the first-rate training and education for front-line workers needed to stimulate greater worker involvement in promoting innovation, quality control and responsiveness to rapid technological advances in production;

c. Current private sector efforts to train and educate employees in New Jersey are extensive, involving the expenditure of hundreds of millions of dollars, but the overwhelming majority of those expenditures goes to the minority of employees, usually placed in management, scientific and technical positions, who already have college degrees;

d. The inadequate emphasis on training and ongoing education for the broad majority of front-line workers is further compounded by the fact that 90% of job training expenditures by American businesses is spent by only one half of one percent of American businesses;

e. Although current training programs for the long-term jobless and other disadvantaged individuals have increased skilled labor resources in the State, and although federal funding for those programs is inadequate to cover more than a small minority of those eligible, there is an even greater need for new public resources to upgrade the skills of vastly larger numbers of currently employed, or recently displaced, mainstream front-line workers;

f. Proposals have been made by the administrations of both Governor Kean and Governor Florio to redirect existing payroll taxes to fund a broader and more in-depth program of worker training and access to lifelong education, a method successfully employed by other States and by leading international industrial competitors, such as Germany, Japan and France;

g. The potential contribution of business-labor cooperation to create a highly productive workforce has also been demonstrated, domestically and overseas, by the effectiveness of apprenticeship programs in certain skilled trades;

h. It is therefore an appropriate public purpose to sustain the current level of support of training programs for disadvantaged

individuals and to establish, with the active participation of New Jersey's business and labor communities, a broader program of expanded, high-quality training and education, including needed basic skills education, for currently employed and recently displaced front-line workers, funded by the redirection of a portion of existing payroll taxes.

C.34:15D-3 Definitions.

3. As used in this act:

"Administrative costs" means any costs incurred by the department to administer the program, including any cost required to collect information and conduct evaluations of service providers pursuant to section 8 of this act and conduct surveys of occupations pursuant to section 12 of this act, to the extent that funding is not available from federal or other sources.

"Approved service provider" means a service provider approved pursuant to section 8 of this act.

"Commission" means the State Employment and Training Commission.

"Commissioner" means the Commissioner of Labor or the commissioner's designees.

"Customized training services" means employment and training services which are provided by the Office of Customized Training pursuant to section 5 of this act.

"Department" means the State Department of Labor.

"Employer" or "business" means any employer subject to the provisions of R.S.43:21-1 et seq.

"Employment and training services" means:

- a. Counseling provided pursuant to section 7 of this act;
- b. Vocational training;
- c. Remedial education; or
- d. Occupational safety and health training.

"Fund" means the Workforce Development Partnership Fund established pursuant to section 9 of this act.

"Labor Demand Occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to section 12 of this act.

"Occupational safety and health training" means training or education which is designed to assist in the recognition and pre-

vention of potential health and safety hazards related to an occupation which is the subject of vocational training.

“Office” means the Office of Customized Training established pursuant to section 5 of this act.

“Permanent employment” means full-time employment unsubsidized by government training funds which provides a significant opportunity for career advancement and long-term job security and is in the occupation for which a worker receives vocational training pursuant to this act.

“Program” means the Workforce Development Partnership Program created pursuant to this act.

“Qualified disadvantaged worker” means a worker who is not a qualified displaced worker or a qualified employed worker but who otherwise meets the following criteria:

- a. Is unemployed;
- b. Is working part-time and actively seeking full-time work or is working full-time but is earning wages substantially below the median salary for others in the labor force with similar qualifications and experience; or
- c. Is certified by the Department of Human Services as:
 - (1) Currently receiving public assistance;
 - (2) Having been recently removed from the public assistance rolls because of gross income exceeding the grant standard for assistance; or
 - (3) Being eligible for public assistance but not receiving the assistance because of a failure to apply for it.

“Qualified displaced worker” means a worker who:

- a. Is unemployed, and:
 - (1) Is currently receiving unemployment benefits pursuant to R.S.43:21-1 et seq. or any federal or State unemployment benefit extension; or
 - (2) Has exhausted eligibility for the benefits or extended benefits during the preceding 52 weeks; or
- b. Meets the criteria set by Title III of the “Job Training Partnership Act,” Pub.L. 97-300 (29 U.S.C. §1651 et seq.) to be regarded as an “eligible dislocated worker” pursuant to that act.

“Qualified employed worker” means a worker who is employed by an employer participating in a customized training program.

“Qualified job counselor” means a job counselor whose qualifications meet standards established by the commissioner.

“Remedial education” means any literacy or other basic skills training or education which may not be directly related to a par-

ticular occupation but is needed to facilitate success in vocational training or work performance.

“Service provider” or “provider” means a provider of employment and training services including but not limited to a private or public school or institution of higher education, a business, a labor organization or a community-based organization.

“Total revenues dedicated to the program during any one fiscal year” means all moneys received for the fund during any fiscal year, including moneys withdrawn from the State disability benefits fund pursuant to section 3 of P.L.1992, c.44 (C.34:15D-14), minus any repayment made during that fiscal year from the fund to the State disability benefits fund pursuant to that section.

“Training grant” means a grant provided to fund vocational training and any needed remedial education for a qualified displaced or disadvantaged worker pursuant to section 6 of this act.

“Vocational training” means training or education which is related to an occupation and is designed to enhance the marketable skills and earning power of a worker or job seeker.

C.34:15D-4 Workforce Development Partnership Program established.

4. a. The Workforce Development Partnership Program is hereby established in the Department of Labor and shall be administered by the Commissioner of Labor. The purpose of the program is to provide qualified displaced, disadvantaged and employed workers with the employment and training services most likely to provide the greatest opportunity for long-range career advancement with high levels of productivity and earning power. To implement that purpose, the program shall provide those services by means of training grants or customized training services, to the extent that funding for the services is not available from federal or other sources. The commissioner is authorized to expend moneys from the Workforce Development Partnership Fund to provide the training grants or customized training services and provide for each of the following:

(1) The cost of counseling required pursuant to section 7 of this act, to the extent that adequate funding for counseling is not available from federal or other sources;

(2) Reasonable administrative costs not to exceed 10% of the revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13) during any one fiscal year, except for additional start-up administrative costs approved by the Director of the

Office of Management and Budget during the first year of the program's operation;

(3) Reasonable costs, not exceeding 0.5% of the revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13) during any one fiscal year, as required by the State Employment and Training Commission to design criteria and conduct an annual evaluation of the program; and

(4) The cost of reimbursement to individuals for excess contributions pursuant to section 6 of P.L.1992, c.44 (C.34:15D-17).

b. Not more than 10% of the moneys received by any service provider pursuant to this act shall be expended on anything other than direct costs to the provider of providing the employment and training services, which direct costs shall not include any administrative or overhead expense of the provider.

c. Training and employment services shall be provided to a worker who receives counseling pursuant to section 7 of this act only if the counselor who evaluates the worker pursuant to that section determines that the worker can reasonably be expected to successfully complete the training and education identified in the Employability Development Plan developed pursuant to that section for the worker.

d. All vocational training provided under this act:

(1) Shall be training which is likely to substantially enhance the individual's marketable skills and earning power; and

(2) Shall be training for a labor demand occupation, except for:

(a) Customized training provided to the present employees of a business which the commissioner deems to be in need of the training to prevent job loss caused by obsolete skills, technological change or national or global competition; or

(b) Customized training provided to employees at a facility which is being relocated from another state into New Jersey.

e. Not less than 30% of the total revenues dedicated to the program during any one fiscal year shall be reserved to provide employment and training services for qualified displaced workers. Eight percent of the total revenues dedicated to the program during any one fiscal year shall be reserved to provide employment and training services for qualified disadvantaged workers. Not less than 3% of the total revenues dedicated to the program during any one fiscal year shall be reserved for occupational safety and health training.

f. Funds available under the program shall not be used for activities which induce, encourage or assist: any displacement of

currently employed workers by trainees, including partial displacement by means such as reduced hours of currently employed workers; any replacement of laid off workers by trainees; or any relocation of operations resulting in a loss of employment at a previous workplace located in the State.

g. On the job training shall not be funded by the program for any employment found by the commissioner to be of a level of skill and complexity too low to merit training. The duration of on the job training funded by the program for any worker shall not exceed the duration indicated by the Specific Vocational Preparation Code developed by the United States Department of Labor for the occupation for which the training is provided and shall in no case exceed 26 weeks. The department shall set the duration of on the job training for a worker for less than the indicated maximum, when training for the maximum duration is not warranted because of the level of the individual's previous training, education or work experience. On the job training shall not be funded by the program unless it is accompanied, concurrently or otherwise, by whatever amount of classroom-based vocational training, remedial education or both, is deemed appropriate for the worker by the commissioner.

h. Employment and training services funded by the program shall not replace, supplant, compete with or duplicate in any way approved apprenticeship programs.

i. No activities funded by the program shall impair existing contracts for services or collective bargaining agreements, except that activities which would be inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and employer who are parties to the agreement.

C.34:15D-5 Office of Customized Training established.

5. a. There is hereby established, as part of the Workforce Development Partnership Program, the Office of Customized Training. Moneys allocated to the office from the fund shall be used to provide employment and training services to eligible applicants approved by the commissioner.

b. An applicant shall be eligible for customized training services if it is one of the following:

(1) An individual employer that seeks the customized training services to create, upgrade or retain jobs in a labor demand occupation;

(2) An individual employer that seeks customized training services to upgrade or retain jobs in an occupation which is not a labor demand occupation, if the commissioner determines that the services are necessary to prevent the likely loss of the jobs or that the services are being provided to employees at a facility which is being relocated from another state into New Jersey;

(3) An employer organization, labor organization or community-based organization seeking the customized training services to provide training in labor demand occupations in a particular industry; or

(4) A consortium made up of one or more educational institutions and one or more eligible individual employers or labor, employer or community-based organizations that seeks the customized training services to provide training in labor demand occupations in a particular industry.

c. Each applicant seeking customized training services shall submit an application to the commissioner in a form and manner prescribed in regulations adopted by the commissioner. The application shall be accompanied by a business plan of each employer which will receive customized training services if the application is approved. The business plan shall include:

(1) A justification of the need for the services and funding from the office, including information sufficient to demonstrate to the satisfaction of the commissioner that the applicant will provide significantly less of the services if the requested funding is not provided by the office;

(2) A comprehensive long-term human resource development plan which:

(a) Extends significantly beyond the period of time in which the services are funded by the office; and

(b) Significantly enhances the productivity and competitiveness of the employer operations located in the State and the employment security of workers employed by the employer in the State;

(3) Evidence, if the training sought is for an occupation which is not a labor demand occupation, that the customized training services are needed to prevent job loss caused by obsolete skills, technological change or national or global competition or that the services are being provided to employees at a facility which is being relocated from another state into New Jersey;

(4) Information demonstrating that most of the individuals receiving the services will be trained primarily for work in the direct production of goods or services; and

(5) Any other information which the commissioner deems appropriate.

The commissioner may provide whatever assistance he deems appropriate in the preparation of the application and business plan, which may include labor market information, projections of occupational demand and information and advice on alternative training and education strategies.

d. Each employer that receives customized training services shall contribute a minimum of 40% of the total cost of the customized training services, except that the commissioner shall set a higher or lower minimum contribution by an employer, if warranted by the size and economic resources of the employer or other factors deemed appropriate by the commissioner.

e. Each employer receiving customized training services shall hire or retain in permanent employment each worker who successfully completes the training and education provided under the customized training. The employer shall be entitled to select the qualified employed, disadvantaged or displaced workers who will participate in the customized training, except that if any collective bargaining unit represents a qualified employed worker, the selection shall be conducted in a manner acceptable to both the employer and the collective bargaining unit. The commissioner shall provide for the withholding, for a time period he deems appropriate, of whatever portion he deems appropriate of program funding as a final payment for customized training services, contingent upon the hiring and retention of a program completer as required pursuant to this section.

f. The customized training services provided to an approved applicant may include any combination of employment and training services or any single employment and training service approved by the commissioner, including remedial education provided to upgrade workplace literacy. Each service may be provided by a separate approved service provider.

g. Customized training services shall include any remedial education determined necessary pursuant to section 7 of this act. Applications for customized training services shall include estimates of the total need for remedial education determined in a manner deemed appropriate by the commissioner.

h. Any business seeking customized training services shall, in the manner prescribed by the commissioner, participate in the development of a plan to provide the services. Any business seeking customized training services for workers represented by a

collective bargaining unit shall notify the collective bargaining unit and permit it to participate in developing the plan. No customized training services shall be provided to a business employing workers represented by a collective bargaining unit without the written consent of both the business and the collective bargaining unit.

i. Any business receiving customized training services shall be responsible for providing workers' compensation coverage for any worker participating in the customized training.

C.34:15D-6 Training grants.

6. The Workforce Development Partnership Program shall, to the extent that resources available in the fund permit, provide, for each qualified displaced or disadvantaged worker who undergoes counseling pursuant to section 7 of this act, a training grant to pay for employment and training services which are identified in the Employability Development Plan developed pursuant to that section for that worker. No training grant made during the first 12 months following July 1, 1992 shall exceed the amount deemed reasonable by the commissioner for the particular training, which amount shall not exceed \$4,000, except that the commissioner may permit an additional amount, if he deems it necessary to provide remedial education identified in the Employability Development Plan.

The maximum amounts permitted for training grants may be adjusted annually thereafter by the commissioner, taking into consideration changes in the prevailing costs of services and the availability of alternative sources of funding for the services. Any cost for employment and training services which exceeds the amount of a training grant shall be the responsibility of the worker receiving the grant. The cost of counseling provided pursuant to section 7 of this act shall not be charged against the training grant. No portion of a training grant may be expended on wage subsidies.

If the requirements of this section and sections 4 and 7 of this act are met, a qualified displaced or disadvantaged worker shall not be denied a training grant for any of the following reasons: the training includes remedial education needed by the worker to succeed in the vocational component of the training; the training is part of a program under which the worker may obtain any college degree enhancing the worker's marketable skills and earning power; the length of the training period under the program; or the lack of a prior guarantee of employment upon completion of the training.

C.34:15D-7 Counseling.

7. Counseling shall be made available by the department to each qualified displaced or disadvantaged worker applying to participate in the program. Counseling may also be made available to a qualified employed worker selected to participate in a customized training program, if the worker's employer requests the counseling. The department may itself provide the counseling or obtain the counseling from a service provider, if the service provider is different from and not affiliated with any service provider offering any employment and training services to the worker other than the counseling, except that the department may obtain testing and assessment services provided pursuant to subsection a. of this section from a provider which also offers employment and training services to the worker other than the counseling. The purpose of any counseling made available pursuant to this section is to assist each worker in obtaining the employment and training services most likely to provide the worker with the greatest opportunity for long-range career advancement with high levels of productivity and earning power. Whether provided by the department or a service provider, the counseling shall include:

a. Testing and assessment of the worker's job skills and aptitudes, including the worker's literacy skills and other basic skills. Basic skills testing and assessment shall be provided to the worker unless information is provided regarding the worker's educational background and occupational or professional experience which clearly demonstrates that the worker's basic skill level meets the standards established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11) or unless the worker is already participating in a remedial education program which meets those standards;

b. An evaluation by a qualified job counselor of what remedial education, if any, is determined to be necessary for the worker to succeed in any particular vocational training which the worker would undertake under the program, provided that the remedial education shall be at a level not lower than that needed to meet the standards established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11);

c. The provision of information to the worker regarding any of the labor demand occupations for which training meets the requirements of section 4 of this act in the worker's case, including the information about the wage levels in those occupations which is available to the department and any information available to the department regarding the effectiveness of approved

service providers of vocational training in occupations which the worker is considering;

d. The provision of information to the worker regarding the services and benefits available to the worker under the provisions of this act and P.L.1992, c.47 (C.43:21-57 et al.); and

e. Discussion with the counselor of the results of the testing and evaluation and, based on those results, the development of a written Employability Development Plan identifying the training and employment services, including any needed remedial education, to be provided to the worker pursuant to this act.

Counseling made available at the request of an employer participating in a customized training program may include only those components requested by the employer.

All information regarding a worker applicant or trainee which is obtained or compiled in connection with the testing, assessment and evaluation and which may be identified with the worker shall be confidential and shall be released to an entity other than the worker, the counselor or the department only if the worker provides written permission to the department for the release of the information or the information is used solely for program evaluation.

C.34:15D-8 Employment, training services criteria.

8. a. No employment and training services shall be obtained from a service provider with moneys from the fund unless the provider is located in New Jersey and is approved, pursuant to the procedures and criteria established by the State Employment and Training Commission pursuant to section 13 of this act, by:

(1) The commissioner in consultation with the Department of Education and the Department of Higher Education, in the case of counseling, vocational training or remedial education; or

(2) The commissioner in consultation with the Department of Health, in the case of occupational safety and health training.

b. No service provider shall be approved to be funded by the program to provide an employment and training service unless the provider agrees to provide the service to each trainee referred to it on a first-come, first-served basis, up to the total number of trainees that the provider agrees to serve. This subsection shall not be construed as limiting or curtailing in any way an employer's right to select the workers who participate in customized training pursuant to the provisions of subsection e. of section 5 of this act.

c. Each service provider shall make appropriate records available upon request for monitoring or inspection by the commissioner, including:

(1) A record for each student enrolled, including the student's name and Social Security number;

(2) A record of all administrative and overhead expenses of the provider related to the providing of employment and training services funded by the program and the provider's direct expenses of providing the services; and

(3) Any other information deemed appropriate by the State Employment and Training Commission for evaluation purposes.

d. In the case of a provider of vocational training services, the commissioner shall collect the information needed to effectively measure the long-term success of the former trainees of the provider in obtaining permanent employment and increasing earnings over a period of not less than two years following the completion of training. The commission shall set such standards as it deems appropriate regarding comparisons of the former trainees with groups of otherwise similar individuals who did not receive the training. The commissioner shall use the information obtained pursuant to this subsection to:

(1) Assist in evaluating the performance of providers of vocational training services;

(2) Assist in determining which providers of vocational training services to approve pursuant to subsection a. of this section;

(3) Assist in providing reliable information regarding the quality of available providers of vocational training services as part of the counseling provided pursuant to section 7 of this act; and

(4) Assist in evaluating the overall effectiveness of training funded by the program.

C.34:15D-9 Workforce Development Partnership Fund.

9. A restricted, nonlapsing, revolving Workforce Development Partnership Fund, to be managed and invested by the State Treasurer, is hereby established to: provide employment and training services to qualified displaced, disadvantaged and employed workers by means of training grants or customized training services; and provide for the other costs indicated in subsection a. of section 4 of this act. All appropriations to the fund, all interest accumulated on balances in the fund and all cash received for the fund from any other source shall be used solely for the purposes specifically delineated by this act.

Beginning January 1, 1995, and for all subsequent calendar years, the balance in the fund as of the previous December 31, as determined in accordance with generally accepted accounting principles, shall not exceed 1.5 times the amount of contributions deposited for the calendar year then ended. If the balance exceeds this amount, the excess shall be deposited into the unemployment compensation fund within seven business days of the date that the determination is made.

C.34:15D-10 Commissioner's duties.

10. The commissioner shall, in a manner which complies with all provisions of this act:

- a. Implement performance measurements for the program consistent with the provisions of section 8 of this act and with the criteria and procedures established by the State Employment and Training Commission pursuant to section 13 of this act;
- b. Establish minimum standards for consideration of proposals from applicants for customized training services;
- c. Establish review and approval procedures for training grant applications from qualified displaced and disadvantaged workers; and
- d. Ensure the provision of adequate fiscal accounting controls for the monitoring and auditing of training grants and customized training services provided pursuant to this act.

C.34:15D-11 Rules, regulations.

11. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to govern the proper conduct and operation of the program consistent with the provisions of this act. These rules and regulations may include guidelines in addition to, but not inconsistent with, those provided by this act regarding:

- a. Contracts between applicants for customized training services, the program, service providers or any combination of the three;
- b. The issuance of training grants to qualified displaced and disadvantaged workers;
- c. Eligibility and priority of employment and training services to employers and qualified displaced, disadvantaged and employed workers; and
- d. Qualifications of instruction, facilities, financial responsibility, business practices, and any other matter essential to the maintenance of the adequacy of employment and training services.

C.34:1A-78 Occupational survey.

12. The New Jersey Occupational Information Coordinating Committee shall conduct, not less than once every three years, and on a Statewide basis, a comprehensive survey of occupations in the State comparing the total anticipated need for trained workers in each occupation with the total number being trained and designate as a labor demand occupation each occupation which is likely to have a significant excess of demand over supply for adequately trained workers during the subsequent period of four or more years. The committee may utilize survey data obtained by other agencies or from other sources to fulfill its responsibilities under this section.

C.34:15C-8.1 State Employment and Training Commission, duties.

13. The State Employment and Training Commission shall, in a manner which complies with all provisions of this act and with the provisions of section 11 of P.L.1989, c.293 (C.34:15C-8):

- a. Establish criteria and procedures for the evaluation of employment and training services funded pursuant to this act;
- b. Establish criteria and procedures for the evaluation and approval of service providers pursuant to section 8 of this act; and
- c. Conduct an annual evaluation of the program and make an annual report to the Governor and the Legislature regarding the effectiveness of the program in implementing the purposes of this act during the previous State fiscal year. The report shall include information regarding the effectiveness of the program and of individual service providers in enhancing the long-term productivity and earning power of trainees and in placing the trainees in permanent employment. The report made by the commission pursuant to this subsection for the fiscal year ending June 30, 1996 shall be provided to the Governor and the Legislature not later than December 31, 1996 and shall include an assessment of the appropriateness of continuing the program and, if the commission determines that the program should be continued, draft legislation to do so, which shall include any modifications in this act deemed appropriate by the commission.

14. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to read as follows:

C.34:15C-11 Commission to coordinate initiatives with State departments.

14. a. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher

Education to maximize the contributions of the State's public schools and institutions of higher education in implementing the State employment and training policy developed by the commission. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher Education which will enhance the State's efforts to assist at-risk youths in achieving educational success and making successful transitions to work. The commission shall foster initiatives of the Department of Higher Education among institutions of higher education which will enhance the State's employment and training efforts, including: the coordination of vocational programs between institutions; more use of facilities at institutions which provide education at or above the level of county colleges, including, but not limited to, the Advanced Technology Centers established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.), P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106 (C.18A:64J-22 et seq.); developing more programs to offer four year degrees for working students who attend only at nights and on weekends; and expanding programs which provide college credit for training and educational experiences outside of traditional academic contexts.

b. The commission shall have the responsibility, jointly with the Department of Education, the Department of Labor and the Department of Higher Education, to: (1) establish standards regarding the minimum levels of remedial education which shall be made available to a trainee under any employment and training program, including any program funded or established pursuant to P.L.1983, c.328 (C.34:15B-11 et seq.), P.L.1987, c.71 (C.34:15B-27 et al.), the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.), the "Job Training Partnership Act," Pub.L.97-300 (29 U.S.C. §1501 et seq.), or Title VI of the "Omnibus Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. §5001 et al.); and (2) coordinate the development of appropriate intake and assessment instruments and procedures for the assessment of persons seeking access to employment and training programs. The remedial education standards shall take into account the differing needs and characteristics of the various target populations which the programs serve. The remedial education standards shall be based on evaluations of the minimum levels of basic skills needed to succeed in particular types of vocational training offered under the

programs and any additional improvements in basic skills needed by individuals of each target population to successfully adapt to the State's changing economy. The standard for the minimum level of remedial education which shall be made available to an individual receiving the vocational training for a particular occupation shall not be less than the level necessary to attain the minimum basic skill levels indicated as needed for that occupation in the Dictionary of Occupational Titles issued by the United States Department of Labor. The commission, the Department of Education, the Department of Labor and the Department of Higher Education, may jointly set this standard at a higher level, but if they do not, the level indicated by the Dictionary of Occupational Titles shall be regarded as the established standards.

Repealer.

15. P.L.1962, c.38 (C.34:15A-1 et seq.), P.L.1968, c.137 (C.34:15B-1 et seq.), P.L.1968, c.140 (C.34:15B-5 et seq.), P.L.1977, c.461, P.L.1983, c.328 (C.34:15B-11 et seq.), and P.L.1987, c.71 (C.34:15B-27 et seq.) are repealed.

16. This act shall take effect immediately and sections 1 through 13 of this act shall expire on December 31, 1997.

Approved July 7, 1992.

CHAPTER 44

AN ACT reducing contributions to the unemployment compensation fund, financing the New Jersey Workforce Development Partnership Fund, supplementing Title 34 of the Revised Statutes and amending R.S.43:21-7 and P.L.1948, c.110.

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

C.34:15D-12 Definitions.

1. For the purposes of sections 1 through 9 of this act:

“Commissioner” is the Commissioner of Labor, or designee of the commissioner.

“Department” means the New Jersey Department of Labor.

“Employer” means any employer subject to R.S.43:21-1 et seq.

“Fund” or “Workforce Development Partnership Fund” means the Workforce Development Partnership Fund created pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9).

C.34:15D-13 Employer and worker contributions.

2. Beginning on January 1, 1993 and ending on December 31, 1997, each worker shall contribute to the Workforce Development Partnership Fund an amount equal to 0.025% of the worker's wages as determined in accordance with paragraph (3) of subsection (b) of R.S.43:21-7 regarding the worker's employment with an employer.

Also beginning on January 1, 1993 and ending on December 31, 1997, each employer shall contribute to the Workforce Development Partnership Fund an amount equal to the amount that the employer's contribution to the Unemployment Compensation Fund is decreased pursuant to subparagraph (G) of paragraph (5) of subsection (c) of R.S.43:21-7.

C.34:15D-14 Transfer of funds to Workforce Development Partnership Fund.

3. The State Treasurer is hereby authorized and directed to requisition and withdraw on or after July 1, 1992 an amount not to exceed \$25,000,000 from revenues received pursuant to paragraph (1) of subsection (e) of R.S.43:21-7, at the discretion of the commissioner, from the State disability benefits fund established pursuant to section 22 of P.L.1948, c.110 (C.43:21-46) and to deposit the sum in the Workforce Development Partnership Fund. No transfers may be made from the State disability benefits fund to the Workforce Development Partnership Fund at any time after one year following the effective date of this act. The amount transferred shall be repaid to the State disability benefits fund with interest at the rate earned by the investments made with moneys remaining in the State disability benefits fund. The repayment period shall not exceed three years and shall begin no later than January 1, 1994. For purposes of determining the balance in the State disability benefits fund as prescribed pursuant to subsubparagraph (1) of subparagraph (E) of paragraph (3) of subsection (e) of R.S.43:21-7, the amount of any outstanding advances to the Workforce Development Partnership Fund along with accrued interest shall be included therein.

C.34:15D-15 Employer responsibilities for workers' contributions.

4. Notwithstanding the provisions of any other law to the contrary, each employer shall: withhold in trust the amount of all workers' contributions from their wages at the time wages are paid,

show the deduction on the payroll records, furnish the evidence thereof and permit any inspection of the records as prescribed by the commissioner, and transmit all workers' contributions and other contributions due from the employer pursuant to this act to the department in a manner and at the times that the commissioner prescribes. Interest and any expense to the department of recovery may be assessed by the commissioner on payments not made within the prescribed due dates at the same rate as provided for pursuant to paragraph (1) of subsection (a) of R.S.43:21-14. If any employer fails to deduct the contributions of any 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, the employer shall be solely liable for those contributions.

C.34:15D-16 Failure of employer to make report; deficiencies.

5. If an employer fails to make any report or permit any inspection required by the commissioner to implement the provisions of this act, an estimate shall be made regarding the liability of the employer from information available and the employer shall be assessed for any amount due, including the amount that was withheld or that should have been withheld from its employees for deposit into the fund. Also, if, after an examination of any report filed, a deficiency is discovered with respect to the taxable wages reported, the employer shall be assessed the amount of any determined deficiency. Additional remedies through the court may be established by the commissioner, including the charging of any expenses incurred by the department in recovering the assessment.

C.34:15D-17 Refund to taxpayer.

6. a. If an employee receives wages from more than one employer during any calendar year, and the sum of the employee's contributions deposited in the Workforce Development Partnership Fund exceeds an amount equal to 0.025% of the wages determined in accordance with the provisions of paragraph (3) of subsection (b) of R.S.43:21-7 during the calendar year beginning January 1, 1993 or any subsequent calendar year ending prior to January 1, 1998, the employee shall be entitled to a refund of the excess if a claim establishing the employee's right to the refund is made within two years after the end of the respective calendar year in which the wages are received and are the subject of the claim. The commissioner shall refund any overpayment from the fund without interest.

b. Any employee who is a taxpayer and entitled, pursuant to the provisions of subsection a. of this section, to a refund of contributions deducted during a tax year from his wages shall, in lieu of the refund, be entitled to a credit in the full amount thereof against the tax otherwise due on his New Jersey gross income for that tax year if he submits his claim for the credit and accompanies that claim with evidence of his right to the credit in the manner provided by regulation by the Director of the Division of Taxation. In any case in which the amount, or any portion thereof, of any credit allowed hereunder results in or increases an excess of income tax payment over income tax liability, the amount of the new or increased excess shall be considered an overpayment and shall be refunded to the taxpayer in the manner provided by subsection (a) of N.J.S.54A:9-7.

C.34:15D-18 Cancellation, refusal to honor checks.

7. The State Treasurer, as treasurer and custodian of the Workforce Development Partnership Fund, is hereby authorized and directed to cancel of record and to refuse to honor checks issued against the fund which have not been presented for payment within six years from the date of issuance. Upon that cancellation, revenues held on deposit for payment of the checks shall be credited to the fund.

C.34:15D-19 Schedule of fines.

8. A schedule of fines, no fine exceeding \$1,000 for a single offense, shall be established by the commissioner for any of the following actions or omissions with respect to the collection of contributions or the use of moneys disbursed from the fund:

- a. A false statement or misrepresentation made knowingly;
- b. Failure to disclose a material fact;
- c. Attempt to defraud;
- d. Willful failure or refusal to: withhold or transfer any contribution or other payment; furnish any report or information; or produce or permit the inspection or copying of records as required pursuant to this act; and
- e. Willful violation of any provision of this act or any rule or regulation promulgated pursuant to this act.

The fines shall be recoverable in a civil action by the commissioner in the name of the State of New Jersey. In addition to penalties established for any person, employing unit, employer or entity, each shall be liable for each offense upon conviction before any court of competent jurisdiction at the discretion of the

court. All fines shall be payable to the commissioner for deposit in the fund.

C.34:15D-20 Rules, regulations.

9. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) promulgate rules and regulations necessary to implement the provisions of this act, including any requirements regarding the keeping and reporting of records and any sanctions against false statement, misrepresentation, willful violations or fraud.

10. 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 that 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, 2 7/10% 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.43:21-2(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 1986 (26 U.S.C. §3306), 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 the 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 sec-

tion 3303(a)(1) of the Internal Revenue Code of 1986 (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 $2 \frac{8}{10}\%$, 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 $2 \frac{8}{10}\%$, 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 R.S. 43:21-19);

(2) $2 \frac{2}{10}\%$, 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 $2\frac{1}{2}\%$ 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 $2\frac{1}{2}\%$ 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 1/10% if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience, shall be increased by 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 12 1/2% 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 12 1/2% 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 the "unemployment compensation law."

(D) Prior to July 1 of each calendar year the controller shall determine the Unemployment Trust 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 RATIO¹

Employer Reserve Ratio ²	10.00% and Over	7.00% to 9.99%	4.00% to 6.99%	2.50% to 3.99%	2.49% and Under
	A	B	C	D	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 .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

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

²Employer 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 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, and ending December 31, 1997, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year in which the fund reserve ratio is equal to or greater than 7.00%, there shall be no decrease pursuant to this subparagraph (G) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

(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 be, 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 condition set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer; provided, however, that such contributions shall be at the rate of 1/2 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, P.L.1948, c.110 (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 $\frac{1}{2}$ of 1%, except that commencing July 1, 1986, workers in the employ of any non-governmental 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 and ending December 31, 1992, 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” while the worker is exempt under section 7 of that law, P.L.1948, c.110 (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, P.L.1948, c.110 (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) Notwithstanding any other provisions of this paragraph (1), on and after January 1, 1993 and ending December 31, 1997, each worker shall contribute to the unemployment compensation fund 1.10% of wages paid with respect to the worker’s 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 paragraph 6 of subsection (h) of R.S.43:21-19, 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 (h) of R.S.43:21-19 with respect to becoming an employer. Contributions, however, shall be at the rate of 0.60% while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.) or while the worker is exempt under section 7 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that the contributions shall be at the rate of 0.60% 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, P.L.1948, c.110 (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 0.10%.

(E) 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 R.S.43:21-14, such contributions shall be treated as employer's contributions required from him.

(F) 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 contributions 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 $\frac{1}{2}$ 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) (i) 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 $\frac{4}{9}$ of all worker contributions received by the controller upon which the rate of contribution is 1.125% and $\frac{4}{5}$ 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."

(ii) Notwithstanding any other provision of this paragraph (2), with respect to wages paid during the period beginning on January 1, 1993 and ending December 31, 1997, there shall be deposited in and credited to the State disability benefits fund $\frac{5}{11}$ of all worker contributions received by the controller upon which the rate of contribution is 1.10% and $\frac{5}{6}$ of all worker contributions received by the controller upon which the rate of contribution is 0.60% 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," P.L.1948, c.110 (C.43:21-25 et seq.).

(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 $\frac{1}{2}$ 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 Janu-

ary 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 respect 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 R.S.43:21-8, 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 $\frac{1}{2}$ 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 $\frac{1}{10}$ 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 $\frac{1}{10}$ 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 $\frac{1}{2}$ 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) $\frac{2}{10}$ of 1% if such excess over \$500.00 exceeds 1% but is less than $1\frac{1}{4}\%$ 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 1 1/4% but is less than 1 1/2% of his average annual payroll;

(iii) 1/10 of 1% if such excess over \$500.00 equals or exceeds 1 1/2% 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 1/4 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 1/4 of 1% of his average annual payroll;

(ii) 45/100 of 1% if such excess over \$500.00 equals or exceeds 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

(iii) 55/100 of 1% if such excess over \$500.00 equals or exceeds 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

(iv) 65/100 of 1% if such excess over \$500.00 equals or exceeds 3/4 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 the 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 $1\frac{1}{4}\%$, 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 $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

(ii) If the percentage determined in accordance with paragraph (E)(1) of this subsection equals or exceeds $\frac{3}{4}$ of 1% and is less than $1\frac{1}{4}$ 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 $\frac{3}{4}$ of 1%, but in excess of $\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between $\frac{3}{4}$ of 1% and such percentage taken to the nearest $\frac{5}{100}$ of 1%; provided, however, that no such final rate shall be more than $\frac{1}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(2) hereof, more than $\frac{1}{2}$ 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 $\frac{3}{4}$ 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 $\frac{1}{4}$ of 1%, then the final rate shall be $\frac{2}{5}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(2) hereof, $\frac{7}{10}$ 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.

11. 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 compensation 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).

(e) The State Treasurer is hereby authorized and directed to requisition and withdraw on or after July 1, 1992 an amount not greater than \$25,000,000 from revenues received pursuant to paragraph (1) or subsection (e) of R.S.43:21-7, at the discretion of the Commissioner of Labor, from the State disability benefits fund established pursuant to section 22 of P.L.1948, c.110 (C.43:21-46) and to deposit that amount in the New Jersey Workforce Development Partnership Fund created pursuant to section 9 of P.L.1992, c.43 (C.35:15D-9).

12. This act shall take effect immediately.

Approved July 7, 1992.

CHAPTER 45

AN ACT concerning tuition waivers for unemployed workers at certain public institutions of higher education and amending P.L.1983, c.469 and P.L.1983, c.470.

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

1. Section 1 of P.L.1983, c.469 (C.18A:64-13.1) is amended to read as follows:

C.18A:64-13.1 Definitions.

1. As used in this act:

a. "Job training course" means any course of instruction which will provide the individual with an identifiable job skill and will assist the individual in gaining reemployment, any course of instruction which is part of a training program approved pursuant to the provisions of paragraph (4) of subsection (c) of R.S.43:21-4, or any course of instruction which is part of the education and training described in the Employability Development Plan developed for the individual pursuant to section 3 of P.L.1992, c.47 (C.43:21-59).

b. "Public institution of higher education" means the State colleges and the New Jersey Institute of Technology and all other institutions indicated by N.J.S.18A:62-1, except for county colleges.

2. Section 2 of P.L.1983, c.469 (C.18A:64-13.2) is amended to read as follows:

C.18A:64-13.2 Tuition-free job training courses.

2. Each public institution of higher education shall permit a person who has been in the labor market for at least two years and is unemployed or has received a layoff notice as a result of a factory or plant closing to enroll without payment of tuition in a job training course, provided that the person is not eligible for any available State or federal student financial aid and that available classroom space permits and that tuition paying students constitute the minimum number required for the course. Nothing herein shall preclude a public institution of higher education from requiring a registration fee not to exceed \$20.00 per academic term.

3. Section 1 of P.L.1983, c.470 (C.18A:64A-23.1) is amended to read as follows:

C.18A:64A-23.1 Job training course.

1. As used in this act, "job training course" means any course of instruction which will provide the individual with an identifiable job skill and will assist the individual in gaining reemployment, any course of instruction which is part of a training program approved pursuant to the provisions of paragraph (4) of subsection (c) of R.S.43:21-4, or any course of instruction which is part of the education and training described in the Employability Development Plan developed for the individual pursuant to section 3 of P.L.1992, c.47 (C.43:21-59).

4. Section 2 of P.L.1983, c.470 (C.18A:64A-23.2) is amended to read as follows:

C.18A:64A-23.2 County college courses.

2. Each county college shall permit a person who has been in the labor market for at least two years and is unemployed or has received a layoff notice as a result of a factory or plant closing to enroll without payment of tuition in a job training course, provided that the person is not eligible for any available State or federal student financial aid and that available classroom space permits and that tuition paying students constitute the minimum number required for the course. Nothing herein shall preclude a county college from requiring a registration fee not to exceed \$20.00 per academic term.

5. This act shall take effect immediately.

Approved July 7, 1992.

CHAPTER 46

AN ACT concerning the approval of training programs for individuals receiving unemployment compensation, amending R.S.43:21-4 and supplementing chapter 21 of Title 43 of the Revised Statutes.

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:

(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) (A) 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.

(B) For the purpose of this paragraph (4), any training program shall be regarded as approved by the division for the individual if the program and the individual meet the following requirements:

(i) The training is for a labor demand occupation and is likely to enhance the individual's marketable skills and earning power;

(ii) The training is provided by a competent and reliable private or public entity approved by the Commissioner of Labor, which approval shall be made, if the "1992 Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) is enacted, pursuant to the provisions of section 8 of that act;

(iii) The individual can reasonably be expected to complete the program, either during or after the period of benefits;

(iv) The training does not include on the job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives benefits; and

(v) The individual enrolls in vocational training, remedial education or a combination of both on a full-time basis.

(C) If the requirements of subparagraph (B) of this paragraph (4) are met, the division shall not withhold approval of the training program for the individual for any of the following reasons:

(i) The training includes remedial basic skills education necessary for the individual to successfully complete the vocational component of the training;

(ii) The training is provided in connection with a program under which the individual may obtain a college degree, including a post-graduate degree;

(iii) The length of the training period under the program; or

(iv) The lack of a prior guarantee of employment upon completion of the training.

(D) For the purpose of this paragraph (4), "labor demand occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to the provisions of subsection h. of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of P.L.1992, c.43 (C.34:15D-12).

(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.

(6) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance at the funeral of an immediate family member, provided that the duration of the attendance does not extend beyond a two day period.

For purposes of this paragraph, "immediate family member" includes any of the following individuals: father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, foster child, sister or brother of the unemployed individual and any relatives of the unemployed individual residing in the unemployed individual's household.

(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," P.L.1948, c.110 (C.43:21-25 et seq.);

(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) or paragraph (3) 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.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, 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 during his base year, as defined in subsection (c) of R.S.43:21-19, the individual:

(A) Has established at least 20 base weeks as defined in paragraph (1) of subsection (t) of R.S.43:21-19; or

(B) 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; or

(C) Has performed at least 770 hours of service in the production and harvesting of agricultural crops.

(4) The individual applying for benefits in any successive benefit year has earned at least six times his previous weekly benefit amount and has had four weeks of employment since the beginning of the immediately preceding benefit year. This provision shall be in addition to the earnings requirements specified in paragraph (1), (2), or (3) of this subsection, as applicable.

(f) (1) The individual has suffered any accident or sickness not compensable under the workers' compensation law, R.S.34:15-1 et seq. 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, practicing psychologist 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 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," P.L.1948, c.110 (C.43:21-25 et seq.);

(F) For any period of disability commencing while such individual is a "covered individual," as defined in subsection (b) of section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27).

(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," P.L.1948, c.110 (C.43:21-25 et seq.), 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 the 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) (8 U.S.C. §1153 (a)(7)) or section 212(d)(5) (8 U.S.C. §1182 (d)(5)) of the Immigration and Nationality Act (8 U.S.C. §1101 et seq.)); provided that any modifications of the provisions of section 3304(a)(14) of the Federal Unemployment Tax Act (26 U.S.C. §3304 (a)(14)), as provided by Pub.L.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," P.L.1948, c.110 (C.43:21-25 et seq.).

C.43:21-4.1 Notice to applicant of benefits, services available.

2. The division shall provide each individual who applies for unemployment compensation with notice of the benefits and services available pursuant to the provisions of this 1992

amendatory and supplementary act and the provisions of P.L.1983, c.328 (C.34:15B-11 et seq.), the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. §1501 et seq.) and of the tuition waivers available pursuant to P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470 (C.18A:64A-23.1 et seq.).

3. This act shall take effect immediately.

Approved July 7, 1992.

CHAPTER 47

AN ACT concerning job training, amending P.L.1989, c.293, and supplementing chapter 21 of Title 43 of the Revised Statutes, and P.L.1987, c.457 (C.34:1A-76 et seq.).

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

C.43:21-57 Findings, declarations.

1. The Legislature hereby finds and declares that:

a. During the 1980s, New Jersey employers reported serious difficulties in finding skilled workers for a wide range of jobs in key sectors of the State's economy, and, notwithstanding the current economic slowdown, a longterm shortage of skilled labor will continue in many parts of the State's economy during the 1990s and beyond;

b. In addition, many New Jersey businesses are also hindered by low levels of literacy and other basic skills among a significant minority of the workforce;

c. Basic workplace literacy and vocational skill levels must be raised if the industries and enterprises of this State are to be successful in an increasingly competitive global economy;

d. Because of a slowing rate of population growth, the retraining of the existing workforce will play a critical role in meeting the growing need for skilled labor;

e. The effectiveness of current programs to retrain displaced workers during the time that they receive unemployment benefits is

hindered by the limited duration of those benefits, which often drives displaced workers into short-term retraining programs with limited skill enhancement or results in the programs' avoiding the selection of trainees who need more extensive training to succeed;

f. It would increase the effectiveness of programs which provide retraining to displaced workers if the unemployment benefit period could be extended in cases where the longer benefit period is necessary to provide needed in-depth education and training;

g. Such extended unemployment benefits in connection with job training and education would encourage displaced workers to make greater use of retraining opportunities, thus making productive use of periods of economic slowdown and helping to close the skilled labor shortage during the growth periods that follow;

h. New Jersey's Unemployment Compensation Fund, with its current balance of more than two billion dollars, is among the most solvent in the nation;

i. It is therefore an appropriate public purpose, beneficial to workers and employers and the longterm economic development of New Jersey, to use a limited amount of unemployment compensation funds to provide extended unemployment benefits as needed to enable displaced workers to obtain the high quality training and education required for success in occupations where there are demonstrated longterm shortages of skilled labor.

C.43:21-58 Definitions.

2. As used in this act:

"Commission" means the State Employment and Training Commission.

"Employment and training services" means: counseling provided pursuant to section 3 of this act; vocational training; or remedial education.

"Labor Demand Occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to section 11 of this act.

"Qualified job counselor" means a job counselor whose qualifications meet standards established by the commissioner.

"Service provider" means a provider of employment and training services other than the State.

“Remedial education” means any literacy or other basic skills training or education which may not be directly related to a particular occupation but is needed to facilitate success in vocational training or work performance.

“Service provider” means a provider of employment and training services including but not limited to a private or public school or institution of higher education, a business, a labor organization or a community-based organization.

“Vocational training” means training or education which is related to an occupation and is designed to enhance the marketable skills and earning power of a worker or job seeker.

C.43:21-59 Counseling, Employability Development Plan.

3. Counseling shall be made available by the Department of Labor to each individual who meets the requirements indicated in subsections a. and b. of section 4 of this act. The department may provide the counseling or obtain the counseling from a service provider, if the service provider is different from and not affiliated with any service provider offering any employment and training services to the worker other than the counseling. The purpose of the counseling is to assist the individual in obtaining the employment and training services most likely to provide the worker with the greatest opportunity for long-range career advancement with high levels of productivity and earning power. The counseling shall include:

a. Testing and assessment of the individual’s job skills and aptitudes, including the individual’s literacy skills and other basic skills. Basic skills testing and assessment shall be provided to the individual unless information is provided regarding the individual’s educational background and occupational or professional experience which clearly demonstrates that the individual’s basic skill level meets the standards indicated in section 14 of P.L.1989, c.293 (C.34:15C-11) or unless the individual is already participating in a remedial education program which meets those standards;

b. An evaluation by a qualified job counselor of:

(1) Whether the individual is eligible for the additional benefits indicated in section 5 of this act; and

(2) What remedial education, if any, is determined to be necessary for the individual to succeed in any particular vocational training which the individual would undertake in connection with additional benefits indicated in section 4 of this act, provided that the remedial

education shall be at a level not lower than that needed to meet the standards indicated in section 14 of P.L.1989, c.293 (C.34:15C-11);

c. The provision of information to the individual regarding any of the labor demand occupations for which training meets the requirements of subsection e. of section 4 of this act in the claimant's case, including the information about the wage levels in those occupations which is available to the Department of Labor and any information available to the department regarding the effectiveness of any particular provider of training for any of those occupations which the claimant is considering using;

d. The provision of information to the individual regarding the services and benefits available to the individual under the provisions of this act and employment and training programs provided or funded pursuant to P.L.1983, c.328 (C.34:15B-11 et seq.), the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. §1501 et seq.) and regarding the tuition waivers available pursuant to P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470 (C.18A:64A-23.1 et seq.); and

e. Discussion with the counselor of the results of the testing and evaluation and, based on those results, the development of a written Employability Development Plan, consistent with the requirements of subsections e., f. and g. of section 4 of this act, for the individual describing any remedial education and the vocational training that the individual will undertake in connection with benefits provided pursuant to the provisions of this act.

All information regarding an individual applicant or trainee which is obtained or compiled in connection with the testing, assessment and evaluation and which may be identified with the individual shall be confidential and shall be released to an entity other than the individual, the counselor or the department only if: the individual provides written permission to the department for the release of the information; or the information is used solely for program evaluation.

C.43:21-60 Requirements for provision of additional benefits.

4. Except as provided in section 8 of this act, the additional benefits indicated in section 5 of this act shall be provided any individual who:

a. Has received a notice of a permanent termination of employment by the individual's employer or has been laid off and is unlikely to return to his previous employment because work opportunities in the individual's job classification are impaired by a substantial reduction of employment at the worksite;

b. Is, at the time of the layoff or termination, eligible, pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., for not less than 26 weeks of unemployment benefits;

c. Enters into the counseling made available pursuant to section 3 of this act as soon as possible following notification by the Department of Labor of its availability;

d. (1) Notifies the department of the individual's intention to enter into the education and training identified in the Employability Development Plan developed pursuant to section 3 of this act, not later than 60 days after the date of the individual's termination or layoff or not later than 30 days after the department provides notice to the individual pursuant to section 6 of this act, whichever occurs later;

(2) Enters into the education and training identified in the Employability Development Plan as soon as possible after giving the notice required by paragraph (1) of this subsection d.; and

(3) Maintains satisfactory progress in the education and training;

e. Enrolls in vocational training which:

(1) Is training for a labor demand occupation;

(2) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power;

(3) Is provided by a service provider approved by the Commissioner of Labor, which approval shall be made, if the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) is enacted, pursuant to the provisions of section 8 of that act; and

(4) Does not include on the job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits pursuant to the provisions of section 5 of this act;

f. Enrolls in vocational training, remedial education or a combination of both on a full-time basis; and

g. Reasonably can be expected to successfully complete the vocational training and any needed remedial education, either during or after the period of additional benefits.

If the requirements of this section are met, the division shall not deny an individual unemployment benefits pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., P.L.1970, c.324 (C.43:21-24.11 et seq.) or the additional benefits indicated in section 5 of this act for any of the following reasons: the training includes remedial education needed by the individual to succeed in the vocational component of the training; the train-

ing is part of a program under which the individual may obtain any college degree enhancing the individual's marketable skills and earning power; the length of the training period under the program; or the lack of a prior guarantee of employment upon completion of the training. If the requirements of this section are met, the division shall regard a training program as approved for the purposes of paragraph (4) of subsection (c) of R.S.43:21-4.

C.43:21-61 Additional benefits provided during completion of remedial education, vocational training.

5. Except as provided in section 8 of this act, each individual who meets the requirements of section 4 of this act, but has not completed the remedial education and vocational training at the end of the period during which he is entitled to receive unemployment benefits pursuant to the "unemployment compensation law" (R.S.43:21-1 et seq.), P.L.1970, c.324 (C.43:21-24.11 et seq.) and any federally-financed supplemental benefits program shall be entitled to receive a weekly benefit equal to his previous weekly unemployment compensation benefit for each additional week certified by the division as needed to complete the remedial education or vocational training up to a total of 26 additional weeks.

No additional benefits shall be paid pursuant to the provisions of this section for any week during which the individual receives training allowances or stipends pursuant to the provisions of any federal law or any other State law. As used in this section, "training allowances or stipends" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as the costs of tuition, books and supplies.

No employer's account shall be charged for the payment of additional benefits pursuant to the provisions of this section.

C.43:21-62 Notice of services, benefits available, applications.

6. a. The Department of Labor shall provide notice to any individual who is laid off or notified of a pending layoff of the services and benefits available to the individual under the provisions of this act and employment and training programs provided or funded pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. §1501 et seq.) and of the tuition waivers available pursuant to P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470 (C.18A:64A-23.1

et seq.) and permit the individual to apply to receive the benefits, services or waivers upon any of the following occurrences:

- (1) When the individual applies for unemployment compensation;
- (2) When an individual who receives notification of a pending layoff is contacted by the department prior to the layoff by means of a response team or by other means; or
- (3) Not later than 60 days after the effective date of this act, if the individual has already been laid off and is receiving unemployment benefits upon that effective date.

b. If an individual is given pre-notification of a permanent layoff and subsequently receives vocational training or remedial education provided by any employment and training program funded or established pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) or the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. §1501 et seq.), the individual shall be permitted to commence the training or education prior to the termination of employment, except that this provision shall not apply to a federally-funded program if permitting the individual to commence the training or education prior to the termination of employment will result in a reduction of federal funding for the program.

C.43:21-63 Allocation of moneys for education, training.

7. In using moneys provided as individual grants pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.), and in using moneys appropriated for any employment and training program funded or established pursuant to the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. §1501 et seq.), the Department of Labor and each program shall, to the extent feasible and to the extent it has authority to do so, give priority to funding vocational training and remedial education for individuals who meet the requirements of section 4 of this act, to the extent that those individuals also fall within the target population of the respective program, except that moneys shall not be allocated in any case in a manner which is contrary to any other priorities imposed on the program by law or will result in a reduction of federal funds available to the State for the program.

C.43:21-64 Prohibition of additional benefits.

8. a. Whenever the Commissioner of Labor determines that the total amount of additional benefits paid pursuant to this act during a calendar year has become greater than 1.5% of the amount

of the balance in the unemployment trust fund on the immediately preceding December 31, the commissioner shall, during the period lasting until the end of that calendar year, prohibit any additional individuals from beginning to receive additional benefits pursuant to this act.

b. The Department of Labor shall, during any period in which the commissioner prohibits additional individuals from beginning to receive additional benefits pursuant to subsection a. of this section, continue to provide any otherwise eligible individual with:

- (1) The notice required pursuant to section 6 of this act;
 - (2) The counseling required pursuant to section 3 of this act; and
 - (3) The opportunity for the individual to notify the department of the individual's intention to enter into remedial education or vocational training pursuant to subsection d. of section 4 of this act.
- Any individual who, during the period in which the commissioner prohibits additional individuals from beginning to receive additional benefits pursuant to subsection a. of this section, meets the requirements of section 4 of this act shall be permitted to receive additional benefits pursuant to this act after the commissioner has ended the prohibition pursuant to subsection b. of this section.

c. Additional benefits paid pursuant to this act shall continue for any individual who, at the time that the commissioner imposes the prohibition pursuant to subsection a. of this section, is already receiving the additional benefits or has already enrolled in the training or education identified in the Employability Development Plan developed pursuant to section 3 of this act.

C.43:21-65 Rules, regulations.

9. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to govern the proper conduct and operation of the program consistent with the provisions of this act.

C.43:21-66 Report to Governor, Legislature.

10. The State Employment and Training Commission shall, not later than December 31, 1996, make a report to the Governor and the Legislature regarding the effectiveness of benefits provided pursuant to this act in enhancing occupational training and education opportunities for displaced workers. The report shall include an assessment of the appropriateness of continuing the benefit program and, if the commission determines that the program should be continued, draft legislation to do so, which shall include any modifications in this act deemed appropriate by the commission.

C.34:1A-79 Survey of occupations, designation of labor demand occupation.

11. The New Jersey Occupational Information Coordinating Committee shall conduct, not less than once every three years, and on a Statewide basis, a comprehensive survey of occupations in the State comparing the total anticipated need for trained workers in each occupation with the total number being trained and designate as a labor demand occupation each occupation which is likely to have a significant excess of demand over supply for adequately trained workers during the subsequent period of four or more years. The committee may utilize survey data obtained by other agencies or from other sources to fulfill its responsibilities under this section.

12. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to read as follows:

C.34:15C-11 Commission to coordinate initiatives with State departments.

14. a. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher Education to maximize the contributions of the State's public schools and institutions of higher education in implementing the State employment and training policy developed by the commission. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher Education which will enhance the State's efforts to assist at-risk youths in achieving educational success and making successful transitions to work. The commission shall foster initiatives of the Department of Higher Education among institutions of higher education which will enhance the State's employment and training efforts, including: the coordination of vocational programs between institutions; more use of facilities at institutions which provide education at or above the level of county colleges, including, but not limited to, the Advanced Technology Centers established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.), P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106 (C.18A:64J-22 et seq.); developing more programs to offer four year degrees for working students who attend only at nights and on weekends; and expanding programs which provide college credit for training and educational experiences outside of traditional academic contexts.

b. The commission shall have the responsibility, jointly with the Department of Education, the Department of Labor and the

Department of Higher Education, to: (1) establish standards regarding the minimum levels of remedial education which shall be made available to a trainee under any employment and training program, including any program of training undertaken in connection with additional unemployment compensation benefits provided pursuant to the provisions of P.L.1992, c.47 (C.43:21-57 et al.) or any program funded or established pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.), the "Job Training Partnership Act," Pub.L.97-300 (29 U.S.C. §1501 et seq.), or Title VI of the "Omnibus Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. §5001 et al.); and (2) coordinate the development of appropriate intake and assessment instruments and procedures for the assessment of persons seeking access to employment and training programs. The remedial education standards shall take into account the differing needs and characteristics of the various target populations which the programs serve. The remedial education standards shall be based on evaluations of the minimum levels of basic skills needed to succeed in particular types of vocational training offered under the programs and any additional improvements in basic skills needed by individuals of each target population to successfully adapt to the State's changing economy. The standard for the minimum level of remedial education which shall be made available to an individual receiving the vocational training for a particular occupation shall not be less than the level necessary to attain the minimum basic skill levels indicated as needed for that occupation in the Dictionary of Occupational Titles issued by the United States Department of Labor. The commission, the Department of Education, the Department of Labor and the Department of Higher Education, may jointly set this standard at a higher level, but if they do not, the level indicated by the Dictionary of Occupational Titles shall be regarded as the established standard.

13. This act shall take effect immediately and sections 1 through 11 of this act shall expire on December 31, 1997.

Approved July 7, 1992.

CHAPTER 48

AN ACT concerning job training programs and revising parts of the statutory law.

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

C.34:15B-35 Definitions.

1. As used in this act:

“Approved service provider” means a service provider approved pursuant to section 6 of this act.

“Commissioner” means the Commissioner of Labor.

“Department” means the Department of Labor.

“Employment and training services” means:

- a. Counseling provided pursuant to section 4 of this act;
- b. Vocational training; or
- c. Remedial education.

“Federal job training funds” means any moneys expended to obtain employment and training services, pursuant to the “Job Training Partnership Act,” Pub. L. 97-300 (29 U.S.C. §1501 et seq), except that, to the extent that the application of any specific provision of this act would cause the amount of federal job training funds provided to the State to be reduced, that provision shall not apply.

“Labor demand occupation” means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to section 7 of this act.

“Permanent employment” means full-time employment unsubsidized by government training funds which provides a significant opportunity for career advancement and long-term job security and is in the occupation for which a worker receives vocational training pursuant to this act.

“Qualified job counselor” means a job counselor whose qualifications meet standards established by the commissioner.

“Remedial education” means any literacy or other basic skills training or education which may not be directly related to a particular occupation but is needed to facilitate success in vocational training or work performance.

“Service provider” or “provider” means a provider of employment and training services including but not limited to a private

or public school or institution of higher education, a business, a labor organization or a community-based organization.

“Vocational training” means training or education which is related to an occupation and is designed to enhance the marketable skills and earning power of a worker or job seeker.

C.34:15B-36 Funding of vocational training.

2. All vocational training funded with federal job training funds shall be training which is likely to substantially enhance the trainee’s marketable skills and earning power and is for a labor demand occupation.

C.34:15B-37 Funding of on the job training.

3. a. On the job training shall not be paid for with federal job training funds for any employment found by the commissioner to be of a level of skill and complexity too low to merit training.

b. The duration of on the job training for any individual shall not exceed the duration indicated by the Specific Vocational Preparation code developed by the United States Department of Labor for the occupation for which the training is provided and shall in no case exceed 26 weeks. The department shall set the duration of on the job training for an individual for less than the indicated maximum, when training for the maximum duration is not warranted because of the level of the individual’s previous training, education or work experience.

c. On the job training shall not be paid for with federal job training funds unless it is accompanied, concurrently or otherwise, by whatever amount of classroom-based vocational training, remedial education or both, is deemed appropriate for the worker by the commissioner.

d. Each employer receiving federal job training funds for on the job training shall retain in permanent employment each trainee who successfully completes the training. The commissioner may, for a time period he deems appropriate, provide for the withholding of whatever portion he deems appropriate of the funding as a final payment for training, contingent upon the retention of a program completer as required pursuant to this section.

C.34:15B-38 Counseling requirement.

4. a. No individual shall receive employment and training services paid for with federal job training funds unless the individual first receives counseling pursuant to this section. The department may itself provide the counseling or obtain the counseling from

an approved service provider, if the service provider is different from and not affiliated with any service provider offering the individual any employment and training services other than the counseling, except that the department may also obtain testing and assessment services provided pursuant to paragraph (1) of this subsection from a provider which also offers to the individual employment and training services other than counseling. The purpose of any counseling provided pursuant to this section is to assist each individual in obtaining the employment and training services most likely to provide the individual with the greatest opportunity for long-range career advancement with high levels of productivity and earning power. The counseling shall include:

(1) Testing and assessment of the individual's job skills and aptitudes, including the individual's literacy skills and other basic skills. Basic skills testing and assessment shall be provided to the individual unless information is provided regarding the individual's educational background and occupational or professional experience which clearly demonstrates that the individual's basic skill level meets the standards established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11) or unless the individual is already participating in a remedial education program which meets those standards;

(2) An evaluation by a qualified job counselor of what remedial education, if any, is determined to be necessary for the individual to succeed in any particular vocational training which the individual would undertake under the program, provided that the remedial education shall be at a level not lower than that needed to meet the standards established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11);

(3) The provision of information to the individual regarding the labor demand occupations, including the information about the wage levels in those occupations, which is available to the department and any information available to the department regarding the effectiveness of approved service providers of vocational training in labor demand occupations which the claimant is considering;

(4) The provision of information to the individual regarding the services and benefits available to the individual under programs supported by federal job training funds or the provisions of P.L.1992, c.47 (C.43:21-57 et al.); and

(5) Discussion with the counselor of the results of the testing and evaluation and, based on those results, the development of a written Employability Development Plan identifying the training

and employment services, including any needed remedial education, to be provided to the individual.

b. Federal job training funds shall be used to provide training and employment services to an individual only if the counselor who evaluates the individual pursuant to this section determines that the individual can reasonably be expected to successfully complete the training and education identified in the Employability Development Plan developed pursuant to this section.

c. All information regarding an individual applicant or trainee which is obtained or compiled in connection with the testing, assessment and evaluation and which may be identified with the individual shall be confidential and shall be released to an entity other than the individual, the counselor or the department only if the individual provides written permission to the department for the release of the information or the information is used solely for program evaluation.

C.34:15B-39 Eligibility for employment, training services.

5. An otherwise qualified individual shall not be denied employment and training services included in the Employability Development Plan developed for the individual pursuant to section 4 of this act for any of the following reasons: the employment and training services include remedial education needed by the individual to succeed in the vocational component of the training; the training is part of a program under which the individual may obtain a college degree enhancing the individual's marketable skills and earning power; the length of the training period under the program; or the lack of a prior guarantee of employment upon completion of the training, except for on the job training. This section shall not be construed as requiring that federal job training funds be used to pay for employment and training services for which other assistance, such as State or federal student financial aid, is provided.

C.34:15B-40 Approval, evaluation of service provider.

6. a. No federal job training funds shall be used to obtain employment and training services from a service provider unless the provider is approved pursuant to the procedures and criteria established by the State Employment and Training Commission pursuant to section 8 of this act. No service provider shall be approved pursuant to this section unless the provider agrees to provide, on a first-come, first-served basis, the services it offers to any trainee who is referred to it to obtain the offered services, if included in the individual's Employability Development Plan

developed pursuant to section 4 of this act, up to the total number of trainees that the provider agrees to serve.

b. Each service provider shall make appropriate records available upon request for monitoring inspection by the commissioner, including:

(1) A record for each trainee enrolled, including the trainee's name and Social Security number;

(2) A record of all administrative and overhead expenses of the provider related to the providing of employment and training services funded by the program and the provider's direct expenses of providing the services; and

(3) Any other information deemed appropriate by the State Employment and Training Commission for evaluation purposes.

c. In the case of a provider of vocational training services, the commissioner shall collect the information needed to measure effectively the long-term success of the former trainees of the provider in obtaining permanent employment and increasing earnings over a period of not less than two years following the completion of training. The commission shall set such standards as it deems appropriate regarding comparisons of the former trainees with groups of otherwise similar individuals who did not receive the training. The commissioner shall use the information obtained pursuant to this subsection to:

(1) Assist in evaluating the performance of providers of vocational training services;

(2) Assist in determining which providers of vocational training services to approve pursuant to subsection a. of this section; and

(3) Assist in providing reliable information regarding the quality of available providers of vocational training services as part of the counseling provided pursuant to section 4 of this act.

C.34:1A-80 Occupational survey.

7. The New Jersey Occupational Information Coordinating Committee shall conduct, not less than once every three years, and on a Statewide basis, a comprehensive survey of occupations in the State comparing the total anticipated need for trained individuals in each occupation with the total number being trained and designate as a labor demand occupation each occupation which is likely to have a significant excess of demand over supply for adequately trained individuals during the subsequent period of four or more years. The committee may utilize survey data obtained by other agencies or from other sources to fulfill its responsibilities under this section.

C.34:15C-8.2 Duties of State Employment and Training Commission.

8. The State Employment and Training Commission shall:

a. Establish criteria and procedures for the evaluation and approval of service providers consistent with the provisions of section 6 of this act; and

b. Conduct an annual evaluation and make an annual report to the Governor and the Legislature regarding the implementation of the provisions of this act during the previous State fiscal year. The report shall include information regarding the effectiveness of individual service providers in enhancing the long-term productivity and earning power of trainees and in placing the trainees in permanent employment.

9. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to read as follows:

C.34:15C-11 Commission to coordinate initiatives with State departments.

14. a. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher Education to maximize the contributions of the State's public schools and institutions of higher education in implementing the State employment and training policy developed by the commission. The commission shall foster and coordinate initiatives of the Department of Education and the Department of Higher Education which will enhance the State's efforts to assist at-risk youths in achieving educational success and making successful transitions to work. The commission shall foster initiatives of the Department of Higher Education among institutions of higher education which will enhance the State's employment and training efforts, including: the coordination of vocational programs between institutions; more use of facilities at institutions which provide education at or above the level of county colleges, including, but not limited to, the Advanced Technology Centers established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.), P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106 (C.18A:64J-22 et seq.); developing more programs to offer four year degrees for working students who attend only at nights and on weekends; and expanding programs which provide college credit for training and educational experiences outside of traditional academic contexts.

b. The commission shall have the responsibility, jointly with the Department of Education, the Department of Labor and the

Department of Higher Education, to: (1) establish standards regarding the minimum levels of remedial education which shall be made available to a trainee under any employment and training program, including any program of training undertaken in connection with additional unemployment compensation benefits provided pursuant to the provisions of P.L.1992, c.47 (C.43:21-57 et al.) or any program funded or established pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.), the "Job Training Partnership Act," Pub.L.97-300 (29 U.S.C. §1501 et seq.), or Title VI of the "Omnibus Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. §5001 et al.); and (2) coordinate the development of appropriate intake and assessment instruments and procedures for the assessment of persons seeking access to employment and training programs. The remedial education standards shall take into account the differing needs and characteristics of the various target populations which the programs serve. The remedial education standards shall be based on evaluations of the minimum levels of basic skills needed to succeed in particular types of vocational training offered under the programs and any additional improvements in basic skills needed by individuals of each target population to successfully adapt to the State's changing economy. The standard for the minimum level of remedial education which shall be made available to an individual receiving the vocational training for a particular occupation shall not be less than the level necessary to attain the minimum basic skill levels indicated as needed for that occupation in the Dictionary of Occupational Titles issued by the United States Department of Labor. The commission, the Department of Education, the Department of Labor and the Department of Higher Education, may jointly set this standard at a higher level, but if they do not, the level indicated in the Dictionary of Occupational Titles shall be regarded as the established standard.

10. This act shall take effect immediately.

Approved July 7, 1992.

CHAPTER 49

AN ACT establishing a literacy tutoring program at institutions of higher education and supplementing chapter 62 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:62-16 Findings, declarations.

1. The Legislature finds and declares that:
 - a. Adult illiteracy is a widespread problem in society which reduces the pool of available skilled labor and thereby impedes economic growth and global competitiveness.
 - b. Although various national and Statewide literacy organizations have established community-based literacy programs, the need for literacy tutor volunteers is great.
 - c. Students could assist in reducing the problem of illiteracy by being active participants in providing literacy tutoring, thereby expanding the State's pool of literacy volunteers.
 - d. Students who provide literacy tutoring would be performing a public service for the communities where they reside while gaining college credit toward graduation.
 - e. The active participation of the State's public universities and colleges in the fight against illiteracy would reinforce their commitment to provide an educated work force.

C.18A:62-17 Establishment of literacy tutoring program.

2. The governing body of each public institution of higher education may elect to establish a literacy tutoring program which would offer course credit toward graduation for students who choose to participate.

C.18A:62-18 Joint sponsorship of literacy tutoring program.

3. The governing body of each public institution of higher education may jointly sponsor the literacy tutoring program with a local agency or organization which would:
 - a. Link students to the various literacy programs in their communities and throughout the State.
 - b. Coordinate the training of student tutors; and
 - c. Monitor the performance of a student providing literacy tutoring.

C.18A:62-19 Substitution of elective course.

4. A student enrolled in a public institution of higher education on a full-time or part-time basis may elect to substitute an elective course offered by the institution with the literacy tutoring program for the same number of credits.

C.18A:62-20 Completion of required number of credit hours.

5. A student in the literacy tutoring program shall be required to complete the same minimum number of credit hours in a

semester as would normally be required were the student not enrolled in the literacy tutoring program.

C.18A:62-21 Review of guidelines, procedures.

6. The State Board of Higher Education shall review the guidelines and procedures developed by the institutions, in conjunction with the agencies or organizations sponsoring literacy tutoring programs, to provide assistance in making the guidelines and procedures the same for all participating institutions.

7. This act shall take effect 120 days after enactment.

Approved July 7, 1992.

CHAPTER 50

AN ACT concerning appropriations by counties and municipalities to the Vietnam Veterans' Memorial Foundation, and supplementing chapters 23 and 48 of Title 40 of the Revised Statutes.

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

C.40:23-8.29 Appropriations by county authorized.

1. The governing body of any county may annually appropriate funds in support of the Vietnam Veterans' Memorial Foundation in support of the development, construction and maintenance of the Vietnam Veterans' Memorial at the Garden State Arts Center.

C.40:48-9.14 Appropriations by municipality authorized.

2. The governing body of any municipality may annually appropriate funds in support of the Vietnam Veterans' Memorial Foundation in support of the development, construction and maintenance of the Vietnam Veterans' Memorial at the Garden State Arts Center.

3. This act shall take effect immediately and shall be retroactive to January 1, 1990.

Approved July 10, 1992.

CHAPTER 51

AN ACT permitting municipalities and boards of education to join together for certain insurance purposes and supplementing chapter 10 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:10-52 Joint insurance for municipality, local school district.

1. The governing body of any municipality and the board of education of the local school district, provided that the district is not part of a limited purpose regional school district, an all purpose regional school district or a consolidated school district, may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body and by a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

Notwithstanding the provisions of this section, a board of education shall not join together with a municipality or other local unit as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

C.40A:10-53 Joint insurance for municipality, all purpose regional, consolidated school district.

2. In the case of an all purpose regional school district or a consolidated school district, the governing body of one or more of the constituent municipalities and the board of education of the regional or consolidated school district may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body of each of the participating constituent municipalities and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes

(N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

Notwithstanding the provisions of this section, a board of education shall not join together with a municipality or other local unit as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

C.40A:10-54 Joint insurance for municipality, limited purpose regional school district.

3. In the case of a limited purpose regional school district, the governing bodies of one or more of the constituent municipalities and the board of education of the regional district may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body of each of the participating constituent municipalities and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

Notwithstanding the provisions of this section, a board of education shall not join together with a municipality or other local unit as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

C.40A:10-55 Additional joint insurance for municipality, limited purpose regional school district.

4. In the case of a limited purpose regional school district, in addition to any contract entered into by a municipality pursuant to section 3 of this act, the governing body of any constituent municipality and the board of education of the local school district operating within that municipality may, in accordance with section 1 of this act, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes

(N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S. 40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

Notwithstanding the provisions of this section, a board of education shall not join together with a municipality or other local unit as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

C.40A:10-56 Joint insurance for municipality, county vocational school district.

5. In the case of a county vocational school district, the governing bodies of one or more of the municipalities in the county and the board of education of the county vocational school district may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body of each of the participating municipalities and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); or c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.).

C.40A:10-57 Joint insurance for municipality, county vocational school district, local school district.

6. In the case of a county vocational school district, in addition to any contract entered into by a municipality pursuant to section 5 of this act, the governing body of any municipality in the county and the board of education for the local school district operating within that municipality may, in accordance with section 1 of this act, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

Notwithstanding the provisions of this section, a board of education shall not join together with a municipality or other local unit as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health

insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

C.40A:10-58 Contracts for insurance.

7. Any contract for insurance to be entered into in accordance with this act shall be established pursuant to sections 10 and 11 of P.L.1971, c.198 (C.40A:11-10 and 40A:11-11).

C.40A:10-1.1 "Local unit" for purposes of Article 1, chapter 10 of Title 40A.

8. For the purposes of Article 1 of chapter 10 of Title 40A of the New Jersey Statutes, "local unit" shall be deemed to include boards of education which join together with municipalities pursuant to P.L.1992, c.51 (C.40A:10-52 et al.).

C.40A:10-6.1 "Local unit" for purposes of Article 3, chapter 10 of Title 40A.

9. For the purposes of Article 3 of chapter 10 of Title 40A of the New Jersey Statutes, "local unit" shall be deemed to include boards of education which join together with municipalities pursuant to P.L.1992, c.51 (C.40A:10-52 et al.).

C.40A:10-12.1 "Local unit" for purposes of Article 4, chapter 10 of Title 40A.

10. For the purposes of Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.), "local unit" shall be deemed to include boards of education which join together with municipalities pursuant to P.L.1992, c.51 (C.40A:10-52 et al.).

C.40A:10-36.1 "Local unit" for purposes of C.40A:10-36.

11. For the purposes of P.L.1983, c.372 (C.40A:10-36 et seq.), "local unit" shall be deemed to include boards of education which join together with municipalities pursuant to P.L.1992, c.51 (C.40A:10-52 et al.), except that boards of education, other than boards of education of county vocational school districts, shall not join together with other local units as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, as otherwise permitted therein.

12. This act shall take effect immediately.

Approved July 17, 1992.

CHAPTER 52

AN ACT concerning the authority of the Public Advocate in certain instances and amending P.L.1974, c.27.

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

1. Section 32 of P.L.1974, c.27 (C.52:27E-31) is amended to read as follows:

C.52:27E-31 Decision to represent particular public interest.

32. The Public Advocate shall have sole discretion to represent or refrain from representing the public interest in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of the department. If the Public Advocate determines that there are inconsistent public interests involved in a particular matter, he may choose to represent one such interest based on the considerations in this section, to represent no interest in that matter, or to represent one such interest through the Division of Public Interest Advocacy and another or others through other divisions of the department or through outside counsel engaged on a case basis.

Notwithstanding the broad grant of authority conferred by the preceding paragraph, the Public Advocate shall have no authority to become involved in, or take any position with regard to, any action challenging regional contribution agreements made pursuant to section 12 of P.L.1985, c.222 (C.52:27D-312) that have been approved by the Council on Affordable Housing.

2. This act shall take effect immediately and shall be retroactive for all regional contribution agreements made pursuant to section 12 of P.L.1985, c.222 (C.52:27D-312).

Approved July 17, 1992.

CHAPTER 53

AN ACT concerning the investment of certain joint self-insurance funds created by school boards and units of local government, amending P.L.1983, c.108 and P.L.1983, c.372 and supplementing P.L.1950, c.270 (C.52:18A-79 et seq.).

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

1. Section 4 of P.L.1983, c.108 (C.18A:18B-4) is amended to read as follows:

C.18A:18B-4 Bylaws of the group; trustees; powers.

4. Bylaws of the group; trustees; powers.

a. The bylaws of any school board insurance group shall:

(1) Set forth a statement of purposes of the group;

(2) Set forth provisions for organization of the group, including governance by a board of trustees;

(3) Provide for the delivery of risk management programs in conjunction with any joint self-insurance fund or funds which the board of trustees shall establish;

(4) Set forth procedures to enforce the collection of any contributions or payments in default;

(5) Set forth membership standards as required in section 3 of this act;

(6) Require that, for each joint self-insurance fund, a contract or contracts of specific and aggregate excess insurance or reinsurance is maintained unless otherwise recommended by the trustees upon the advice and report of an independent actuary;

(7) Set forth procedures for:

(a) Withdrawal from the group and a fund by a member;

(b) Termination of the group or fund and disposition of assets; and

(c) Determining the obligations, if any, of a member in the event that the group is unable to pay indemnification obligations and expenses payable from a fund administered by it;

(8) Require an annual certified audit to be prepared and filed with the commissioner;

(9) Require that any joint self-insurance fund or funds be developed and operated in accordance with accepted and sound actuarial practices;

(10) Provide that any expenditure of moneys in a fund be in furtherance of the purpose of the fund;

(11) Set forth other provisions as desired for operation and governance of the group.

b. The bylaws of a group shall provide for governance of the group by a board of trustees selected in accordance with the provisions of the bylaws. The bylaws shall provide for trustee

powers and duties and shall include, but not be limited to, the following powers of the board of trustees:

(1) To determine and establish contributions and rates, loss reserves, surplus, limits of coverage, limits of excess or reinsurance, coverage documents, dividends and other financial and operating policies of the group or fund;

(2) To invest moneys held in trust under any fund in investments which are approved for investment by regulation of the State Investment Council for surplus moneys of the State or, at the discretion of the board, to transfer moneys held in trust under any fund to the Director of the Division of Investment in the Department of the Treasury for investment on behalf of the board in accordance with the standards governing the investment of other funds which are managed under the rules and regulations of the State Investment Council. However, any moneys transferred to the director for investment may not thereafter be withdrawn except upon withdrawal of a member from the group or a fund or termination of the group or a fund or in specific amounts in payment of specific claims, administrative expenses or member dividends upon affidavit of the director or other chief executive officer of the group;

(3) To purchase, acquire, hold, lease, sell and convey real and personal property, all of which property shall be exempt from taxation under chapter 4 of Title 54, Taxation, of the Revised Statutes;

(4) To collect and disburse all money due to or payable by the group, or authorize such collection and disbursement;

(5) To enter into contracts with other persons or with public bodies of this State for any professional, administrative or other services as may be necessary to carry out the purposes of the group or any fund;

(6) To purchase and serve as the master policyholders if desired, for any insurance, including excess or reinsurance;

(7) To do all other things necessary and proper to carry out the purposes for which the group is established.

2. Section 3 of P.L.1983, c.372 (C.40A:10-38) is amended to read as follows:

C.40A:10-38 Powers, authority.

3. a. The commissioners of a joint insurance fund shall have the powers and authority granted to commissioners of individual local insurance funds under the provisions of subsections a., b., c., and e. of N.J.S.40A:10-10.

b. The commissioners may invest the funds, including workers' compensation funds, as authorized under the provisions of subsection b. of N.J.S.40A:10-10 or the commissioners may transfer moneys held in the fund to the Director of the Division of Investment in the Department of the Treasury for investment on behalf of the fund in accordance with the standards governing the investment of other funds which are managed under the rules and regulations of the State Investment Council. However, any moneys transferred to the director for investment may not thereafter be withdrawn except upon withdrawal or expulsion of a member local unit from the fund or termination of the fund or in specific amounts in payment of specific claims, administrative expenses or member dividends upon affidavit of the director or other chief executive officer of the fund.

c. The commissioners or the executive board, as the case may be, of any joint insurance fund established pursuant to the provisions of this act shall be subject to and operate in compliance with the provisions of the "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.), the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and such other rules and regulations as govern the custody, investment and expenditure of public funds by local units.

C.52:18A-86.1 Acceptance, investment of moneys.

3. The Director of the Division of Investment is authorized to accept, for purposes of investment, moneys from any joint self-insurance fund established by any school board insurance group pursuant to P.L.1983, c.108 (C.18A:18B-1 et seq.) and moneys from any joint insurance fund established by two or more units of local government, including contracting units, pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.). All moneys accepted by the director pursuant to this section shall be invested on behalf of the funds in accordance with the standards governing the investment of other funds managed under the rules and regulations of the State Investment Council.

4. This act shall take effect immediately.

Approved July 17, 1992.

CHAPTER 54

AN ACT concerning the Hackensack Meadowlands District and amending P.L.1988, c.136.

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

1. Section 1 of P.L.1988, c.136 (C.13:17-6.2) is amended to read as follows:

C.13:17-6.2 Consultation with governing body.

1. Whenever the commission prepares plans for the development, improvement, redevelopment or rezoning of, or for the construction or reconstruction of buildings or structures on, land in the district, the commission shall notify within seven days, in writing by certified mail, the governing body of the municipality or municipalities in which the land is located and any municipality immediately adjacent thereto. During the preparation of the plans, the commission shall regularly meet and consult with the notified governing body or bodies of the municipality or municipalities in which the land is located. If the final plans of the commission are inconsistent with any recommendations of the governing body or bodies of the municipality or municipalities in which the land is located, the commission shall inform the governing body or bodies of the municipality or municipalities in which the land is located, in writing by certified mail, of the reasons for the inconsistencies prior to the submission of the plans to the municipal committee and shall include a copy of this notice when submitting the plans to the municipal committee.

2. Section 2 of P.L.1988, c.136 (C.13:17-14.1) is amended to read as follows:

C.13:17-14.1 Development application.

2. Whenever the commission receives an application for the development, improvement or redevelopment of, or for the construction or reconstruction of buildings or structures on, land in the district, the commission shall notify within seven days, in writing by certified mail, the governing body of the municipality or municipalities in which the land is located and any municipality immediately adjacent thereto. Before approving an application, the commission shall consult with the notified gov-

erning body or bodies of the municipality or municipalities in which the land is located. If the commission approves an application which the governing body or bodies of the municipality or municipalities in which the land is located oppose in any manner, the commission shall inform the governing body or bodies, in writing by certified mail, of the reasons for approval within seven days of that approval.

3. This act shall take effect immediately.

Approved July 17, 1992.

CHAPTER 55

AN ACT concerning the establishment of county vocational schools.

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

C.18A:54-29.4 County tax levy adjusted for establishment of county vocational school.

1. Any county which received approval from the State Board of Education, after July 1, 1990, for the establishment of a county vocational school shall, consistent with the practice for existing county vocational schools, be entitled to an exception to the limitation imposed upon increases in the county tax levy pursuant to section 4 of P.L.1976, c.68 (C.40A:4-45.4) in an amount equal to that expended for the county vocational school board of education.

2. This act shall take effect immediately.

Approved July 17, 1992.

CHAPTER 56

AN ACT establishing a register of alternate new home warranty security programs, and supplementing P.L.1977, c.467 (C.46:3B-1 et seq.).

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

C.46:3B-8.1 Filing of statement by warranty guarantor.

1. Whenever a builder participating in an alternative new home warranty program approved by the commissioner pursuant to section 8 of P.L.1977, c.467 (C.46:3B-8) issues a warranty guaranteed by that plan, the warranty guarantor shall, before the 15th day of the month next following the month in which the new home covered by the warranty is conveyed to the owner, file with the commissioner a statement listing: (1) the name of the approved program as listed with the department; (2) the name or names and Social Security number or numbers of the owner or owners to whom the warranty was issued, the warranty date, and the enrollment number or other designation by which the warranty is identified in the records of the approved program; (3) the name, address and registration number of the registered builder by whom the warranty has been issued; (4) the sales price of the new home upon which the warranty was issued, its type and method of construction in accordance with categories established by the commissioner, and its location by street address or its block and lot number designation in the tax records of the municipality in which it is located; and (5) such other information as the commissioner may require in order to carry out the provisions and purposes of this act.

C.46:3B-8.2 Filing, indexing of information.

2. The commissioner shall cause the information reported to him pursuant to section 1 of this act to be filed and indexed, in coordination with data on file with the department relating to alternate programs approved by the commissioner, so as to permit a person consulting the file to ascertain the following data and any combination thereof:

(1) The identity and business address of any approved program, of the warranty guarantor of the program, and of the warranty administrator if different from the warranty guarantor.

(2) The identity, business address and registration number of each builder participating in any approved program.

(3) The number of warranties issued and in force by any builder participating in an approved program; the type, sales price and location of each property covered by those warranties; the

identity of the owners to whom those warranties were issued; and warranty dates of each.

(4) The number of warranties issued and in force that are guaranteed by the guarantor of any program; the builder by whom they were issued; the type, sales price and location of each property covered by those warranties; the identity of the owners to whom those warranties were issued; and the warranty dates of each.

(5) The address or other location of every property upon which a warranty has been issued and is in force, according to the warranty date, the builder by whom issued, the approved program by which it is guaranteed, the owner or owners to whom issued, the type of construction and the sales price.

(6) Each of the foregoing, or any combination thereof, arranged chronologically according to the year, or any month of any year, of the warranty dates of the warranties involved.

C.46:3B-8.3 Files open to public inspection.

3. The files maintained pursuant to section 2 of this act shall be open to inspection by the public at any time during regular business hours at the department's main office and at any other location at which the commissioner may direct duplicate files to be maintained. Copies of information derived from these files shall be available, upon payment of fees sufficient to defray the cost of preparing and distributing those copies, to any person requesting them.

4. This act shall take effect on the 120th day next following its enactment; provided, however, that any rules and regulations necessary for its implementation may be promulgated immediately.

Approved July 17, 1992.

CHAPTER 57

AN ACT concerning the medical care and treatment of minors,
amending and supplementing P.L.1968, c.230.

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

1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as follows:

C.9:17A-4 Consent by minor to treatment.

1. The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or professes to be afflicted with a venereal disease, or by a minor who, in the judgment of a treating physician, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the attending physician believes that it is in the best interests of the patient not to do so; however, inability of the treating physician, hospital or clinic to locate or notify the parents or guardian shall not preclude the provision of any necessary emergency medical or surgical care to the minor.

When a minor believes that he is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2) or is suffering from alcohol dependency or is an alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), his consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for alcoholism or in a facility licensed by the State to provide for the treatment of alcoholism shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use, drug abuse, alcohol use or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider or the treatment facility, as appropriate, and his patient, and neither the minor nor his physician, treatment provider or treatment facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital, facility or clinical care or services or medical or surgical care or services to be provided by a

physician licensed to practice medicine or by an individual licensed or certified to provide treatment for alcoholism to such a minor.

C.9:17A-4.1 Admission to treatment programs not affected.

2. This act shall not be interpreted to interfere with any parental rights to place a child in treatment on a voluntary or involuntary basis under applicable State law.

Treatment programs shall not be required to admit minors. Treatment programs may establish their own admission and reimbursement criteria which may include parental notification and involvement.

3. This act shall take effect immediately.

Approved July 17, 1992.

CHAPTER 58

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 or at any school election for the authorization or issuance of bonds 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 notices to persons desiring Military Service and Civilian Absentee Ballots were not published in accordance with the provisions of section 7 of the "Absentee Voting Law (1953)," P.L.1953, c.211 (C.19:57-7); and notwithstanding that such notices were not published in accordance with the provisions of N.J.S.18A:14-25; provided however, that no action, suit or other proceeding 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 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 22, 1992.

CHAPTER 59

AN ACT concerning crime victims' testimony at parole hearings and amending P.L.1979, c.441.

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

1. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to read as follows:

C.30:4-123.55 Review of reports; certification of parole release; denial; time limitations; waiver; majority concurrence.

11. a. Prior to the parole eligibility date of each adult inmate, a designated hearing officer shall review the reports required by section 10 of this act, and shall determine whether there is a basis for denial of parole in the preparole report or the inmate's statement, or an indication, reduced to writing, that additional information providing a basis for denial of parole would be developed or produced at a hearing. If the hearing officer determines that there is no basis in the preparole report or the inmate's statement for denial of parole and that there is no additional relevant information to be developed or produced at a hearing, he shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that parole release be granted.

b. If the assigned member of the board panel or in the case of an inmate sentenced to a county penal institution, the assigned member concurs in the hearing officer's recommendation, he shall certify parole release pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board. In the case of an inmate sentenced to a county penal institution the board shall certify parole release or deny parole as provided by this section, except with regard to time periods for notice and parole processing which are authorized by or otherwise adopted pursuant to subsection g. of section 7 of P.L.1979, c.441 (C.30:4-123.51). If the designated hearing officer does not recommend release on parole or if the assigned member does not concur in a recommendation of the designated hearing officer in favor of release, then the parole release of an inmate in a county penal institution shall be treated under the provisions of law otherwise applicable to an adult inmate. In the case of an inmate sentenced to a county penal institution, the performance of public service for the remainder of the term of the sentence shall be a required condition of parole, where appropriate.

c. If the hearing officer or the assigned member determines that there is a basis for denial of parole, or that a hearing is otherwise necessary, the hearing officer or assigned member shall notify the appropriate board panel and the inmate in writing of his determination, and of a date for a parole consideration hearing. The board panel shall notify the victim of the crime, if the crime for which the inmate is incarcerated was a crime of the first or second degree, or the victim's nearest relative if the crime was murder, as appropriate, who was previously contacted by the board and who has indicated his intention to the board to testify at the hearing, of the opportunity to testify or submit written statements at the hearing. Said hearing shall be conducted by the appropriate board panel at least 30 days prior to the eligibility date. At the hearing, which shall be informal, the board panel shall receive as evidence any relevant and reliable documents or in person testimony, including that of the victim of the crime or the members of the family of a murder victim if the victim or a family member so desires. If a victim of a crime or the relative of a murder victim chooses not to testify personally at the hearing, the victim or relative may elect to present testimony to a senior hearing officer designated by the board panel. The senior hearing officer shall prepare a report or a transcript of the testimony for presentation to the board panel at the hearing. All such evidence not classified as confidential pursuant to rules and regulations of the board or the Department of Corrections shall be disclosed to the inmate and the inmate shall be permitted to rebut such evidence and to present evidence on his own behalf. The decision of the board panel shall be based solely on the evidence presented at the hearing.

d. At the conclusion of the parole consideration hearing, the board panel shall either (1) certify the parole release of the inmate pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board, or (2) deny parole and file with the board within 30 days of the hearing a statement setting forth the decision, the particular reasons therefor, except information classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, a copy of which statement shall be served upon the inmate together with notice of his right to appeal to the board.

e. Upon request by the hearing officer or the inmate, the time limitations contained in sections 10 and 11 may be waived by the appropriate board panel for good cause.

f. Notwithstanding the provision of any other law to the contrary, if an inmate incarcerated for murder is recommended for parole by the assigned board member or the appropriate board panel, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation.

The provisions of this subsection shall not apply to an inmate who has his parole revoked and is returned to custody pursuant to the provisions of section 19 of P.L.1979, c.441 (C.30:4-123.63).

2. This act shall take effect immediately.

Approved July 23, 1992.

CHAPTER 60

AN ACT permitting an increase in the final appropriations of a municipality for the purposes of the local budget cap under certain circumstances.

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

1. The Director of the Division of Local Government Services in the Department of Community Affairs shall, for the purpose of calculating the allowable operating appropriations before exceptions, provide a cap base adjustment to the 1991 total general appropriations of a municipality for a new or assumed service that was previously performed by another government entity or other provider during calendar year 1990 and provided in part by that municipality in 1990, in the amount that was appropriated outside of the permissible expenditure limitation for the 1991 local budget year for that service.

2. This act shall take effect immediately.

Approved July 24, 1992.

CHAPTER 61

AN ACT concerning public institutions of higher education and amending N.J.S.18A:64-6, N.J.S.18A:72A-5, and P.L.1986, c.43, supplementing chapter 64 of Title 18A of the New Jersey Statutes and repealing section 25 of P.L.1986, c.43.

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

1. N.J.S.18A:64-6 is amended to read as follows:

Powers, duties of boards.

18A:64-6. The board of trustees of a State college shall, subject to the general policies, guidelines, and procedures set by the Board of Higher Education, have general supervision over and shall be vested with the conduct of the college. It shall, subject to the general policies, guidelines, and procedures set by the Board of Higher Education, have the power and duty to:

- a. Adopt and use a corporate seal;
- b. Determine the educational curriculum and program of the college;
- c. Determine policies for the organization, administration and development of the college;
- d. Study the educational and financial needs of the college; annually acquaint the Governor and Legislature with the condition of the college; and prepare, and after concurrence by and jointly with the Board of Higher Education, present the annual budget to the Governor and Legislature in accordance with law;
- e. Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;
- f. Direct and control expenditures and transfers of funds appropriated to the college and tuition received by the college, in accordance with the provisions of the State budget and appropriation acts of the Legislature, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury and to the Chancellor of Higher Education and as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to audit by the State at any time;

g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation of a president of the college, who shall be the executive officer of the college and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. Notwithstanding the provisions of Title 11, Civil Service, of the Revised Statutes, upon nomination by the president appoint a treasurer and such deans and other professional members of the academic, administrative and teaching staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required and fix their compensation and terms of employment in accordance with salary ranges and policies adopted by the Board of Higher Education, and concurred in by the Governor, which salary policies shall prescribe qualifications for various classifications and shall limit the percentage of the educational staff that may be in any given classification;

i. Upon nomination by the president, appoint, remove, promote and transfer such other officers, agents or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes;

j. Grant diplomas, certificates and degrees;

k. Pursuant to the provisions of the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and agreements for the purchase of lands, buildings, equipment, materials, supplies and services; enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the purposes of the college;

l. If necessary, take and condemn land and other property in the manner provided by the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to purchase land or other property;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food service facilities;

o. Fix and determine, within guidelines established by the Board of Higher Education, tuition rates and other fees to be paid by students;

p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board may use for or in aid of any of its purposes;

q. Acquire by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

r. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings. All capital expenditures in excess of \$500,000.00 shall be subject to the approval of the Board of Higher Education;

s. Manage and maintain, and provide for the payment of all charges and expenses in respect to all properties utilized by the college;

t. Borrow money for the needs of the college, as deemed requisite by the board, in such amounts, and for such time and upon such terms as may be determined by the board, provided that this borrowing shall not be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. Authorize any new program, educational department or school which will require, at the time of establishment or thereafter, an additional expenditure of money, if the establishment thereof is approved by the Board of Higher Education and provision is made therefor by law;

v. Formulate and submit to the Board of Higher Education an institutional plan consistent with the rules and regulations of the Board of Higher Education; and

w. Pursuant to the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), award contracts and agreements for the performance of any construction work or the furnishing of any materials or supplies to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State colleges.

C.18A:64-76.1 Advertisements by contracting agent for bids.

2. a. Whenever the entire cost for the construction, alteration or repair of any building by a State college will exceed the

amount determined pursuant to subsection b. of section 3 of P.L.1986, c.43 (C.18A:64-54), the contracting agent shall advertise for and receive in the manner provided by law:

- (1) separate bids for the following categories of work:
 - (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, or
- (2) bids for all work and materials required to complete the entire project if awarded as a single contract, or
- (3) both (1) and (2) above.

All bids submitted shall set forth the names and license numbers 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).

b. Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the State college.

3. Section 14 of P.L.1986, c.43 (C.18A:64-65) is amended to read as follows:

C.18A:64-65 Advertisements for bids.

14. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding but in no event less than 30 days prior to that date. The advertisement shall designate the manner of submitting and of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the State college shall be sealed and shall be opened only at such time and place as all bids received are unsealed and announced. At that time and place, the contracting agent of the State college shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents who are then and there present. A proper record of the prices and terms shall be made. No bids shall be received after the time designated in the advertisement.

4. N.J.S.18A:72A-5 is amended to read as follows:

Authority's powers.

18A:72A-5. The authority shall have power:

(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 in its own name, and plead and be impleaded;

(e) To borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter;

(f) 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 chapter;

(g) 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 or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the State; and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes;

(h) To receive and accept, from any federal or other public agency or governmental entity, grants or loans 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, loans and contributions may be made;

(i) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating colleges under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates;

(j) By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating colleges; however, in any contract or contracts undertaken by the authority for the construc-

tion, reconstruction, rehabilitation or improvement of any public college project where the cost of such work will exceed \$25,000, the contracting agent shall advertise for and receive in the manner provided by law:

- (1) separate bids for the following categories of work;
 - (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, or
- (2) bids for all work and materials required to complete the entire project if awarded as a single contract; or
- (3) both (1) and (2) above.

All bids submitted shall set forth the names and license numbers of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (1)(a) through (1)(e).

Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the authority;

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all such purposes; to enter into contracts for the management and operation of a project, and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(l) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as its agent to establish rules and regulations for the use of a project undertaken by such participating college;

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with

any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) 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 chapter;

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer.

Repealer.

5. Section 25 of P.L.1986, c.43 (C.18A:64-76) is repealed.

6. This act shall take effect immediately.

Approved July 28, 1992.

CHAPTER 62

AN ACT concerning plumbing contractors and amending P.L.1987, c.442.

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

1. Section 8 of P.L.1987, c.442 (C.45:14C-12.3) is amended to read as follows:

C.45:14C-12.3 Exclusive licensing procedure.

8. a. On or after the effective date of this 1987 amendatory and supplementary act, a person shall not work as a master plumber or use the title or designation of master plumber unless licensed pursuant to the provisions of this amendatory and supplementary act.

b. On or after the effective date of this 1987 amendatory and supplementary act, a person, firm, partnership, corporation or other legal entity shall not engage in the business of plumbing contracting or advertise in any manner as a plumbing contractor or use the title or designation of plumbing contractor unless authorized to act as a plumbing contractor pursuant to the provi-

sions of this amendatory and supplementary act. In addition to any penalty authorized pursuant to the provisions of section 12 of P.L.1978, c.73 (C.45:1-25), any person, firm, partnership, corporation or other legal entity which violates any provision of this subsection shall be guilty of a disorderly persons offense.

2. This act shall take effect immediately.

Approved July 28, 1992.

CHAPTER 63

AN ACT concerning the term of certain contracts and amending P.L.1971, c.198.

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

1. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of:

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of 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;

(2) (Deleted by amendment, P.L.1977, c.53.)

(3) The collection and disposal of municipal solid waste, or the disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The collection and recycling of methane gas from a sanitary landfill facility, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in

buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Division of Energy Planning and Conservation of the Board of Public Utilities, establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and

“water supply facility” means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, “resource recovery facility” means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities, and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, “resource recovery facility” means a solid waste facility constructed and operated for the incineration

of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et seq.). For the purposes of this subsection, "wastewater treatment services" means any services provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Public Utilities;

(21) In the case of a contracting unit which is a county or municipality, the provision of emergency medical services by a hospital to residents of a municipality or county as appropriate for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of such electricity, from a public utility company subject to the jurisdiction of the Board of Public Utilities, a similar regulatory body of another state, or a

federal regulatory agency, or from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C. §796, by a contracting unit engaged in the generation of electricity for retail sale, as of the date of this amendatory act, for a term not to exceed 40 years;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospita! care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization;

(26) Claims administration services, for any term not to exceed three years;

(27) The provision of transportation services to elderly, disabled or indigent persons for any term of not more than three years. For the purposes of this subsection, "elderly persons" means persons who are 60 years of age or older. Disabled persons" means persons of any age who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable, without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. "Indigent persons" means persons of any age whose income does not exceed 100 percent of the poverty level, adjusted for family size, established and adjusted under section 673 (2) of subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. §9902 (2));

(28) The supplying of liquid oxygen or other chemicals, for a term not to exceed five years, when the contract includes the installation of tanks or other storage facilities by the supplier, on or near the premises of the contracting unit; and

(29) The performance of patient care services by contracted medical staff at county hospitals, correction facilities and long term care facilities, for any term of not more than three years.

All multiyear leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to

subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, and contracts for the purchase of electricity or administrative or dispatching services related to the transmission of such electricity authorized pursuant to subsection (24) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved July 28, 1992.

CHAPTER 64

AN ACT concerning the practice of land surveying and amending and supplementing P.L.1938, c.342.

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

1. Section 2 of P.L.1938, c.342 (C.45:8-28) is amended to read as follows:

C.45:8-28 Definitions.

2. (a) The term "professional engineer" within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.

(b) The terms “practice of engineering” or “professional engineering” within the meaning and intent of this chapter shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of the “Building Design Services Act,” P.L.1989, c.277 (C.45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

Nothing herein shall prohibit licensed architects from providing or offering services consistent with the “Building Design Services Act,” P.L.1989, c.277 (C.45:4B-1 et seq.).

(c) The term “engineer-in-training” as used in this chapter shall mean a person who is a potential candidate for license as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

(d) The term “land surveyor” as used in this chapter shall mean a person who is a professional specialist in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law, all requisite to the practice of land surveying as attested by his license as a land surveyor.

(e) The term “practice of land surveying” within the meaning and intent of this chapter shall mean any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form that represent these surveys. The practice of land surveying shall include the establishment and maintenance of the base mapping and related control for land information systems that are developed from the above referenced definition of the practice of land surveying.

For purposes of this subsection, “land information systems” means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

A person who engages in the practice of land surveying; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or professional surveyor; or who represents himself as able to perform any land surveying service or work or any service which is recognized as within the practice of land surveying shall be deemed to practice or offer to practice land surveying.

Nothing in this chapter shall preclude a person licensed by the board as a professional engineer from performing those measurements necessary for the design, construction stake-out, construction and post-construction records of an engineering project, provided that these measurements are not related to property lines, lot lines, easement lines, or right-of-way lines, the establishment of which are required to be made by a land surveyor.

(f) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.

(g) The term "responsible charge" as used in this chapter shall mean the rendering of regular and effective supervision by a competent professional engineer or land surveyor to those individuals performing services which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(h) The term "certificate of authorization" shall mean a certificate issued by the board pursuant to this amendatory and supplementary act.

(i) The term "joint committee" shall mean the Joint Committee of Architects and Engineers established pursuant to the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(j) The term "closely allied professional" as used in this chapter shall mean and is limited to licensed architects, professional engineers, land surveyors, and professional planners.

(k) The term "telecommunications" as used in this chapter, shall mean, as it is applied to the practice of engineering, subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image and data

transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits, propagation of electromagnetic energy through guided media such as a transmission line, fibers, wave guides, and unguided media such as free space as in broadcast and mobile communication systems, communication theory, including modulation, noise interference, and the interface with computers.

(1) The term “surveyor-in-training” as used in this chapter shall mean a person who is a potential candidate for licensure as a land surveyor, who is a graduate in an approved surveying curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental surveying subjects, approved by the board pursuant to section 9 of P.L. 1938, c.342 (C.45:8-35).

2. Section 9 of P.L. 1938, c.342 (C.45:8-35) is amended to read as follows:

C.45:8-35 Applications for license, certificate of registration; fees; qualifications; evidence of qualifications; examination.

9. Applications for license as professional engineers shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant’s education and detailed statement of his engineering experience, and shall contain not less than five references, of whom three or more shall be licensed professional engineers having personal knowledge of the applicant’s engineering experience.

The application fee for professional engineers shall be set by the board and shall accompany the application.

Applications for license as land surveyors shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant’s education and detailed statement of his land surveying experience, and shall contain not less than five references, of whom three or more shall be licensed land surveyors having personal knowledge of the applicant’s land surveying experience.

The application fee for land surveyors shall be set by the board and shall accompany the application.

Applications for a certificate of registration as “engineer-in-training” shall be on forms prescribed and furnished by the board, shall be accompanied by a fee set by the board and shall contain

the names of three references of whom at least one shall be a professional engineer having personal knowledge of the applicant's engineering education, experience or training.

Applications for a certificate of registration as "surveyor-in-training" shall be on forms prescribed and furnished by the board, shall be accompanied by a fee set by the board and shall contain the names of three references of whom at least one shall be a licensed land surveyor having personal knowledge of the applicant's surveying education, experience or training.

All application fees shall be retained by the board.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for a license as a professional engineer, or as a land surveyor, or for certificate of registration as an engineer-in-training or a surveyor-in-training, to wit:

(1) As a professional engineer:

a. Graduation from a board approved curriculum in engineering of four years or more; a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing all parts of the written examination; or

b. Graduation from a board approved curriculum in engineering technology of four years or more; a specific record of an additional six years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing all parts of the written examination; or

c. Graduation from a board approved curriculum in engineering or engineering technology of four years or more; a specific record of an additional 15 years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing the specialized portion of the written examination which is designated as Part P; or

d. (Deleted by amendment, P.L.1989, c.276.)

e. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer; provided that the requirements for license by the issuing agency are at least comparable to the requirements of the board in effect at the time of application.

(2) As a land surveyor:

a. (i) Until December 31, 1990, successful completion of a board approved program in surveying in a school or college approved by the board as of satisfactory standing; an additional four years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written examination; or

(ii) Effective January 1, 1991, graduation from a board approved curriculum in surveying of four years or more; an additional three years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of that work; and successfully passing all parts of the written examination; or

b. Until December 31, 1990, successfully passing a written examination in surveying prescribed by the board; and a specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

c. (Deleted by amendment, P.L.1977, c.340.)

d. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor; provided that the requirements for license by the issuing agency are at least comparable to the requirements of the board in effect at the time of application.

(3) As an engineer-in-training:

a. Graduation from a board approved curriculum in engineering or engineering technology of four years or more; and successfully passing the fundamentals portion of the written examination which is designated as Part F.

b. (Deleted by amendment, P.L.1989, c.276.)

(4) As a surveyor-in-training: Graduation from a board approved curriculum in land surveying of four years or more; and successfully passing the fundamentals portion of a board approved written examination.

Qualifications for professional engineers.

An applicant for license as a professional engineer shall be able to speak and write the English language. All applicants shall be of good character and reputation.

Completion of a master's degree in engineering shall be considered as equivalent to one year of engineering experience and completion of a doctor's degree in engineering shall be considered as equivalent to one additional year of engineering experience.

In considering the qualifications of applicants, engineering teaching experience may be considered as engineering experience for a credit not to exceed two years.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of construction of such work as a foreman or superintendent, or the observation of construction as an inspector or witness shall not be deemed to be experience in engineering work.

Any person having the necessary qualifications prescribed in this chapter to entitle him to a license shall be eligible for such license, although he may not be practicing his profession at the time of making the application.

A quorum of the examining board shall not be required for the purpose of passing upon the issuance of a license to any applicant; provided that no action on any application shall be taken without at least three votes in accord.

Engineering experience of a character satisfactory to the board shall be determined by the board's evaluation of the applicant's experience relative to the ability to design and supervise engineering projects and works so as to insure the safety of life, health and property.

The scope of the examination for professional engineering and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering projects and works so as to insure the safety of life, health and property. An examination shall be given for the purpose of determining the qualifications of applicants for license in professional engineering. A candidate failing an examination may apply for reexamination to the extent permitted by regulations of the board. Subsequent examinations will require the payment of fees set by the board. The board shall schedule at least two examinations per year, with dates and places to be determined by the board.

Examinations of applicants for license as professional engineers will be divided into two parts, as follows:

Part F--Fundamentals of Engineering--This examination is intended to assess the applicant's competency in the fundamental engineering subjects and basic engineering sciences, such as

mathematics, chemistry, physics, statistics, dynamics, materials science, mechanics of materials, structures, fluid mechanics, hydraulics, thermodynamics, electrical theory, and economics. A knowledge of P.L.1938, c.342 (C.45:8-27 et seq.) is also required.

Part P--Specialized Training--This examination is intended to assess the extent of the applicant's more advanced and specialized professional training and experience especially in his chosen field of engineering.

Applicants for certificates of registration as engineers-in-training shall qualify by satisfactorily passing the fundamentals portion of the written examination.

The scope, time and place of the examinations for applicants for certificates of registration as "engineers-in-training" shall be prescribed by the board. A candidate failing an examination may apply for reexamination to the extent permitted by the regulations of the board. Subsequent examinations will require the payment of fees set by the board.

Qualifications for land surveyors.

An applicant for license as a land surveyor shall be able to speak and write the English language. All applicants shall be of good character and reputation.

Completion of a master's degree in surveying shall be considered as equivalent to one year of surveying experience and completion of a doctor's degree in surveying shall be considered as equivalent to one additional year of surveying experience.

In considering the qualifications of applicants, survey teaching experience may be considered as surveying experience for a credit not to exceed two years.

In determining whether an applicant's experience is satisfactory for licensure, the board shall consider whether the applicant has demonstrated the ability to perform, manage and supervise field and office surveying activities and works so as to insure the safety of life, health and property.

An examination shall be given for the purpose of determining the qualifications of applicants for license in land surveying. The content of the examination for land surveying and methods of procedure shall be prescribed by the board with emphasis upon the applicant's ability to supervise land surveying projects and works. A candidate failing an examination may apply for reexamination to the extent permitted by regulations of the board. Subsequent examinations will require the payment of fees set by

the board. The board shall schedule at least two examinations per year, with dates and places to be determined by the board.

Examinations of applicants for license as land surveyors shall be divided into two parts, as follows:

Part F--Fundamentals of Land Surveying--This examination is intended to assess the applicant's competency in the fundamental surveying subjects and basic surveying sciences, including, but not limited to, mathematics, chemistry, physics, statistics, dynamics, boundary law, real estate law, and economics. A knowledge of P.L.1938, c.342 (C.45:8-27 et seq.) is also required.

Part P--Specialized Training--This examination is intended to assess the extent of the applicant's more advanced and specialized professional training and experience in the field of land surveying.

Applicants for certificates of registration as surveyors-in-training shall qualify by satisfactorily passing the fundamentals portion of the written examination.

The scope, time and place of the examinations for applicants for certificates of registration as "surveyors-in-training" shall be prescribed by the board. A candidate failing an examination may apply for reexamination to the extent permitted by the regulations of the board. Subsequent examinations will require the payment of fees set by the board.

3. Section 10 of P.L.1938, c.342 (C.45:8-36) is amended to read as follows:

C.45:8-36 Certificates.

10. Certificates. The board shall issue a license certificate upon payment of the application fee as provided in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter, and who has paid the license fee of \$5.00 to cover licensure for the year or fraction thereof in which such license is issued. In the case of a licensed professional engineer the certificate shall authorize the practice of the applicant as a "professional engineer" and in the case of a licensed land surveyor as a "land surveyor," or as "professional engineer and land surveyor" when the applicant qualifies in both classifications. Certificates of license shall show the full name of the licensee, shall have a license number and shall be signed by the president and the secretary-director of the board under the seal of the board. The issuance of a license certificate by this board shall be evidence that the person named therein is entitled

to all the rights and privileges of a licensed professional engineer or a licensed land surveyor, or as both as the case may be, while said certificate remains unrevoked or unexpired.

Each professional engineer or land surveyor shall upon receipt of license certificate, obtain a seal of a design authorized by the board, bearing his name, license number and the legend "Licensed Professional Engineer," "Licensed Land Surveyor," or "Licensed Professional Engineer and Land Surveyor," as the case may be. Plans, specifications, plats, and reports issued by persons authorized under this chapter shall be sealed with said seal, during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued. The exact method of fulfilling the requirement as to the sealing of documents shall be regulated by the board.

All professional engineers licensed by this board prior to the passage of this chapter, shall continue to practice under the various classifications heretofore granted and within the branches of engineering indicated or may, upon application therefor, and the payment of a fee of \$5.00 receive a new certificate under the title "professional engineer"; provided, said professional engineer presents evidence satisfactory to the board of his qualifications to practice in the field of general engineering comprehended in the title "professional engineer."

All license certificates shall be recorded by the board in the office of the Secretary of State, in a book kept for that purpose and any recording fee as may be provided by law shall be paid by the applicant before the license certificate is delivered.

The examining board shall be empowered to issue a certificate of registration as "Engineer-in-Training" or "Surveyor-in-Training," as the case may be, to an applicant who meets the qualifications outlined elsewhere herein.

An applicant who meets the requirements of this act shall receive a certificate of registration as "Engineer-in-Training," or "Surveyor-in-Training," whichever is applicable, which certificate may remain in effect for a period of 10 years from the date of issuance.

4. Section 13 of P.L.1938, c.342 (C.45:8-39) is amended to read as follows:

C.45:8-39 Practice without license and other violations; penalties; actions for penalties.

13. a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of this act, or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, or an unexpired and revoked certificate of license, or who shall use either the title "Engineer-in-Training" or "Surveyor-in-Training" without holding a valid certificate of registration issued by the board, or who shall otherwise violate any of the provisions of this act, shall be subject to a penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.

b. Pursuant to the provisions of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.) the board:

(1) May refer any complaint, question or controversy involving the application of that act to the joint committee.

(2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.

(3) Shall refer a request for a declaratory ruling to the joint committee.

(4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.

(5) Shall, when necessary and appropriate, exercise the investigation or enforcement powers conferred by law to aid and assist the joint committee in its functions.

(6) Shall, consistent with that act, discipline any professional engineer who, or business association authorized to offer engineering services which, violates that act. Such a violation shall be deemed professional misconduct. Any violation of that act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a viola-

tion shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Professional Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

c. No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for services constituting the practice of engineering or land surveying without alleging and proving that he was duly licensed in accordance with this chapter at the time the alleged cause of action arose.

d. The Superior Court shall have jurisdiction of actions for penalties under this act.

C.45:8-36.1 Use of title "professional land surveyor."

5. Any person licensed as a land surveyor pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.) may use the title "professional land surveyor" in the scope of the practice of land surveying.

6. This act shall take effect immediately.

Approved July 28, 1992.

CHAPTER 65

AN ACT concerning the rehabilitation and liquidation of certain insurers and repealing parts of the statutory law.

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

C.17B:32-31 Short title, purpose of act.

1. a. This act shall be known and may be cited as the "Life and Health Insurers Rehabilitation and Liquidation Act."

b. The purpose of this act is the protection of the interests of insureds, claimants, creditors and the public generally through:

(1) Early detection of any potentially dangerous condition in an insurer, and prompt application of appropriate corrective measures;

(2) Improved methods for rehabilitating insurers, involving the cooperation and management expertise of the life and health insurance industry;

(3) Enhanced efficiency and economy of liquidation, through clarification of the law, to minimize legal uncertainty and litigation;

(4) Equitable apportionment of any unavoidable loss;

(5) Lessening the problems of interstate rehabilitation and liquidation by facilitating cooperation between states in the liquidation process, and by extending the scope of personal jurisdiction over debtors of the insurer outside this State;

(6) Regulation of the insurance industry by the impact of the law relating to delinquency procedures and substantive rules on the entire life and health insurance industry; and

(7) Providing for a comprehensive scheme for the rehabilitation and liquidation of life and health insurers and others subject to this act as part of the regulation of the business of insurance, insurance industry and insurers in this State. Proceedings in cases of insurer insolvency and delinquency are deemed an integral aspect of the business of insurance and are of vital public interest and concern.

C.17B:32-32 Application of authorized proceedings.

2. The proceedings authorized by this act shall be applied to:

a. All insurers who are doing, or have done, insurance business in this State, and against whom claims arising from that business may exist now or in the future.

b. All insurers who purport to do insurance business in this State.

c. All insurers who have insureds residing in this State.

d. All other persons organized or in the process of organizing with the intent to do life or health insurance or annuity business in this State.

C.17B:32-33 Definitions.

3. For the purposes of this act:

“Ancillary state” means any state other than a domiciliary state.

“Commissioner” means the Commissioner of Insurance of this State.

“Creditor” is a person having any claim against the insurer, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent.

“Delinquency proceeding” means any proceeding instituted against an insurer for the purpose of liquidating, rehabilitating, reorganizing or conserving that insurer, and any summary pro-

ceeding under section 9 of this act. "Formal delinquency proceeding" means any liquidation or rehabilitation proceeding.

"Department" means the Department of Insurance.

"Doing business" includes any of the following acts, whether effected by mail or otherwise:

- (1) The issuance or delivery of contracts of life or health insurance or annuity to persons residing in this State;
- (2) The solicitation of applications for those contracts, or other negotiations preliminary to the execution of those contracts;
- (3) The collection of premiums, membership fees, assessments or other consideration for those contracts;
- (4) The transaction of matters subsequent to execution of those contracts and arising out of them; or
- (5) Operating under a license or certificate of authority, as an insurer, issued by the department.

"Domiciliary state" means the state in which an insurer is incorporated or organized; or, in the case of an alien insurer, its state of entry.

"Fair consideration" is given for property or obligation:

- (1) When in exchange for that property or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or services are rendered or an obligation is incurred or an antecedent debt is satisfied; or
- (2) When that property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared to the value of the property or obligation obtained.

"Foreign country" means any other jurisdiction not in any state.

"General assets" means all property, real, personal or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or classes of persons. As to specifically encumbered property, "general assets" includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets.

"Guaranty association" means the New Jersey Life and Health Insurance Guaranty Association created in subsection a. of section 5 of P.L.1991, c.208 (C.17B:32A-5) and any other similar entity now or hereafter created by any other law of this State for the payment of claims of insolvent insurers. "Foreign guaranty

association” means any similar entities now in existence in, or hereafter created by, any law of any other state.

“Insolvency” or “insolvent” means:

(1) That an insurer: (a) is unable to pay its obligations when they are due, or (b) its admitted assets do not exceed its liabilities plus the greater of:

(i) Any capital and surplus required by law for its organization; or
(ii) The total par or stated value of its authorized and issued capital stock.

(2) As to any insurer licensed to do business in this State, as of the effective date of this act, which does not meet the standard established under paragraph (1) of this definition, the term “insolvency” or “insolvent” shall mean, for a period not to exceed three years from the effective date of this act, that it is unable to pay its obligations when they are due or that its admitted assets do not exceed its liabilities plus any required capital contribution ordered by the commissioner under provisions of the insurance law.

(3) For purposes of the definition of “insolvency” or “insolvent,” “liabilities” shall include, but not be limited to, reserves required by law or by regulations of the department or specific requirements imposed by the commissioner upon an insurer at the time of admission or subsequent thereto.

“Insurer” includes every person engaged as indemnitor or contractor in the business of life insurance, health insurance or of annuities and every such person subject to the supervisory authority of, or to liquidation, rehabilitation, reorganization or conservation by, the commissioner or the equivalent insurance regulator of another state; every person purporting to be engaged as indemnitor or contractor in the business of life insurance, health insurance or of annuities in this State; every person in the process of organization to become engaged as indemnitor or contractor in the business of life insurance, health insurance or of annuities; and every fraternal benefit society established pursuant to P.L.1959, c.167 (C.17:44A-1 et seq.); every mutual benefit association established pursuant to R.S.17:45-1 et seq.; every hospital service corporation established pursuant to P.L.1938, c.366 (C.17:48-1 et seq.); every health service corporation established pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.); every medical service corporation established pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.); every dental service corporation established pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.); every dental plan organization established pursuant to P.L.1979, c.478 (C.17:48D-1 et seq.); and every health maintenance organization established pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.).

“Preferred claim” means any claim which is accorded priority of payment from the general assets of the insurer pursuant to the provisions of this act.

“Receiver” means receiver, liquidator, rehabilitator or conservator as the context requires.

“Reciprocal state” means any state, other than this State, in which in substance and effect, subsection a. of section 17 and sections 51, 52 and 54 through 56 of this act are in force, and in which provisions are in force requiring the commissioner or equivalent official to be the receiver of a delinquent insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers.

“Secured claim” means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise; but not including special deposit claims or claims against general assets. The term also includes claims which have become liens upon specific assets by reason of judicial process.

“Special deposit claim” means any claim secured by a deposit made pursuant to law for the security or benefit of a limited class or classes of persons, but not including any claim secured by general assets.

“State” means any state, district, or territory of the United States and the Panama Canal Zone.

“Transfer” shall include the sale and every other and different mode, direct or indirect, of disposing of or of parting with, property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor.

C.17B:32-34 Jurisdiction over delinquency proceedings.

4. a. No delinquency proceeding shall be commenced under this act by anyone other than the commissioner and no court shall have jurisdiction to entertain, hear or determine any proceeding commenced by any other person.

b. No court of this State shall have jurisdiction to entertain, hear or determine any complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation or receivership of any insurer; or praying for an injunction or restraining order or other relief preliminary to, incidental to or relating to such proceedings other than in accordance with this act.

c. In addition to other grounds for jurisdiction provided by the law of this State, a court of this State having jurisdiction of the subject matter has jurisdiction over a person served pursuant to the Rules Governing the Courts of the State of New Jersey or other applicable provisions of law in an action brought by the receiver of a domestic insurer or an alien insurer domiciled in this State:

(1) If the person served is an agent, broker or other person who has at any time written policies of insurance for, or has acted in any manner whatsoever on behalf of, an insurer against which a delinquency proceeding has been instituted, in any action resulting from or incident to such a relationship with the insurer;

(2) If the person served is a reinsurer who has at any time entered into a contract of reinsurance with an insurer against which a delinquency proceeding has been instituted, or is an agent or broker of or for the reinsurer, in any action on or incident to the reinsurance contract;

(3) If the person served is or has been an officer, director, manager, trustee, organizer, promoter or other person in a position of comparable authority or influence over an insurer against which a delinquency proceeding has been instituted, in any action resulting from or incident to such a relationship with the insurer;

(4) If the person served is or was at the time of the institution of the delinquency proceeding against the insurer holding assets in which the receiver claims an interest on behalf of the insurer, in any action concerning the assets; or

(5) If the person served is obligated to the insurer in any way whatsoever, in any action on or incident to the obligation.

d. If the court on motion of any party finds that any action should as a matter of substantial justice be tried in a forum outside this State, the court may enter an appropriate order to stay further proceedings on the action in this State.

e. All actions authorized pursuant to this section shall be brought in the Superior Court.

C.17B:32-35 Restraining orders, injunctions.

5. a. Any receiver appointed in a proceeding under this act may at any time apply for, and the Superior Court may grant, such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to prevent:

(1) The transaction of further business;

(2) The transfer of property;

(3) Interference with the receiver or with a proceeding under this act;

- (4) Waste of the insurer's assets;
- (5) Dissipation and transfer of bank accounts;
- (6) The institution or further prosecution of any actions or proceedings;
- (7) The obtaining of preferences, judgments, attachments, garnishments or liens against the insurer, its assets or its policyholders;
- (8) The levying of execution against the insurer, its assets or its policyholders;
- (9) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;
- (10) The withholding from the receiver of books, accounts, documents or other records relating to the business of the insurer; or
- (11) Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors or shareholders, or the administration of any proceeding under this act.

b. The receiver may apply to any court outside of this State for the relief described in subsection a. of this section.

C.17B:32-36 Cooperation with commissioner in proceedings.

6. a. Any officer, manager, director, trustee, owner, employee or agent of any insurer, or any other person with authority over or in charge of any segment of the insurer's affairs, including any person who exercises control directly or indirectly over activities of the insurer through any holding company or other affiliate of the insurer, shall cooperate with the commissioner in any proceeding under this act or any investigation preliminary to the proceeding. The term "cooperate" shall include, but shall not be limited to, the following:

(1) Replying promptly in writing to any inquiry from the commissioner requesting such a reply; and

(2) Making available to the commissioner any books, accounts, documents, or other records or information or property of or pertaining to the insurer and in his possession, custody or control.

b. No person shall obstruct or interfere with the commissioner in the conduct of any delinquency proceeding or any investigation preliminary or incidental thereto.

c. This section shall not be construed to abridge any other existing legal rights, including the right to resist a petition for liquidation or other delinquency proceedings, or other orders.

d. Any person who fails to cooperate with the commissioner pursuant to subsection a. of this section, or who obstructs or

interferes with the commissioner pursuant to subsection b. of this section, or who violates any order the commissioner issued validly under this act shall:

(1) Be subject to a civil penalty of not more than \$10,000 or to imprisonment for not more than one year, or both; or

(2) After a hearing, be subject to an administrative penalty imposed by the commissioner of not more than \$10,000 and to the revocation or suspension of any insurance licenses issued by the commissioner.

C.17B:32-37 Proceedings previously commenced deemed commenced under this act; exceptions, distribution of claims.

7. a. Every proceeding heretofore commenced under the laws in effect before the enactment of this act shall be deemed to have been commenced under this act henceforth for all purposes and shall be governed by the provisions of this act, including, but not limited to, section 41 of this act, except that, in the discretion of the commissioner, the proceeding may be continued, in whole or in part, as it would have been continued had this act not been enacted.

b. Notwithstanding the provisions of subsection a. of this section and section 41 of this act to the contrary, one-half of the direct, non-contingent obligations incurred on or after August 9, 1991, which prior to May 4, 1992, the insurer in rehabilitation under the supervision of the commissioner as rehabilitator had stipulated were due, and which stipulation has been ordered by the court supervising pending delinquency proceedings, shall have a priority of distribution pursuant to section 41 of this act which is after Class 3 claims under paragraph (3) of subsection a. of section 41 of this act and before Class 4 claims under paragraph (4) of subsection a. of section 41 of this act.

C.17B:32-38 Prohibitions relative to insurer subject to delinquency proceeding.

8. No insurer that is subject to any delinquency proceedings, whether administrative or judicial, shall:

a. Be released from that proceeding, unless that proceeding is converted into a judicial rehabilitation or liquidation proceeding;

b. Be permitted to solicit or accept new business or request or accept the restoration of any suspended or revoked license or certificate of authority;

c. Be returned to the control of its shareholders or private management; or

d. Have any of its assets returned to the control of its shareholders or private management until all payments of or on

account of the insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the insurer shall have been approved by the guaranty associations.

C.17B:32-39 Filing of petition; court orders.

9. a. The commissioner may file in the Superior Court of this State a petition alleging that, with respect to a domestic insurer:

(1) There exist any grounds that would justify a court order for a formal delinquency proceeding against an insurer under this act;

(2) The interests of policyholders, creditors or the public will be endangered by delay; and

(3) The contents of an order deemed necessary by the commissioner.

b. Upon a filing under subsection a. of this section, the court may issue forthwith, ex parte and without a hearing, the requested order which shall direct the commissioner to take possession and control of all or a part of the property, books, accounts, documents, and other records of an insurer, and of the premises occupied by it for transaction of its business; and until further order of the court enjoin the insurer and its officers, managers, agents, and employees from disposition of its property and from the transaction of its business except with the written consent of the commissioner.

c. The court shall specify in the order what its duration shall be, which shall be the time the court deems necessary for the commissioner to ascertain the condition of the insurer. On motion of either party or on its own motion, the court may from time to time hold hearings it deems necessary after giving notice it deems appropriate, and may extend, shorten, or modify the terms of the seizure order. The court shall vacate the seizure order if the commissioner fails to commence a formal proceeding under this act after having had a reasonable opportunity to do so. An order of the court pursuant to a formal proceeding under this act shall ipso facto vacate the seizure order.

d. Entry of a seizure order under this section shall not constitute an anticipatory breach of any contract of the insurer.

e. An insurer subject to an ex parte order under this section may petition the court at any time after the issuance of the order for a hearing and review of the order. The court shall hold a hearing and review not more than 15 days after the request. A hearing under this subsection may be held privately in chambers

and it shall be held privately in chambers if requested by the insurer proceeded against.

f. If, at any time after the issuance of such an order, it appears to the court that any person whose interest is or will be substantially affected by the order did not appear at the hearing and has not been served, the court may order that notice be given. An order that notice be given shall not stay the effect of any order previously issued by the court.

C.17B:32-40 Confidentiality of documents, files, records, papers.

10. In all proceedings and judicial reviews thereof under section 9 of this act, all records of the insurer, other documents, and all department files and court records and papers, so far as they pertain to or are a part of the record of the proceedings, shall be and remain confidential except as is necessary to obtain compliance therewith, unless and until the Superior Court, after hearing arguments from the parties in chambers, shall order otherwise; or unless the insurer requests that the matter be made public. Until such court order, all papers filed with the clerk of the Superior Court shall be held by him in a confidential file.

C.17B:32-41 Petition for authority to rehabilitate insurer.

11. The commissioner may petition the Superior Court for an order authorizing him to rehabilitate a domestic insurer or an alien insurer domiciled in this State on any one or more of the following grounds:

a. The insurer is in such condition that the further transaction of business would be hazardous financially to its policyholders, creditors or the public.

b. There is reasonable cause to believe that there has been embezzlement from the insurer, wrongful sequestration or diversion of the insurer's assets, forgery or fraud affecting the insurer, or other illegal conduct in, by, or with respect to, the insurer that if established would endanger assets in an amount threatening the solvency of the insurer.

c. The insurer has failed to remove any person who in fact has executive authority in the insurer, whether an officer, manager, general agent, employee or other person, if the person has been found after notice and hearing by the commissioner to be dishonest or untrustworthy in a way affecting the insurer's business.

d. Control of the insurer, whether by stock ownership or otherwise, and whether direct or indirect, is in a person or persons found after notice and hearing to be untrustworthy.

e. Any person who in fact has executive authority in the insurer, whether an officer, manager, general agent, director or trustee, employee or other person, has refused to be examined under oath by the commissioner concerning its affairs, whether in this State or elsewhere; and after reasonable notice of that fact, the insurer has failed promptly and effectively to terminate the employment and status of the person and all his influence on management.

f. After demand by the commissioner under chapter 21 of Title 17B of the New Jersey Statutes or any other law governing the examination of insurers, or under this act, the insurer has failed to promptly make available for examination any of its own property, books, accounts, documents or other records, or those of any subsidiary or related company within the control of the insurer, or those of any person having executive authority in the insurer so far as they pertain to the insurer.

g. Without first obtaining the written consent of the commissioner, the insurer has transferred, or attempted to transfer, in a manner contrary to section 2 of P.L.1970, c.22 (C.17:27A-2) or N.J.S.17B:18-64, substantially its entire property or business, or has entered into any transaction the effect of which is to merge, consolidate or reinsure substantially its entire property or business in or with the property or business of any other person.

h. The insurer or its property has been or is the subject of an application for the appointment of a receiver, trustee, custodian, conservator or sequestrator or similar fiduciary of the insurer or its property otherwise than as authorized under the insurance laws of this State, and such appointment has been made or is imminent, and such appointment might oust the courts of this State of jurisdiction or might prejudice orderly delinquency proceedings under this act.

i. Within the previous five years the insurer has willfully violated its charter or articles of incorporation, its bylaws, any insurance law of this State, or any valid order of the commissioner.

j. The insurer has failed to pay, within 60 days after the due date, any obligation to any state or any subdivision thereof or any judgment entered in any state, if the court in which such judgment was entered had jurisdiction over such subject matter, except that such nonpayment shall not be a ground until 60 days after any good faith effort by the insurer to contest the obligation has been terminated, whether it is before the commissioner or in the courts, or the insurer has systematically attempted to compromise or renegotiate previously agreed settlements with its creditors on the ground that it is financially unable to pay its obligations in full.

k. The insurer has failed to file its annual report or other financial report required by law within the time allowed by law and, after written demand by the commissioner, has failed to give an adequate explanation immediately.

1. The board of directors or the holders of a majority of the shares entitled to vote, or a majority of those individuals entitled to the control of a mutual insurer as defined in N.J.S.17B:18-3, request or consent to rehabilitation under this act. For purposes of this subsection, "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the insurer, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of an insurer.

C.17B:32-42 Appointment of rehabilitator.

12. a. An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this State, shall appoint the commissioner and his successors in office the rehabilitator, and shall direct the rehabilitator forthwith to take possession of the assets of the insurer, and to administer them under the general supervision of the court. The filing or recording of the order with the clerk of the Superior Court or recorder of deeds of the county in which the principal business of the company is conducted, or the county in which its principal office or place of business is located, shall impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds would have imparted. The order to rehabilitate the insurer shall by operation of law vest title to all assets of the insurer in the rehabilitator.

b. Any order issued under this section shall require accountings to the court by the rehabilitator. Accountings shall be at such intervals as the court specifies in its order, but no less frequently than semi-annually. Each accounting shall include a report concerning the rehabilitator's opinion as to the likelihood that a plan under subsection e. of section 13 of this act will be prepared by the rehabilitator and the timetable for doing so.

c. Entry of an order of rehabilitation shall not constitute an anticipatory breach of any contracts of the insurer nor shall it be grounds for retroactive revocation or retroactive cancellation of

any contracts of the insurer, unless such revocation or cancellation is done by the rehabilitator pursuant to section 13 of this act.

C.17B:32-43 Powers of rehabilitator.

13. a. The commissioner as rehabilitator may appoint one or more special deputies, who shall have all the powers and responsibilities of the rehabilitator granted under this section, and the commissioner may employ such counsel, clerks and assistants as deemed necessary. The commissioner may fix the compensation of employees and agents of the insurer and, with the approval of the court, the special deputy, counsel, clerks and assistants, other than employees of the insurer, and all expenses of taking possession of the insurer and of conducting the proceedings shall be paid out of the funds or assets of the insurer. The persons appointed under this section shall serve at the pleasure of the commissioner. The commissioner, as rehabilitator, may, with the approval of the court, appoint an advisory committee of policyholders, claimants or other creditors, including guaranty associations, should he deem such a committee to be necessary. The committee shall serve at the pleasure of the commissioner and shall serve without compensation. No other committee of any nature shall be appointed by the commissioner or the court in rehabilitation proceedings conducted under this act.

b. In the event that the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the commissioner may advance the costs so incurred out of any appropriation for the maintenance of the department. Any amounts so advanced for expenses of administration shall be repaid to the commissioner for the use of the department out of the first available money of the insurer.

c. The rehabilitator may take such action as he deems necessary or appropriate to reform and revitalize the insurer, including, but not limited to, any of the actions which could be taken by a liquidator under paragraphs (6) through (24) of subsection a. of section 20 of this act. He shall have all the powers of the directors, officers and managers, whose authority shall be suspended, except as they are redelegated by the rehabilitator. He shall have full power to direct and manage, to hire and discharge employees subject to any contract rights they may have, and to deal with the property and business of the insurer.

d. If it appears to the rehabilitator that there has been criminal or tortious conduct, or breach of any contractual or fiduciary obli-

gation detrimental to the insurer by any officer, manager, agent, broker, employee or other person, he may pursue all appropriate legal remedies on behalf of the insurer.

e. If the rehabilitator determines that reorganization, consolidation, conversion, reinsurance, merger or other transformation of the insurer is appropriate, he shall prepare a plan to effect such changes. Upon application of the rehabilitator for approval of the plan, and after such notice and hearings as the court may prescribe, the court may either approve or disapprove the plan proposed, or may modify it and approve it as modified. Any plan approved under this section shall be, in the judgment of the court, fair and equitable to all parties concerned. If the plan is approved, the rehabilitator shall carry out the plan. In the case of a life insurer, the plan proposed may include the imposition of liens upon the policies of the company, if all rights of shareholders are first relinquished. A plan for a life insurer may also propose imposition of a moratorium upon loan and cash surrender rights under policies, for such period and to such an extent as may be necessary.

f. The rehabilitator shall have the power under sections 25 and 26 of this act to avoid fraudulent transfers.

C.17B:32-44 Staying of pending actions.

14. a. Any court in this State before which any action or proceeding in which the insurer is a party, or is obligated to defend a party, is pending when a rehabilitation order against the insurer is entered shall stay the action or proceeding for 90 days and such additional time as is necessary for the rehabilitator to obtain proper representation and prepare for further proceedings. The rehabilitator shall take such action respecting the pending litigation as he deems necessary in the interests of justice and for the protection of creditors, policyholders and the public. The rehabilitator shall immediately consider all litigation pending outside this State and shall petition the courts having jurisdiction over that litigation for stays whenever necessary to protect the estate of the insurer.

b. No statute of limitations or defense of laches shall run with respect to any action by or against an insurer between the filing of a petition for appointment of a rehabilitator for that insurer and the order granting or denying that petition. Any action against the insurer that might have been commenced when the petition was filed may be commenced for at least 60 days after the order of rehabilitation is entered. The rehabilitator may, upon an order for rehabilitation, within one year or such other longer time as

applicable law may permit, institute an action or proceeding on behalf of the insurer upon any cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which such order is entered.

c. Any guaranty association or foreign guaranty association covering life or health insurance or annuities shall have standing to appear in any court proceeding concerning the rehabilitation of an insurer if that association is or may become liable to act as a result of the rehabilitation.

C.17B:32-45 Petition for order of liquidation.

15. a. Whenever the commissioner believes further attempts to rehabilitate an insurer would substantially increase the risk of loss to creditors, policyholders or the public, or would be futile, the commissioner may petition the Superior Court for an order of liquidation. A petition under this subsection shall have the same effect as a petition under section 16 of this act. The Superior Court shall permit the directors of the insurer to take such actions as are reasonably necessary to defend against the petition and may order payment from the estate of the insurer of such costs and other expenses of defense as justice may require.

b. The protection of the interests of insureds, claimants and the public requires the timely performance of all insurance policy obligations. If the payment of policy obligations is suspended in substantial part for a period of 12 months at any time after the appointment of the rehabilitator and the rehabilitator has not filed an application for approval of a plan under subsection e. of section 13 of this act during the 12-month period, the rehabilitator shall petition the court for an order of liquidation on the grounds of insolvency; provided, however, that prior to the end of that 12-month period the commissioner may petition the court for an extension of the time period to file an application for approval of a plan.

c. The rehabilitator may at any time petition the Superior Court for an order terminating rehabilitation of an insurer. The court shall also permit the directors of the insurer to petition the court for an order terminating rehabilitation of the insurer and may order payment from the estate of the insurer of such costs and other expenses of that petition as justice may require. If the court finds that rehabilitation has been accomplished and that grounds for rehabilitation under section 11 of this act no longer exist, it shall order that the insurer be restored to possession of its property and

the control of the business. The court may also make that finding and issue that order at any time upon its own motion.

C.17B:32-46 Basis for order of liquidation.

16. The commissioner may petition the Superior Court for an order directing him to liquidate a domestic insurer or an alien insurer domiciled in this State on the basis:

- a. Of any ground for an order of rehabilitation as specified in section 11 of this act, whether or not there has been a prior order directing the rehabilitation of the insurer;
- b. That the insurer is insolvent; or
- c. That the insurer is in such condition that the further transaction of business would be hazardous, financially or otherwise, to its policyholders, its creditors or the public.

C.17B:32-47 Appointment of liquidator.

17. a. An order to liquidate the business of a domestic insurer shall appoint the commissioner and his successors in office liquidator and shall direct the liquidator forthwith to take possession of the assets of the insurer and to administer them under the general supervision of the court. The liquidator shall be vested by operation of law with the title to all of the property, contracts and rights of action, and all of the books and records of the insurer ordered liquidated, wherever located, as of the entry of the final order of liquidation. The filing or recording of the order with the clerk of the Superior Court and the recorder of deeds of the county in which its principal office or place of business is located, or, in the case of real estate, with the recorder of deeds of the county where the property is located, shall impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

b. Upon issuance of the order, the rights and liabilities of that insurer and of its creditors, policyholders, shareholders, members and all other persons interested in its estate shall become fixed as of the date of entry of the order of liquidation, except as provided in sections 18 and 36 of this act.

c. An order to liquidate the business of an alien insurer domiciled in this State shall be in the same terms and have the same legal effect as an order to liquidate a domestic insurer, except that the assets and the business in the United States shall be the only assets and business included therein.

d. At the time of petitioning for an order of liquidation, or at any time thereafter, the commissioner, after making appropriate

findings of an insurer's insolvency, may petition the court for a judicial declaration of that insolvency. After providing such notice and hearing as it deems proper, the court may make the declaration.

e. Any order issued under this section shall require financial reports to the court by the liquidator. Financial reports shall include, at a minimum, the assets and liabilities of the insurer and all funds received or disbursed by the liquidator during the current period. Financial reports shall be filed within one year of the liquidation order and at least annually thereafter.

f. (1) Within 90 days of the effective date of this act, or within 90 days after the initiation of an appeal of an order of liquidation, which order has not been stayed, whichever is later, the commissioner shall present for the court's approval a plan for the continued performance of the defendant insurer's policy claims obligations during the pendency of an appeal. The plan shall provide for the continued performance and payment of policy claims obligations in the normal course of events, notwithstanding the grounds alleged in support of the order of liquidation including the ground of insolvency. If the defendant insurer's financial condition will not, in the judgment of the commissioner, support the full performance of all policy claims obligations during the appeal pendency period, the plan may prefer the claims of certain policyholders and claimants over creditors and interested parties as well as other policyholders and claimants, as the commissioner finds to be fair and equitable, considering the relative circumstances of such policyholders and claimants. The court shall examine the plan submitted by the commissioner and if it finds the plan to be in the best interests of the parties, the court shall approve the plan. No action shall lie against the commissioner or any of his deputies, agents, clerks, assistants or attorneys by any party based on preference in an appeal pendency plan approved by the court.

(2) The appeal pendency plan shall not supersede or affect the obligations of the guaranty association or of any applicable foreign guaranty association.

(3) Any such plans shall provide for equitable adjustments to be made by the liquidator to any distributions of assets to guaranty associations, in the event that the liquidator pays claims from assets of the estate, which would otherwise be the obligations of any particular guaranty association, but for the appeal of the order of liquidation, such that all guaranty associations equally benefit on a pro rata basis from the assets of the estate. Further, if an order of liquidation is set aside upon any appeal, the insurer shall not be released from delinquency proceedings

unless and until all funds advanced by any guaranty association, including reasonable administrative expenses in connection therewith relating to obligations of the insurer, shall be repaid in full, together with interest at the judgment rate of interest or unless an arrangement for repayment thereof has been made with the consent of all applicable guaranty associations.

C.17B:32-48 Policies to continue in force.

18. a. Policies of life or health insurance or annuities shall continue in force for such period and under such terms as is provided for by the guaranty association or any applicable foreign guaranty association.

b. Policies of life or health insurance or annuities or any period or coverage of those policies not covered by the guaranty association or a foreign guaranty association shall continue in force only for the lesser of:

(1) A period of 30 days from the date of entry of the liquidation orders;

(2) The expiration of the policy coverage;

(3) The date when the insured has replaced the insurance coverage with equivalent insurance in another insurer or otherwise terminated the policy;

(4) The liquidator has effected a transfer of the policy obligation pursuant to paragraph (9) of subsection a. of section 20 of this act; or

(5) The date proposed by the liquidator and approved by the court to cancel coverage.

An order for liquidation under section 17 of this act shall terminate coverages at the time specified in this subsection b. for purposes of any other law.

C.17B:32-49 Petition for dissolution.

19. The commissioner may petition for an order dissolving the corporate existence of a domestic insurer, or the United States branch of an alien insurer domiciled in this State, at the time he applies for a liquidation order. The court shall order dissolution of the corporation upon petition by the commissioner upon or after the granting of a liquidation order. If the dissolution has not previously been ordered, it shall be effected by operation of law upon the discharge of the liquidator if the insurer is insolvent but may be ordered by the court upon the discharge of the liquidator if the insurer is under a liquidation order for some other reason.

C.17B:32-50 Powers of liquidator.

20. a. The liquidator shall have the power:

(1) To appoint a special deputy or deputies to act for him under this act, and to determine his reasonable compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

(2) To employ employees and agents, legal counsel, actuaries, accountants, appraisers, consultants and such other personnel as he may deem necessary to assist in the liquidation.

(3) To appoint, with the approval of the court, an advisory committee of policyholders, claimants or other creditors, including guaranty associations, should he deem such a committee to be necessary. Such committee shall serve at the pleasure of the commissioner and shall serve without compensation. No other committee of any nature shall be appointed by the commissioner or the court in liquidation proceedings conducted under this act.

(4) To fix the reasonable compensation of employees and agents of the insurer, and, with the approval of the court, legal counsel, actuaries, accountants, appraisers and consultants, other than employees and agents of the insurer.

(5) To pay reasonable compensation to persons appointed and to defray from the funds or assets of the insurer all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the commissioner may advance the costs so incurred out of any appropriation for the maintenance of the department. Any amounts so advanced for expenses of administration shall be repaid to the commissioner for the use of the department out of the first available moneys of the insurer.

(6) To hold hearings, to subpoena witnesses to compel their attendance, to administer oaths, to examine any person under oath, and to compel any person to subscribe to his testimony after it has been correctly reduced to writing; and in connection therewith to require the production of any books, papers, records or other documents which he deems relevant to the inquiry.

(7) To audit the books and records of all agents of the insurer insofar as those records relate to the business activities of the insurer.

(8) To collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose:

(a) To institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against those debts;

(b) To take other actions necessary or expedient to collect, conserve or protect its assets or property, including the power to sell, compound, compromise or assign debts for purposes of collection upon such terms and conditions as he deems best; and

(c) To pursue any creditor's remedies available to enforce his claims.

(9) To conduct public and private sales of the property of the insurer.

(10) To use assets of the estate of an insurer under a liquidation order to transfer policy obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under section 41 of this act.

(11) To acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon or otherwise dispose of or deal with, any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable. He shall also have power to execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation.

(12) To borrow money on the security of the insurer's assets, or without security, and to execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation. Any funds so borrowed may be repaid as an administrative expense and have priority over any other claims in Class 1 under the priority of distribution of claims pursuant to section 41 of this act.

(13) To enter into any contracts necessary to carry out the order to liquidate, and to affirm or disavow any contracts to which the insurer is a party.

(14) To continue to prosecute and to institute in the name of the insurer or in his own name any and all suits and other legal proceedings, in this State or elsewhere, and to abandon the prosecution of claims he deems unprofitable to pursue further. If the insurer is dissolved under section 19 of this act, he shall have the power to apply to any court in this State or elsewhere for leave to substitute himself for the insurer as plaintiff.

(15) To prosecute any action which may exist on behalf of the creditors, members, policyholders or shareholders of the insurer against any director or officer of the insurer, or any other person.

(16) To remove any or all records and property of the insurer to the offices of the commissioner or to such other place as may be convenient for the purposes of efficient and orderly execution of the liquidation. Guaranty associations and foreign guaranty associations shall have reasonable access to the records of the insurer as is necessary for them to carry out their legal obligations.

(17) To deposit in one or more banks in this State any sums required for meeting current administration expenses and dividend distributions.

(18) To invest all sums not currently needed, unless the court orders otherwise.

(19) To file any necessary documents for record in the office of any recorder of deeds or record office in this State or elsewhere where property of the insurer is located.

(20) To assert all defenses available to the insurer as against third persons, including statutes of limitation, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition in liquidation has been filed shall not bind the liquidator. Whenever the guaranty association or a foreign guaranty association has an obligation to defend any suit, the liquidator shall give precedence to that obligation and may defend only in the absence of a defense by those guaranty associations.

(21) To exercise and enforce all the rights, remedies and powers of any creditor, shareholder, policyholder or member; including any power to avoid any transfer or lien that may be given by law and that is not included with sections 25 through 27 of this act.

(22) To intervene in any proceeding, wherever instituted, that might lead to the appointment of a receiver or trustee, and to act as the receiver or trustee whenever the appointment is offered.

(23) To enter into agreements with any receiver or commissioner or insurance regulator of any other state relating to the rehabilitation, liquidation, conservation or dissolution of an insurer doing business in both states.

(24) To exercise all powers now held or hereafter conferred upon receivers by the laws of this State not inconsistent with the provisions of this act.

b. The enumeration in this section of the powers and authority of the liquidator shall not be construed as a limitation upon him, nor shall it exclude in any manner his right to do such other acts not herein specifically enumerated, or otherwise provided for, as may be necessary or appropriate for the accomplishment of or in aid of the purpose of liquidation.

c. Notwithstanding the powers of the liquidator as stated in subsections a. and b. of this section, the liquidator shall have no obligation to defend claims or to continue to defend claims subsequent to the entry of a liquidation order.

C.17B:32-51 Notice of liquidation order.

21. a. Unless the court otherwise directs, the liquidator shall give or cause to be given notice of the liquidation order as soon as possible:

(1) By first class mail and either by telegram or telephone to the commissioner or insurance regulator of each jurisdiction in which the insurer is doing business;

(2) By first class mail to the guaranty association and any foreign guaranty association which is or may become obligated as a result of the liquidation;

(3) By first class mail to all insurance agents of the insurer;

(4) By first class mail to all persons known or reasonably expected to have claims against the insurer, including all policyholders, at their last known address as indicated by the records of the insurer; and

(5) By publication in a newspaper of general circulation in the county in which the insurer has its principal place of business and in such other locations as the liquidator deems appropriate.

b. Except as otherwise established by the liquidator with approval of the court, notice to potential claimants under subsection a. of this section shall require claimants to file with the liquidator their claims, together with proper proofs thereof under section 35 of this act, on or before a date the liquidator shall specify in the notice. The liquidator need not require persons claiming cash surrender values or other investment values in life insurance and annuities to file a claim. All claimants shall have a duty to keep the liquidator informed of any changes of address.

c. (1) Notice under subsection a. of this section to agents of the insurer and to potential claimants who are policyholders shall include, where applicable, notice that coverage by state guaranty associations may be available for all or part of policy benefits in accordance with applicable state guaranty association laws.

(2) The liquidator shall promptly provide to the guaranty associations such information concerning the identities and addresses of policyholders and their policy coverages as may be within the liquidator's possession or control, and otherwise cooperate with guaranty associations to assist them in providing to those policyholders timely notice of the guaranty associations' coverage of policy benefits, including, as applicable, coverage of claims and continuation or termination of coverages.

d. If notice is given in accordance with this section, the distribution of assets of the insurer under this act shall be conclusive with respect to all claimants, whether or not they received notice.

C.17B:32-52 Provision of information to liquidator by agents, licensing affected.

22. a. Every person who receives notice, in the form prescribed in section 21 of this act, that an insurer which he represents as an agent is the subject of a liquidation order, shall within 30 days of such notice provide to the liquidator, in addition to the information he may be required to provide pursuant to section 6 of this act, the information in the agent's records related to any policy issued by the insurer through the agent, and, if the agent is a general agent, the information in the general agent's records related to any policy issued by the insurer through an agent under contract to him, including the name and address of such subagent. A policy shall be deemed issued through an agent if the agent has a property interest in the expiration of the policy, or if the agent has had in his possession a copy of the declarations of the policy at any time during the life of the policy, except where the ownership of the expiration of the policy has been transferred to another.

b. The commissioner may refuse to renew a license, or may suspend or revoke a license, if he finds after notice and an opportunity for a hearing that an agent has failed to provide information to the liquidator as required in subsection a. of this section. In addition or an alternative to any other penalty, the commissioner may, after a hearing, impose an administrative penalty of not more than \$10,000 for each violation of this section.

C.17B:32-53 Actions against or by insurer, liquidator.

23. a. Upon issuance of an order appointing a liquidator of a domestic insurer or of an alien insurer domiciled in this State, no action at law or equity or in arbitration shall be brought against the insurer or liquidator, whether in this State or elsewhere, nor shall any such existing actions be maintained or further presented after issuance of that order. The courts of this State shall give full faith and credit to injunctions against the liquidator or the insurer or the continuation of existing actions against the liquidator or the insurer, when those injunctions are included in an order to liquidate an insurer issued pursuant to corresponding provisions in other states. Whenever, in the liquidator's judgment, protection of the estate of the insurer necessitates intervention in an action against the insurer that is pending outside this State, he may intervene in the action. The liquidator may defend any action in which he intervenes under this section at the expense of the estate of the insurer.

b. The liquidator may, upon or after an order for liquidation, institute an action or proceeding on behalf of the estate of the

insurer upon any cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which that order is entered. If, by any agreement, a period of limitation is fixed for instituting an action or proceeding upon any claim, or for filing any claim, proof of claim, proof of loss, demand, notice or the like, or if in any proceeding, judicial or otherwise, a period of limitation is fixed, either in the proceeding or by applicable law, for taking any action, filing any claim or pleading, or doing any act, and if in any such case the period had not expired at the date of the filing of the petition, the liquidator may, for the benefit of the estate, take any such action or do any such act, required of or permitted to the insurer, within a period of 180 days subsequent to the entry of an order for liquidation, or within any further period as is shown to the satisfaction of the court not to be unfairly prejudicial to the other party.

c. No statute of limitation or defense of laches shall run with respect to any action against an insurer between the filing of a petition for liquidation against an insurer and the denial of the petition.

d. Any guaranty association or foreign guaranty association shall have standing to appear in any court proceeding concerning the liquidation of an insurer if such association is or may become liable to act as a result of the liquidation.

C.17B:32-54 Preparation of list of insurer's assets.

24. a. As soon as practicable after the liquidation order but not later than 120 days thereafter, the liquidator shall prepare in duplicate a list of the insurer's assets. The list shall be amended or supplemented from time to time as the liquidator may determine. One copy shall be filed in the office of the clerk of the Superior Court and one copy shall be retained for the liquidator's files. All amendments and supplements shall be similarly filed.

b. The liquidator shall reduce the assets to a degree of liquidity that is consistent with the effective execution of the liquidation.

c. A submission to the court for disbursement of assets in accordance with section 33 of this act fulfills the requirements of subsection a. of this section.

C.17B:32-55 Transfers, obligations deemed fraudulent.

25. a. Every transfer made or suffered and every obligation incurred by an insurer within one year prior to the filing of a successful petition for rehabilitation or liquidation under this act shall be fraudulent as to then existing and future creditors if made or incurred without fair consideration, or with actual intent to

hinder, delay or defraud either existing or future creditors. A transfer made or an obligation incurred by an insurer ordered to be rehabilitated or liquidated under this act, which is fraudulent under this section, may be avoided by the receiver, except as to a person who in good faith is a purchaser, lienholder or obligee for a present fair equivalent value, and except that any purchaser, lienholder or obligee, who in good faith has given a consideration which is less than fair for that transfer, lien or obligation, may retain the property, lien or obligation as security for repayment. The court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event, the receiver shall succeed to and may enforce the rights of the purchaser, lienholder or obligee.

b. (1) A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee under subsection c. of section 27 of this act.

(2) A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.

(3) A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.

(4) Any transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.

(5) The provisions of this subsection apply whether or not there are or were creditors who might have obtained any liens or persons who might have become bona fide purchasers.

c. Any transaction of the insurer with a reinsurer shall be deemed fraudulent and may be avoided by the receiver under subsection a. of this section if:

(1) The transaction consists of the termination, adjustment or settlement of a reinsurance contract in which the reinsurer is released from any part of its duty to pay the originally specified share of losses that had occurred prior to the time of the transactions, unless the reinsurer gives a present fair equivalent value for the release; and

(2) Any part of the transaction took place within one year prior to the date of filing of the petition through which the receivership was commenced.

d. Every director, officer, employee, stockholder, policyholder and any other person acting on behalf of the insurer who is concerned in any fraudulent transfer and every person receiving any property from the insurer or any benefit thereof which is a fraudulent transfer under subsection a. of this section shall be personally liable therefor and shall be bound to account to the liquidator.

C.17B:32-56 Transfer of real property deemed valid.

26. a. After a petition for rehabilitation or liquidation has been filed, but before an order of rehabilitation or liquidation is granted, a transfer of any of the real property of the insurer made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value; or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred. The commencement of a proceeding in rehabilitation or liquidation shall be constructive notice upon the recording of a copy of the petition for or order of rehabilitation or liquidation with the recorder of deeds in the county where any real property in question is located. The exercise by a court of the United States or any state or jurisdiction to authorize or effect a judicial sale of real property of the insurer within any county in any state shall not be impaired by the pendency of such a proceeding unless the copy is recorded in the county prior to the consummation of the judicial sale.

b. After a petition for rehabilitation or liquidation has been filed and before either the receiver takes possession of the property of the insurer or an order of rehabilitation or liquidation is granted:

(1) A transfer of any of the property of the insurer, other than real property, made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value; or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred.

(2) A person indebted to the insurer or holding property of the insurer may, if acting in good faith, pay the indebtedness or deliver the property, or any part thereof, to the insurer or upon his order, with the same effect as if the petition were not pending.

(3) A person having actual knowledge of the pending rehabilitation or liquidation shall be deemed not to act in good faith pursuant to the provisions of this section.

(4) A person asserting the validity of a transfer under this section shall have the burden of proof. Except as elsewhere provided in this section, no transfer by or on behalf of the insurer after the date of the petition for liquidation by any person other than the liquidator shall be valid against the liquidator.

c. Every director, officer, employee, stockholder, policyholder and any other person acting on behalf of the insurer who is concerned in any fraudulent transfer, and every person receiving any property from the insurer or any benefit thereof which is a fraudulent transfer under subsection a. of this section shall be personally liable therefor and shall be bound to account to the liquidator.

d. Nothing in this act shall impair the negotiability of currency or negotiable instruments.

C.17B:32-57 Preferences.

27. a. (1) A preference is a transfer of any of the property of an insurer to or for the benefit of a creditor, for or on account of an antecedent debt, made or suffered by the insurer within one year before the filing of a successful petition for liquidation under this act, the effect of which transfer may be to enable the creditor to obtain a greater percentage of this debt than another creditor of the same class would receive. If a liquidation order is entered while the insurer is already subject to a rehabilitation order, then such transfers shall be deemed preferences if made or suffered within one year before the filing of the successful petition for rehabilitation, or within two years before the filing of the successful petition for liquidation, whichever time is shorter.

(2) Any preference may be avoided by the liquidator if:

(a) The insurer was insolvent at the time of the transfer;

(b) The transfer was made within four months before the filing of the petition;

(c) The creditor receiving it or to be benefitted thereby or his agent acting with reference thereto had, at the time the transfer was made, reasonable cause to believe that the insurer was insolvent or was about to become insolvent; or

(d) The creditor receiving it was an officer, or any employee or attorney or other person who was in fact in a position of comparable influence on the insurer to an officer, whether or not he held such position, or any shareholder holding directly or indirectly more than five percent of any class of any equity security issued by the insurer, or any other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length.

(3) If the preference is voidable, the liquidator may recover the property or, if it has been converted, its value, from any person who has received or converted the property; except, if a bona fide purchaser or lienholder has given less than fair equivalent value, he shall have a lien upon the property to the extent of the consideration actually given by him. If a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the liquidator.

b. (1) A transfer of property, other than real property, shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.

(2) A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.

(3) A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.

(4) A transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.

(5) The provisions of this subsection apply whether or not there are or were creditors who might have obtained liens or persons who might have become bona fide purchasers.

c. (1) A lien obtainable by legal or equitable proceedings upon a simple contract is one arising in the ordinary course of such proceedings upon the entry or docketing of a judgment or decree, or upon attachment, garnishment, execution or like process, whether before, upon or after judgment or decree and whether before or upon levy. It does not include liens which under applicable law are given a special priority over other liens which are prior in time.

(2) A lien obtainable by legal or equitable proceedings may become superior to the rights of a transferee, or a purchaser may obtain rights superior to the rights of a transferee within the meaning of subsection b. of this section, if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior

rights for the purpose of subsection b. of this section through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any third party or which require any further judicial action or ruling.

d. A transfer of property for or on account of a new and contemporaneous consideration which is deemed under subsection b. of this section to be made or suffered after the transfer because of delay in perfecting it does not thereby become a transfer for or on account of an antecedent debt if any acts required by the applicable law to be performed in order to perfect the transfer as against liens or bona fide purchasers' rights are performed within 21 days or any period expressly allowed by the law, whichever is less. A transfer to secure a future loan, if such a loan is actually made, or a transfer which becomes security for a future loan, shall have the same effect as a transfer for or on account of a new and contemporaneous consideration.

e. If any lien deemed voidable under paragraph (2) of subsection a. of this section has been dissolved by the furnishing of a bond or other obligation, the surety on which has been indemnified directly or indirectly by the transfer of, or the creation of a lien upon, any property of an insurer before the filing of a petition under this act which results in a liquidation order, the indemnifying transfer or lien shall also be deemed voidable.

f. The property affected by any lien deemed voidable under subsections a. and e. of this section shall be discharged from that lien, and that property and any of the indemnifying property transferred to or for the benefit of a surety shall pass to the liquidator, except that the court may on due notice order any such lien to be preserved for the benefit of the estate and the court may direct that such conveyance be executed as may be proper or adequate to evidence the title of the liquidator.

g. The Superior Court shall have summary jurisdiction of any proceeding by the liquidator to hear and determine the rights of any parties under this section. Reasonable notice of any hearing in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other like obligation. If an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, the court, upon application of any party in interest, shall in the same proceeding ascertain the value of the property or lien, and if the value is less than the amount for which the property is indemnified or less than the amount of the lien, the transferee or lienholder may elect to retain the property or lien

upon payment of its value, as ascertained by the court, to the liquidator, within a reasonable time as the court shall fix.

h. The liability of the surety under a releasing bond or other like obligation shall be discharged to the extent of the value of the indemnifying property recovered or the indemnifying lien nullified and avoided by the liquidator, or where the property is retained under subsection g. of this section, to the extent of the amount paid to the liquidator.

i. If a creditor has been preferred, and afterward in good faith gives the insurer further credit without security of any kind, for property which becomes a part of the insurer's estate, the amount of the new credit remaining unpaid at the time of the petition may be set off against the preference which would otherwise be recoverable from him.

j. If an insurer shall, directly or indirectly, within four months before the filing of a successful petition for liquidation under this act, or at any time in contemplation of a proceeding to liquidate it, pay money or transfer property to an attorney-at-law for services rendered or to be rendered, the transactions may be examined by the court on its own motion or shall be examined by the court on petition of the liquidator and shall be held valid only to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the liquidator for the benefits of the estate. If, however, the attorney is in a position of influence on the insurer or an affiliate thereof, payment of any money or the transfer of any property to the attorney-at-law for services rendered or to be rendered shall be governed by the provision of subparagraph (d) of paragraph (2) of subsection a. of this section.

k. (1) Every officer, manager, employee, shareholder, member, subscriber, attorney or any other person acting on behalf of the insurer who knowingly participates in giving any preference when he has reasonable cause to believe the insurer is or is about to become insolvent at the time of the preference shall be personally liable to the liquidator for the amount of the preference. It is permissible to infer that there is a reasonable cause to so believe if the transfer was made within four months before the date of filing of this successful petition for liquidation.

(2) Every person receiving any property from the insurer or the benefit thereof as a preference voidable under subsection a. of this section shall be personally liable therefor and shall be bound to account to the liquidator.

(3) Nothing in this subsection shall prejudice any other claim by the liquidator against any person.

C.17B:32-58 Claims of creditor.

28. a. No claims of a creditor who has received or acquired a preference, lien, conveyance, transfer, assignment or encumbrance voidable under this act, shall be allowed unless he surrenders the preference, lien, conveyance, transfer, assignment or encumbrance. If the avoidance is effected by a proceeding in which a final judgment has been entered, the claim shall not be allowed unless the money is paid or the property is delivered to the liquidator within 30 days from the date of the entering of the final judgment, except that the court having jurisdiction over the liquidation may allow further time if there is an appeal or other continuation of the proceeding.

b. A claim allowable under subsection a. of this section by reason of the avoidance, whether voluntary or involuntary, of a preference, lien, conveyance, transfer, assignment or encumbrance, may be filed as an excused last filing under section 34 of this act if filed within 30 days from the date of the avoidance, or within the further time allowed by the court under subsection a. of this section.

C.17B:32-59 Mutual debts, credits.

29. a. Mutual debts or mutual credits, whether arising out of one or more contracts between the insurer and another person in connection with any action or proceeding under this act, shall be set off and the balance only shall be allowed or paid, except as provided in subsections b., c. and d. of this section and section 32 of this act.

b. No setoff shall be allowed in favor of any person if:

(1) The obligation of the insurer to the person would not at the date of the filing of a petition for liquidation entitle the person to share as a claimant in the assets of the insurer; or

(2) The obligation of the insurer to the person was purchased by or transferred to the person with a view to its being used as a setoff; or

(3) The obligation of the insurer is owed to an affiliate of such person, or any other entity or association other than the person; or

(4) The obligation of the person is owed to an affiliate of the insurer, or any other entity or association other than the insurer; or

(5) The obligation of the person is to pay an assessment levied against the members or subscribers of the insurer, or is to pay a balance upon a subscription to the capital stock of the insurer, or is in any other way in the nature of a capital contribution; or

(6) The obligations between the person and the insurer arise from business which is both ceded to and assumed from the insurer except that the rehabilitator may, with regard to such busi-

ness, allow certain setoffs in rehabilitation if he finds the allowance of said setoffs appropriate.

c. The liquidator shall provide persons that assumed business from the insurer with accounting statements identifying debts which are currently due and payable. Such persons may set off against such debts only mutual credits which are currently due and payable by the insurer to such persons for the period covered by the accounting statement.

d. A person that ceded business to the insurer may set off debts due the insurer against only those mutual credits which the person has paid or which have been allowed in the insurer's delinquency proceedings.

e. Notwithstanding the foregoing, a setoff of sums due on obligations in the nature of those set forth in paragraph (6) of subsection b. of this section shall be allowed for those sums accruing from business written if: the contracts were entered into, renewed or extended with the express written approval of the commissioner or other insurance regulator of the state of domicile of the insolvent insurer, when in the judgment of that commissioner or regulator it was necessary to provide reinsurance in order to prevent or mitigate a threatened impairment or insolvency of a domiciliary insurer in connection with the exercise of the commissioner's or regulator's regulatory responsibilities.

f. The provisions of this section shall become effective on the 180th day following the effective date of this act and shall apply to all contracts entered into, renewed, extended or amended on or after that 180th day, and to debts or credits arising from any business written or transactions occurring after that 180th day pursuant to any contract, including any contract in existence prior to that 180th day, and shall supersede any agreements or contractual provisions which might be construed to enlarge the setoff rights of any person under any contract with the insurer. For purposes of this section, any change in the terms of, or consideration for, any such contract shall be deemed an amendment.

C.17B:32-60 Report by liquidator.

30. a. As soon as practicable, but not more than two years from the date of an order of liquidation under section 17 of this act of an insurer issuing assessable policies, the liquidator shall make a report to the court setting forth:

- (1) The reasonable value of the assets of the insurer;
- (2) The insurer's probable total liabilities;

(3) The probable aggregate amount of the assessment necessary to pay all claims of creditors and expenses in full, including expenses of administration and costs of collecting the assessment; and

(4) A recommendation as to whether or not an assessment should be made and in what amount.

b. (1) Upon the basis of the report provided in subsection a. of this section, the Superior Court may levy one or more assessments against all members of the insurer who are subject to assessment.

(2) Subject to any applicable legal limits on assessability, the aggregate assessment shall be for the amount that the sum of the probable liabilities, the expenses of administration, and the estimated cost of collection of the assessment, exceeds the value of existing assets, with due regard being given to assessments that cannot be collected economically.

c. After levy of assessment under subsection b. of this section, the liquidator shall issue an order directing each member who has not paid the assessment pursuant to the order, to show cause why the liquidator should not pursue a judgment therefor.

d. The liquidator shall give notice of the order to show cause by publication and by first class mail to each member liable thereunder mailed to his last known address as it appears on the insurer's records, at least 20 days before the return day of the order to show cause.

e. (1) If a member does not appear and serve duly verified objections upon the liquidator on or before the return day of the order to show cause under subsection c. of this section, the court shall make an order adjudging the member liable for the amount of the assessment against him pursuant to subsection c. of this section, together with costs, and the liquidator shall have a judgment against the member therefor.

(2) If on or before such return day, the member appears and serves duly verified objections upon the liquidator, the commissioner may hear and determine the matter or may appoint a referee to hear it and make such order as the facts warrant. In the event that the commissioner determines that such objections do not warrant relief from assessment, the member may request the court to review the matter and vacate the order to show cause.

f. The liquidator may enforce any order or collect any judgment under subsection e. of this section by any lawful means.

C.17B:32-61 Amount recoverable not affected by delinquency proceedings.

31. The amount recoverable by the liquidator from reinsurers shall not be reduced as a result of the delinquency proceedings,

regardless of any provision in the reinsurance contract or other agreement. Payment made directly to an insured or other creditor shall not diminish the reinsurer's obligation to the insurer's estate except when the reinsurance contract provided for direct coverage of a named insured and the payment was made in discharge of that obligation.

C.17B:32-62 Payment of unpaid premium, violations; penalties; appeals.

32. a. (1) An agent, broker, premium finance company, or any other person, other than the insured, responsible for the payment of a premium shall be obligated to pay any unpaid premium for the full policy term due the insurer at the time of the declaration of insolvency, whether earned or unearned, as shown on the records of the insurer. The liquidator shall also have the right to recover from such person any part of an unearned premium that represents commission of such person. Credits or setoffs or both shall not be allowed to an agent, broker or premium finance company for any amounts advanced to the insurer by the agent, broker or premium finance company on behalf of, but in the absence of a payment by, the insured.

(2) An insured shall be obligated to pay any unpaid earned premium due the insurer, as shown on the records of the insurer, at the time of the declaration of insolvency.

b. Upon satisfactory evidence of a violation of this section, the commissioner may pursue either one or both of the following courses of action:

(1) Suspend or revoke or refuse to renew the licenses of such offending party or parties.

(2) After a hearing, impose an administrative penalty of not more than \$10,000 for each violation of this section.

c. Before the commissioner takes any action as set forth in subsection b. of this section, he shall give written notice to the person, company, association or exchange accused of violating the law, stating specifically the nature of the alleged violation; and fixing a time and place, at least 10 days thereafter, when a hearing on the matter shall be held. After that hearing, or upon failure of the accused to appear at the hearing, the commissioner, if he shall find a violation, shall impose those penalties under subsection b. of this section as he deems advisable.

d. When the commissioner takes action in any or all of the ways set out in subsection b. of this section, the party aggrieved may appeal from that action to the Superior Court.

C.17B:32-63 Proposal to disburse assets.

33. a. Within 120 days of a final determination of insolvency of an insurer by a court of competent jurisdiction of this State, the liquidator shall make application to the court for approval of a proposal to disburse assets out of marshalled assets, from time to time as those assets become available, to a guaranty association or foreign guaranty association having obligations because of that insolvency. If the liquidator determines that there are insufficient assets to disburse, the application required by this section shall be considered satisfied by a filing by the liquidator stating the reasons for this determination.

b. The proposal shall at least include provisions for:

(1) Reserving amounts for the payment of expenses of administration and the payment of claims of secured creditors, to the extent of the value of the security held, and claims falling within Classes 1 and 2 of the priorities of distribution established pursuant to paragraphs (1) and (2) of subsection a. of section 41 of this act;

(2) Disbursement of the assets marshalled to date and subsequent disbursement of assets as they become available;

(3) Equitable allocation of disbursements to each guaranty association and foreign guaranty association entitled thereto;

(4) The securing by the liquidator from each guaranty association and foreign guaranty association entitled to disbursements pursuant to this section of an agreement to return to the liquidator such assets, together with income earned on assets previously disbursed, as may be required to pay claims of secured creditors and claims falling within the priorities of distribution established in section 41 of this act in accordance with those priorities. No bond shall be required of any guaranty association or foreign guaranty association; and

(5) A full report to be made by each guaranty association and foreign guaranty association to the liquidator accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on those assets and any other matter as the court may direct.

c. The liquidator's proposal shall provide for disbursements to each guaranty association and foreign guaranty association in amounts estimated at least equal to the claim payments made or to be made thereby for which such association could assert a claim against the liquidator, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the

amount of those claims payments made or to be made by the association, then disbursements shall be in the amount of available assets.

d. Notice of application pursuant to this section shall be given to the guaranty association and foreign guaranty associations and the commissioners or other insurance regulators of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least 30 days prior to submission of the application to the court. Action on the application may be taken by the court provided the above required notice has been given and provided further that the liquidator's proposal complies with paragraphs (1) and (2) of subsection b. of this section.

C.17B:32-64 Filing of proof of claims.

34. a. Proof of all claims shall be filed with the liquidator in the form required by section 35 of this act on or before the last day for filing specified in the notice required under section 21 of this act, except that proof of claims for cash surrender values or other investment values in life insurance and annuities need not be filed unless the liquidator expressly so requires.

b. The liquidator may permit a claimant making a late filing to share in distributions, whether past or future, as if he were not late, to the extent that any such payment will not prejudice the orderly administration of the liquidation, under the following circumstances:

(1) The existence of the claim was not known to the claimant and he filed his claim as promptly thereafter as reasonably possible after learning of it;

(2) A transfer to a creditor was avoided under sections 25 through 27 of this act, or was voluntarily surrendered under section 28 of this act, and that the filing satisfies the conditions of section 28 of this act;

(3) The valuation under section 40 of this act, of any security held by a secured creditor shows a deficiency, which is filed within 30 days after the valuation; and

c. The liquidator shall permit late filing claims to share in distributions, whether past or future, as if they were not late, if they are claims of a guaranty association or foreign guaranty association for reimbursement of covered claims paid or expenses incurred, or both, subsequent to the last day for filing if those payments were made and expenses incurred as provided by law.

d. The liquidator may consider any claim filed late which is not covered by subsection b. of this section, and permit it to

receive distributions which are subsequently declared on any claims of the same or lower priority if the payment does not prejudice the orderly administration of the liquidation. The late-filing claimant shall receive, at each distribution, the same percentage of the amount allowed on his claim as is then being paid to claimants of any lower priority. This shall continue until his claim has been paid in full.

C.17B:32-65 Statement to proof of claim.

35. a. Proof of claim shall consist of a statement signed by the claimant that includes all of the following that are applicable:

- (1) The particulars of the claim including the consideration given for it;
- (2) The identity and amount of the security on the claim;
- (3) The payments made on the debt, if any;
- (4) That the sum claimed is justly owing and that there is no setoff, counterclaim or defense to the claim;
- (5) Any right of priority of payment or other specific right asserted by the claimants;
- (6) A copy of the written instrument which is the foundation of the claim; and
- (7) The name and address of the claimant and the attorney who represents him, if any.

b. No claim need be considered or allowed if it does not contain all the information in subsection a. of this section which may be applicable. The liquidator may require that a prescribed form be used, and may require that other information and documents be included.

c. At any time the liquidator may request the claimant to present information or evidence supplementary to that required under subsection a. of this section and may take testimony under oath, require production of affidavits or depositions, or otherwise obtain additional information or evidence.

d. No judgment or order against an insured or the insurer entered after the date of filing of a successful petition for liquidation, and no judgment or order against an insured or the insurer entered at any time by default or by collusion need be considered as evidence of liability or of quantum of damages. No judgment or order against an insured or the insurer entered within four months before the filing of the petition need be considered as evidence of liability or of the quantum of damages.

e. All claims of a guaranty association or foreign guaranty association shall be in such form and contain such substantiation as may be agreed to by the association and the liquidator.

C.17B:32-66 Contingent, absolute, limited claims.

36. a. A claim may be allowed even if contingent, if it is filed in accordance with section 34 of this act. It may be allowed and may participate in all distributions declared after it is filed to the extent that it does not prejudice the orderly administration of the liquidation.

b. Claims that are due except for the passage of time shall be treated as absolute claims are treated, except that such claims may be discounted at a rate of interest determined by the commissioner.

c. Claims made under employment contracts by directors, principal officers, or persons in fact performing similar functions or having similar powers are limited to payment for services rendered prior to the issuance of any order of rehabilitation or liquidation under section 12 or 17 of this act.

C.17B:32-67 Third party, insured claims.

37. a. Whenever any third party asserts a cause of action against an insured of an insurer in liquidation, the third party may file a claim with the liquidator.

b. Whether or not the third party files a claim, the insured may file a claim on its own behalf in the liquidation. If the insured fails to file a claim by the date for filing claims specified in the order of liquidation or within 60 days after mailing of the notice required by section 21 of this act, whichever is later, he is an unexcused late filer.

c. The liquidator shall make his recommendations to the court under section 42 of this act, for the allowance of an insured's claim under subsection b. of this section after consideration of the probable outcome of any pending action against the insured on which the claim is based, the probable damages recoverable in the action and the probable costs and expenses of defense. After allowance by the court, the liquidator shall withhold any dividends payable on the claim, pending the outcome of litigation and negotiation with the insured. Whenever it seems appropriate, he shall reconsider the claim on the basis of additional information and amend his recommendations to the court. The insured shall be afforded the same notice and opportunity to be heard on all changes in the recommendation as in its initial determination. The court may amend its allowance as it deems appropriate. As claims against the insured are settled or barred, the insured shall

be paid from the amount withheld the same percentage dividend as was paid on other claims of like property, based on the lesser of: (1) the amount actually recovered from the insured by action or paid by agreement plus the reasonable costs and expense of defense, or (2) the amount allowed on the claims by the court.

After all claims are settled or barred, any sum remaining from the amount withheld shall revert to the undistributed assets of the insurer. Delay in final payment under this subsection shall not be a reason for unreasonable delay of final distribution and discharge of the liquidator.

d. If several claims founded upon one policy are filed, whether by third parties or as claims by the insured under this section, and the aggregate allowed amount of the claims to which the same limit of liability in the policy is applicable exceeds that limit, each claim as allowed shall be reduced in the same proportion so that the total equals the policy limit. Claims by the insured shall be evaluated as in subsection c. of this section. If any insured's claim is subsequently reduced under subsection c., the amount thus freed shall be apportioned ratably among the claims which have been reduced under this subsection.

e. No claim may be presented under this section if it is or may be covered by any guaranty association or foreign guaranty association.

C.17B:32-68 Denial of claims.

38. a. When a claim is denied in whole or in part by the liquidator, written notice of the determination shall be given to the claimant or his attorney by first class mail at the address shown in the proof of claim. Within 60 days from the mailing of the notice, the claimant may file his objections with the liquidator. If no such filing is made, the claimant may not further object to the determination.

b. Whenever objections are filed with the liquidator and the liquidator does not alter his denial of the claim as a result of the objections, the liquidator shall ask the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or his attorney and to any other persons directly affected, not less than 10 nor more than 30 days before the date of the hearing. The matter may be heard by the court or by a court-appointed referee who shall submit findings of fact along with his recommendation.

C.17B:32-69 Proving, filing of claim of subrogee.

39. Whenever a creditor, whose claim against an insurer is secured, in whole or in part, by the undertaking of another person, fails to prove and file that claim, the other person may do so in

the creditor's name, and shall be subrogated to the rights of the creditor, whether the claim has been filed by the creditor or by the other person in the creditor's name, to the extent that he discharges the undertaking. In the absence of an agreement with the creditor to the contrary, the other person shall not be entitled to any distribution, however, until the amount paid to the creditor on the undertaking plus the distributions paid on the claim from the insurer's estate to the creditor equals the amount of the entire claim of the creditor. Any excess received by the creditor shall be held by him in trust for that other person. The term "other person," as used in this section, shall not apply to a guaranty association or foreign guaranty association.

C.17B:32-70 Determination of value of security.

40. a. The value of any security held by a secured creditor shall be determined in one of the following ways, as the court may direct:

(1) By converting the same into money according to the terms of the agreement pursuant to which the security was delivered to the creditor; or

(2) By agreement, arbitration, compromise or litigation between the creditor and the liquidator.

b. The determination shall be under the supervision and control of the court with due regard for the recommendation of the liquidator. The amount so determined shall be credited upon the secured claim, and any deficiency shall be treated as an unsecured claim. If the claimant shall surrender his security to the liquidator, the entire claim shall be allowed as if unsecured.

C.17B:32-71 Priority of distribution of claims.

41. a. The priority of distribution of claims from the insurer's estate shall be in accordance with the order in which each class of claims is set forth in this section. Every claim in each class shall be paid in full or adequate funds or other assets retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. The order of distribution of claims shall be:

(1) Class 1. The costs and expenses of administration during rehabilitation and liquidation, including but not limited to the following:

(a) The actual and necessary costs of preserving or recovering the assets of the insurer;

(b) Compensation for all authorized services rendered in the rehabilitation and liquidation;

(c) Any necessary filing fees;

- (d) The fees and mileage payable to witnesses;
- (e) Authorized reasonable attorney's fees and other professional services rendered in the rehabilitation and liquidation;
- (f) The reasonable expenses of a guaranty association or foreign guaranty association for unallocated loss adjustment expenses. For purposes of this subparagraph, "unallocated loss adjustment expenses" means expenses associated with claims settlement due to the insolvency of a member insurer that cannot be assigned to an individual claim.

(2) Class 2. Reasonable compensation to employees for services performed to the extent that they do not exceed two months of monetary compensation and represent payment for services performed within one year before the filing of the petition for liquidation or, if rehabilitation preceded liquidation, within one year before the filing of the petition for rehabilitation. Principal officers and directors shall not be entitled to the benefit of this priority except as otherwise approved by the liquidator and the court. Such priority shall be in lieu of any other similar priority which may be authorized by law as to wages or compensation of employees.

(3) Class 3. All claims under policies, including claims of the federal or any state or local government for losses incurred and including third party claims and all claims of a guaranty association or foreign guaranty association, but excluding amounts recoverable under Class 1 claims pursuant to paragraph (1) of this subsection. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. For the purpose of this section, life insurance and annuity policies shall include, but not be limited to, any and all individual and group annuity and investment contracts issued by an insurer under or in connection with an employee benefit plan or program to which section 401, 403(b), 408 or 457 of the federal Internal Revenue Code of 1986 (26 U.S.C. §401, 403(b), 408 or 457) relates, to whomever or whatever persons or entities such contracts are issued, together with all individual annuities issued pursuant to any such contracts. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligation of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment by an employer to his employee shall be treated as a gratuity. Claims of enrollees,

members or subscribers, and their beneficiaries, of a fraternal benefit society, mutual benefit association, hospital service corporation, medical service corporation, health service corporation, dental service corporation, dental plan organization or health maintenance organization, as the case may be, shall have the same priority established by this section for policyholders and beneficiaries of insurers. Any provider of health care services to an enrollee, member or subscriber shall have a priority of distribution of general assets immediately following that of enrollees, members or subscribers and their beneficiaries, and immediately preceding Class 4 claims under paragraph (4) of this subsection.

(4) Class 4. Claims under nonassessable policies for unearned premium or other premium refunds and claims of general creditors including claims of ceding and assuming companies in their capacity as such.

(5) Class 5. Claims of the federal or any state or local government except those under Class 3 claims pursuant to paragraph (3) of subsection a. of this section. Claims, including those of any governmental body for a penalty or forfeiture, shall be allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the Class 8 claims under paragraph (8) of this subsection.

(6) Class 6. Claims filed late or any other claims other than Class 7 and Class 8 claims under paragraphs (7) and (8) of this subsection.

(7) Class 7. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies shall be limited in accordance with law.

(8) Class 8. The claims of shareholders or other owners in their capacity as shareholders.

b. Every claim under a separate account agreement providing, in effect, that the assets in the separate account shall not be chargeable with liabilities arising out of any other business of the insurer shall be satisfied out of the assets in the separate account equal to the reserves maintained in that account for that agreement. To the extent, if any, that a claim under a separate account agreement is not fully discharged by such assets, such claim shall be treated as a Class 3 claim pursuant to paragraph (3) of subsection a. of this section against the estate of the insurer.

C.17B:32-72 Review of claims.

42. a. The liquidator shall review all claims duly filed in the liquidation and shall make such further investigation as he shall deem necessary. He may compound, compromise or in any other manner negotiate the amount for which claims will be recommended to the court except where the liquidator is required by law to accept claims as settled by any person or organization, including any guaranty association or foreign guaranty association. Unresolved disputes shall be determined under section 38 of this act. As soon as practicable, he shall present to the court a report of the claims against the insurer with his recommendations. The report shall include the name and address of each claimant and the amount of the claim finally recommended, if any. If the insurer has issued annuities or life insurance policies, the liquidator shall report the persons to whom, according to the records of the insurer, amounts are owed as cash surrender values or other investment value and the amounts owed.

b. The court may approve, disapprove or modify the report on claims by the liquidator. Reports that are not modified by the court within a period of 60 days following submission by the liquidator shall be treated by the liquidator as allowed claims, subject thereafter to later modification or to rulings made by the court pursuant to section 38 of this act. No claim under a policy of insurance shall be allowed for an amount in excess of the applicable policy limits.

C.17B:32-73 Payment of distributions.

43. Under the direction of the court, the liquidator shall pay distributions in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims. Distribution of assets in kind may be made at valuations set by agreement between the liquidator and the creditor and approved by the court.

C.17B:32-74 Distribution of unclaimed funds.

44. Distribution of all unclaimed funds subject to distribution remaining in the liquidator's hands when he is ready to apply to the court for discharge, including the amount distributable to any creditor, shareholder, member or other person who is unknown or cannot be found, shall be made in accordance with the "Uniform Unclaimed Property Act (1981)," R.S. 46:30B-1 et seq.

C.17B:32-75 Application for discharge.

45. a. When all assets justifying the expense of collection and distribution have been collected and distributed under this act, the liquidator shall apply to the court for discharge. The court may grant the discharge and make any other orders, including an order to transfer any remaining funds that are uneconomic to distribute, as may be deemed appropriate.

b. Any other person may apply to the court at any time for an order under subsection a. of this section. If the application is denied, the applicant shall pay the costs and expenses of the liquidator in resisting the application, including reasonable attorney's fees.

C.17B:32-76 Petition for reopening of proceedings.

46. After the liquidation proceeding has been terminated and the liquidator discharged, the commissioner or other interested party may at any time petition the Superior Court to reopen the proceedings for good cause, including the discovery of additional assets. If the court is satisfied that there is justification for reopening, it shall so order.

C.17B:32-77 Retaining, destruction of records.

47. Whenever it shall appear to the commissioner that the records of any insurer in the process of liquidation or completely liquidated are no longer useful, he may recommend to the court and the court shall direct what records should be retained for future reference and what should be destroyed.

C.17B:32-78 Audits of receiverships.

48. The Superior Court may, as it deems appropriate, cause audits to be made of the books of the commissioner relating to any receivership established under this act, and a report of each audit shall be filed with the commissioner and with the court. The books, records and other documents of the receivership shall be made available to the auditor at any time without notice. The expense of each audit shall be considered a cost of administration of the receivership.

C.17B:32-79 Grounds for appointment of conservator.

49. a. If a domiciliary liquidator has not been appointed, the commissioner may apply to the Superior Court by verified petition for an order directing him to act as conservator to conserve the property of an alien insurer not domiciled in this state or a foreign insurer on any one or more of the following grounds:

- (1) Any of the grounds in section 11 of this act;

(2) That any of its property has been sequestered by official action in its domiciliary state, or in any other state;

(3) That enough of its property has been sequestered in a foreign country to give reasonable cause to fear that the insurer is or may become insolvent;

(4) (a) That its certificate of authority to do business in this State has been revoked or that none was ever issued; and

(b) That there are residents of this State with outstanding claims or outstanding policies.

b. When an order is sought under subsection a. of this section, the court shall give the insurer notice and time to respond thereto as is reasonable under the circumstances.

c. The court may issue the order in whatever terms it shall deem appropriate. The filing or recording of the order with the clerk of the Superior Court or the recorder of deeds of the county in which the principal business of the insurer is located, shall impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

d. The conservator may at any time petition for and the court may grant an order under section 50 of this act to liquidate assets of a foreign or alien insurer under conservation, or, if appropriate, for an order under section 52 of this act, to be appointed ancillary receiver.

e. The conservator may at any time petition the court for an order terminating conservation of an insurer. If the court finds that the conservation is no longer necessary, it shall order that the insurer be restored to possession of its property and the control of its business. The court may also make such finding and issue such order at any time upon motion of any interested party, but if such motion is denied all costs shall be assessed against that party.

C.17B:32-80 Grounds for liquidation of assets of insurer.

50. a. If no domiciliary receiver has been appointed, the commissioner may apply to the Superior Court by verified petition for an order directing him to liquidate the assets found in this State of a foreign insurer or an alien insurer not domiciled in this State, on any of the following grounds:

(1) Any of the grounds in section 11 or 16 of this act; or

(2) Any of the grounds specified in paragraphs (2) through (4) of subsection a. of section 49 of this act.

b. When an order is sought under subsection a. of this section, the court shall give the insurer notice and time to respond thereto as is reasonable under the circumstances.

c. If it shall appear to the court that the best interests of creditors, policyholders and the public require, the court may issue an order to liquidate in whatever terms it shall deem appropriate. The filing or recording of the order with the clerk of the Superior Court or the recorder of deeds of the county in which the principal business of the insurer is located or the county in which its principal office or place of business is located, shall impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

d. If a domiciliary liquidator is appointed in a reciprocal state while a liquidation is proceeding under this section, the liquidator under this section shall thereafter act as ancillary receiver under section 52 of this act. If a domiciliary liquidator is appointed in a nonreciprocal state while a liquidation is proceeding under this section, the liquidator under this section may petition the court for permission to act as ancillary receiver under section 52 of this act.

e. On the same grounds as are specified in subsection a. of this section, the commissioner may petition any appropriate federal district court to be appointed receiver to liquidate that portion of the insurer's assets and business over which the court will exercise jurisdiction, or any lesser part thereof that the commissioner deems desirable for the protection of the policyholders and creditors in this State.

f. The court may order the commissioner, when he has liquidated the assets of a foreign or alien insurer under this section, to pay claims of residents of this State against the insurer under such rules as to the liquidation of insurers under this act as are otherwise compatible with the provisions of this section.

C.17B:32-81 Vesting of title with domiciliary liquidator.

51. a. The domiciliary liquidator of an insurer domiciled in a reciprocal state shall, except as to special deposits and security on secured claims under subsection c. of section 52 of this act, be vested by operation of law with the title to all of the assets, property, contracts and rights of action, agents' balances, and all of the books, accounts and other records of the insurer located in this State. The date of vesting shall be the date of the filing of the petition, if that date is specified by the domiciliary law for the vesting of property in the domiciliary state. Otherwise, the date of vesting shall be the date of entry of the order directing possession to be taken. The domiciliary liquidator shall have the immediate right to recover balances due from agents and to obtain

possession of the books, accounts and other records of the insurer located in this State. He also shall have the right to recover all other assets of the insurer located in this State, subject to the provisions of section 52 of this act.

b. If a domiciliary liquidator is appointed for an insurer not domiciled in a reciprocal state, the commissioner of this State shall be vested by operation of law with the title to all of the property, contracts and right of action, and all of the books, accounts and other records of the insurer located in this State, at the same time that the domiciliary liquidator is vested with title in the domicile. The commissioner of this State may petition for a conservation or liquidation order under section 49 or 50 of this act, or for an ancillary receivership under section 52 of this act, or after approval by the Superior Court may transfer title to the domiciliary liquidator, as the interests of justice and the equitable distribution of the assets require.

c. Claimants residing in this State may file claims with the liquidator or ancillary receiver, if any, in this State or with the domiciliary liquidator, if the domiciliary law permits. The claims shall be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceedings.

C.17B:32-82 Petition for appointment as ancillary receiver.

52. a. If a domiciliary liquidator has been appointed for an insurer not domiciled in this State, the commissioner may file a petition with the Superior Court requesting appointment as ancillary receiver in this State:

(1) If he finds that there are sufficient assets of the insurer located in this State to justify the appointment of an ancillary receiver;

(2) If the protection of creditors or policyholders in this State so requires.

b. The court may issue an order appointing an ancillary receiver in whatever terms it shall deem appropriate. The filing or recording of the order with the recorder of deeds in this State imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds.

c. When a domiciliary liquidator has been appointed in a reciprocal state, then the ancillary receiver appointed in this State may, whenever necessary, aid and assist the domiciliary liquidator in recovering assets of the insurer located in this State. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and

secured claims which are proved and allowed in the ancillary proceedings in this State, and shall pay the necessary expenses of the proceedings. He shall promptly transfer all remaining assets, books, accounts and records to the domiciliary liquidator. Subject to this section, the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of assets as a liquidator of an insurer domiciled in this State.

d. When a domiciliary liquidator has been appointed in this State, ancillary receivers appointed in reciprocal states shall have, as to assets and books, accounts and other records in their respective states, corresponding rights, duties and powers to those provided in subsection c. of this section for ancillary receivers appointed in this State.

C.17B:32-83 Institution of proceedings.

53. The commissioner in his sole discretion may institute proceedings under sections 9 and 10 of this act at the request of the commissioner or other appropriate insurance official of the domiciliary state of any foreign or alien insurer having property located in this State.

C.17B:32-84 Claims filed in liquidation proceedings begun in State.

54. a. In a liquidation proceeding begun in this State against an insurer domiciled in this State, claimants residing in foreign countries or in states not reciprocal states must file claims in this State, and claimants residing in reciprocal states may file claims either with the ancillary receivers, if any, in their respective states, or with the domiciliary liquidator. Claims shall be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceeding.

b. Claims belonging to claimants residing in reciprocal states may be proved either in the liquidation proceeding in this State as provided in this act, or in ancillary proceedings, if any, in the reciprocal states. If notice of the claims and opportunity to appear and be heard is afforded the domiciliary liquidator of this State as provided in subsection b. of section 55 of this act with respect to ancillary proceedings, the final allowance of claims by the courts in ancillary proceedings in reciprocal states shall be conclusive as to amount and as to priority against special deposits or other security located in such ancillary states, but shall not be conclusive with respect to priorities against general assets under section 41 of this act.

C.17B:32-85 Claims filed in liquidation proceedings in reciprocal state.

55. a. In a liquidation proceeding in a reciprocal state against an insurer domiciled in that state, claimants against the insurer who reside within this State may file claims either with the ancillary receiver, if any, in this State, or with the domiciliary liquidator. Claims shall be filed on or before the last dates fixed for the filing of claims in the domiciliary liquidation proceeding.

b. Claims belonging to claimants residing in this State may be proved either in the domiciliary state under the law of that state, or in ancillary proceedings, if any, in this State. If a claimant elects to prove his claim in this State, he shall file his claim with the liquidator in the manner provided in sections 34 and 35 of this act. The ancillary receiver shall make his recommendation to the court as under section 42 of this act. He shall also arrange a date for hearing if necessary under section 38 of this act and shall give notice to the liquidator in the domiciliary state, either by certified mail or by personal service at least 40 days prior to the date set for hearing. If the domiciliary liquidator, within 30 days after the giving of such notice, gives notice in writing to the ancillary receiver and to the claimant, either by certified mail or by personal service, of his intention to contest the claim, he shall be entitled to appear or to be represented in any proceeding in this State involving the adjudication of the claim.

c. The final allowance of the claim by the courts of this State shall be accepted as conclusive as to amount and as to priority against special deposits or other security located in this State.

C.17B:32-86 Actions, proceedings prohibited during pendency of liquidation proceeding.

56. During the pendency in this or any other state of a liquidation proceeding, whether called by that name or not, no action or proceeding in the nature of an attachment, garnishment or levy of execution shall be commenced or maintained in this State against the delinquent insurer or its assets.

C.17B:32-87 Order of distribution of claims.

57. a. In a liquidation proceeding in this State involving one or more reciprocal states, the order of distribution of the domiciliary state shall control as to all claims of residents of this and reciprocal states. All claims of residents of reciprocal states shall be given equal priority of payment from general assets regardless of where such assets are located.

b. The owners of special deposit claims against an insurer for which a liquidator is appointed in this or any other state shall be given priority against the special deposits in accordance with the laws governing the creation and maintenance of the deposits. If there is a deficiency in any deposit, so that the claims secured by it are not fully discharged from it, the claimants may share in the general assets, but the sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

c. The owner of a secured claim against an insurer for which a liquidator has been appointed in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security in accordance with section 40 of this act, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors, except to the extent such deficiency is treated as a Class 3 claim pursuant to subsection b. of section 41 of this act.

C.17B:32-88 Failure of ancillary receiver to transfer assets.

58. If an ancillary receiver in another state or foreign country, whether called by that name or not, fails to transfer to the domiciliary liquidator in this State any assets within his control, other than special deposits, diminished only by the expenses of the ancillary receivership, if any, the claims filed in the ancillary receivership, other than special deposit claims or secured claims, shall be Class 7 claims pursuant to paragraph (7) of subsection a. of section 41 of this act.

C.17B:32-89 Persons entitled to protection.

59. a. For the purpose of this section, the following persons are entitled to protection under subsection b. of this section:

(1) All receivers responsible for the conduct of a delinquency proceeding under this act including present and former receivers; and

(2) Their employees, including all present and former special deputies and assistant special deputies appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this act. Attorneys, accountants, auditors and other professional persons or firms who are retained by the receiver

as independent contractors and their employees shall not be considered employees of the receiver for purposes of this section.

b. No person covered under subsection a. of this section shall be liable, either personally or in his official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from any alleged act, error or omission of that person arising out of or by reason of his duties as a receiver, or employment by a receiver, except that nothing in this subsection shall be deemed to grant immunity to any person causing such damage by his willful, wanton or grossly negligent act of commission or omission.

C.17B:32-90 Commissioner's powers unaffected.

60. This act shall not be interpreted to limit the powers granted to the commissioner by other provisions of law.

C.17B:32-91 Rules, regulations.

61. The commissioner may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate necessary rules and regulations to implement the provisions of this act.

Repealer.

62. The following are repealed: section 27 of P.L.1959, c.167 (C.17:44A-27); R.S.17:45-15; section 13 of P.L.1938, c.366 (C.17:48-13); section 20 of P.L.1940, c.74 (C.17:48A-20); section 40 of P.L.1985, c.236 (C.17:48E-40); section 29 of P.L.1968, c.305 (C.17:48C-29); section 19 of P.L.1979, c.478 (C.17:48D-19); section 20 of P.L.1973, c.337 (C.26:2J-20); and chapter 32 of Title 17B of the New Jersey Statutes (N.J.S.17B:32-1 through N.J.S.17B:32-30).

63. This act shall take effect immediately.

Approved July 28, 1992.

CHAPTER 66

AN ACT concerning loan brokers.

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

C.17:10B-1 Definitions.

1. As used in this act:

"Advance fee" means any consideration which is assessed or collected by a loan broker, prior to the closing of a loan or issuing a credit card or approving a line of credit.

"Borrower" means a person obtaining or desiring to obtain a loan of money, credit card or line of credit for personal, family or household use.

"Commissioner" means the Commissioner of Banking or his designee.

"Department" means the Department of Banking.

"Loan broker" means any person who:

(1) For or in expectation of consideration, arranges or offers to arrange or offers to fund for a borrower a loan of money, credit card, or line of credit;

(2) For or in expectation of consideration, assists or advises or offers to assist or advise a borrower in obtaining or attempting to obtain a loan of money, credit card or line of credit; or

(3) Holds himself out as a loan broker.

C.17:10B-2 Prohibitions relative to loan brokers.

2. No loan broker shall:

a. Assess, collect or hold an advance fee, directly or indirectly, from or on behalf of a borrower to provide services as a loan broker;

b. Make or use any false or misleading representations or omit any material fact in the offer or sale of the services of a loan broker or lender, whether real or purported;

c. Engage, directly or indirectly, in any act that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a loan broker or lender, whether real or purported, notwithstanding the absence of reliance by the borrower; or

d. Make any false or deceptive representation to the department or conceal a material fact from the department.

C.17:10B-3 Investigations, examinations by commissioner.

3. a. The commissioner may make such investigations and examinations upon reasonable suspicion as he deems necessary to determine whether a person has violated or is about to violate any provision of this act or any order, rule or regulation issued hereunder. For such purposes, he may investigate or examine the books, accounts, records, papers and other documents or matters

of the person. He shall have the power to compel by subpoena the attendance of witnesses and the production of all relevant books, accounts, records, papers and other documents or matters relative to an examination or investigation and to administer oaths and affirmations to any person. The costs of each examination shall be borne by the person at the department's regular per diem rate for examinations of licensees. Examinations conducted under the provisions of this act shall be confidential except as required in the administration, enforcement and prosecution of violations under this act, actions brought by the Attorney General, or pursuant to a court order.

b. If any person refuses to obey a subpoena, or to give testimony or to produce evidence, the commissioner may apply ex parte to any court having jurisdiction over that person for an order compelling the appearance of the witness before the commissioner to give testimony or to produce evidence as required thereby, or both.

C.17:10B-4 Order to cease and desist, fine.

4. a. The commissioner may order a loan broker to cease and desist whenever the commissioner determines that the loan broker has violated, is violating, or is about to violate any provision of this act, any rule or regulation promulgated by the commissioner pursuant thereto, any order issued by the commissioner, or any written agreement entered into with the commissioner.

b. The commissioner may, after affording notice and a reasonable opportunity to be heard, impose and collect an administrative fine against any person found to have violated any provision of this act, any rule or regulation promulgated by the commissioner pursuant thereto, any order issued by the commissioner, or any written agreement entered into with the commissioner, in an amount not to exceed \$5,000 for each such violation.

C.17:10B-5 Violations, penalties, injunctions, summary actions.

5. a. Any person who violates any provision of this act shall be liable to a civil penalty of not more than \$7,500 for a first offense and not more than \$15,000 for the second and each subsequent offense, to be recovered in a summary proceeding under "the penalty enforcement law," N.J.S.2A:58-1 et seq. Each violation shall constitute a separate offense.

b. If the commissioner has reason to believe that any person has engaged, is engaged, or is about to engage in any act or practice prohibited by this act, the commissioner may, in addition to

any other remedies he may have, bring a summary action in the name and on behalf of the State against the person to enjoin the person from engaging in any act or practice in violation of this act.

C.17:10B-6 Action for recovery of damages.

6. a. Any borrower injured by a violation of this act may bring an action for recovery of damages. Judgment shall be entered for actual damages, but in no case less than the amount paid by the borrower to the loan broker, plus reasonable attorneys' fees and costs.

b. The remedies provided under this act are in addition to any other procedures or remedies for any violation or conduct provided for in any other law.

C.17:10B-7 Nonapplicability of act.

7. The provisions of this act shall not apply to State or federally chartered banks, savings banks, savings and loan associations or credit unions; mortgage solicitors as defined by section 1 of P.L.1981, c.18 (C.17:11B-1); licensees regulated pursuant to chapter 10 of Title 17 of the Revised Statutes, P.L.1970, c.205 (C.17:11A-34 et seq.), P.L.1981, c.18 (C.17:11B-1 et seq.), P.L.1960, c.40 (C.17:16C-1 et seq.), P.L.1968, c.223 (C.17:16C-61.1 et seq.), P.L.1960, c.41 (C.17:16C-62 et seq.) and P.L.1968, c.224 (C.17:16C-95 et seq.); attorneys licensed to practice in this State; certified public accountants licensed to practice in this State pursuant to P.L.1977, c.144 (C.45:2B-1 et seq.); or insurance companies.

C.17:10B-8 Rules, regulations.

8. The commissioner may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations as he deems necessary in the administration of this act.

9. This act shall take effect immediately.

Approved July 29, 1992.

CHAPTER 67

AN ACT concerning the custody and management of the State capitol complex, providing for its preservation and maintenance, establishing the State Capitol Joint Management Commission, amending R.S.52:20-7 and repealing R.S.52:20-20 through 52:20-23.

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

C.52:31-34 Short title.

1. This act shall be known and may be cited as the “State Capitol Joint Management Commission Act.”

C.52:31-35 Findings.

2. The Legislature finds that the State House Complex, consisting of the State House, the State House Annex, and the adjacent environs, embodies and exemplifies a rich and valued resource of historical, architectural, cultural and artistic significance; that it is of singular importance that this heritage, and the traditions and values it represents, be identified, displayed and protected; that this historic complex, as the home of the State Legislature and the Office of the Governor, must also be maintained in a state of modern repair so as to ensure the safe, efficient and effective conduct of official business and public functions; and that restoration and preservation of the State House Complex can be best met through the establishment of a governing structure with equal representation from both the legislative and executive branches.

C.52:31-36 Definitions.

3. As used in this act:

a. “State capitol complex” means the State House, the State House Annex, any ancillary structures, facilities or components that are integral to the operation or use of the State House or State House Annex, and the adjacent public grounds, walkways, driveways and parking areas;

b. “Common facility” means any building, office, facility or component within the State capitol complex that serves the offices or employees of the executive and the legislative branches in common, or that serves the visiting public, or that houses non-governmental entities;

c. “Executive branch facility” means any building, office, facility or component within the complex that predominantly houses or exclusively serves the Office of the Governor or any agency or employee of the executive branch; and

d. “Legislative branch facility” means any building, office, facility or component within the complex that predominantly houses or exclusively serves the Legislature or any agency or employee of the legislative branch.

C.52:31-37 State Capitol Joint Management Commission established.

4. a. There is established the State Capitol Joint Management Commission to consist of four members of the executive branch of State government and four members of the legislative branch of State government, as follows: the Director of the Division of Budget and Accounting, the General Services Administrator, and two other members of the executive branch of State government to be appointed by and serve at the pleasure of the Governor; four members of the legislative branch of State government who may either be legislators or employees, two of whom shall be appointed by the President of the Senate, one of whom shall be of a different political party than the President of the Senate, and two of whom shall be appointed by the Speaker of the General Assembly, one of whom shall be of a different political party than the Speaker of the General Assembly. Each appointed member of the legislative branch shall serve during the two-year legislative term in which the appointment is made. All initial appointments shall be made within 30 days after the effective date of this act. Vacancies shall be filled in the same manner as the original appointments.

b. The four members of the commission from the executive branch shall constitute a subcommittee on executive branch facility management and the four members of the commission from the legislative branch shall constitute a subcommittee on legislative branch facility management.

C.52:31-38 Organization of commission.

5. a. The commission and each subcommittee shall organize as soon as practical after the appointment of the initial members, and shall reorganize as soon as practical after the organization of each Legislature, at which times the commission and each subcommittee shall select a chairman and vice-chairman to serve until the organization of the next Legislature.

b. No motion to take any action by the commission shall be valid except upon the affirmative vote of a majority of the authorized membership of the commission. No motion to take any action by a subcommittee shall be valid except upon the affirmative vote of a majority of the authorized membership of the subcommittee.

c. The commission or any subcommittee may call upon the assistance of any office or employee within the executive or legislative branch, and may delegate to any office or employee specific authority to act on behalf of the commission or subcommittee.

C.52:31-39 Duties of commission.

6. a. It shall be the duty of the commission and its respective subcommittees to:

(1) maintain, monitor and preserve the architectural, historical, cultural and artistic integrity of any completed project for the restoration, preservation and improvement of the State capitol complex and to safeguard any related artifacts, documents and objects;

(2) maintain custody of the State capitol complex, with exclusive jurisdiction with respect to its management and operation, including maintenance, repair, renovation, improvement, security, parking, furnishing, artifact displays, and space utilization; and

(3) consult with the Capital City Redevelopment Corporation, established pursuant to P.L.1987, c.58 (C.52:9Q-9 et seq.), regarding matters of common concern.

b. The exclusive responsibility to carry out these duties shall repose with the commission with respect to common facilities; the subcommittee on executive branch facility management with respect to executive branch facilities; and the subcommittee on legislative branch facility management with respect to legislative branch facilities.

C.52:31-40 Commission may enter into agreements.

7. a. The commission or any subcommittee may enter into agreements with other State agencies or private vendors for the performance of any function or the provision of any service relating to the custody, management or operation of the State capitol complex.

b. The commission or any subcommittee may enter into agreements with any State agency with respect to the joint management and use of facilities or systems which serve both the capitol complex and buildings under the custody of the agency.

c. The commission shall be subject to the provisions of subtitle 5. of Title 52 of the Revised Statutes with respect to contracting.

C.52:31-41 Approval required for alteration of completed project.

8. Upon completion of any project for the restoration, preservation and improvement of the State capitol complex, no alteration of any element of the project shall be made without the approval of the commission or the appropriate subcommittee.

C.52:31-42 Acceptance of gifts permitted.

9. The commission is authorized to accept gifts, donations and grants from any public or private source for the purposes of any project.

C.52:31-43 Necessary appropriations.

10. The Legislature shall ensure that the appropriate State agency to maintain and preserve the State Capitol complex or undertake or contract for any project for repair or alteration of any element of the complex, annually is appropriated such sums as are necessary to protect, preserve and maintain the complex to the highest standards.

11. R.S.52:20-7 is amended to read as follows:

Commission to have custody of State-owned buildings; exception.

52:20-7. The commission shall have custody of all buildings owned by the State, including the State barracks, except buildings under the custody of the State Capitol Joint Management Commission, which are used by the departments, agencies and officials of the State in connection with the conduct of the State's business, and shall lease from time to time such office space as may be required for the conduct of the State's business at such terms and under such conditions as it may deem appropriate.

Repealer, powers, duties transferred.

12. R.S.52:20-20 through R.S.52:20-23 are repealed and the powers and duties thereby vested in the State House Commission and transferred to the Division of Purchase and Property and its director pursuant to P.L.1944, c.112, s.12 (C.52:27B-64) are hereby vested in the State Capitol Joint Management Commission.

13. This act shall take effect immediately.

Approved July 29, 1992.

CHAPTER 68

AN ACT concerning hospital uncompensated care provided to non-residents of New Jersey and amending P.L.1991, c.187.

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

1. Section 6 of P.L.1991, c.187 (C.26:2H-18.29) is amended to read as follows:

C.26:2H-18.29 Approval of hospital's reasonable uncompensated care costs.

6. a. The commission shall approve each hospital's reasonable uncompensated care costs and shall ensure that uncompensated care services financed pursuant to this act are provided in the most appropriate and cost-effective manner which the commission determines hospitals can reasonably be required to achieve. The commission shall reduce a hospital's reasonable uncompensated care costs by the amount of overpayment for patient care services, if any, by the Medicare program established pursuant to Pub.L.89-97 (42 U.S.C. § 1395 et seq.), the Medicaid program, or any payer or purchaser of hospital services whose hospital reimbursement rates are not established by the commission pursuant to P.L.1971, c.136 (C.26:2H-1 et al.). For the purposes of this section, "overpayment" means reimbursement in excess of that allowed by section 5 of P.L.1978, c.83 (C.26:2H-4.1).

A hospital shall not be reimbursed from the fund for the cost of uncompensated care for health care services provided to a patient who is a resident of another state other than emergency care services for life-threatening conditions. As used in this subsection, "life-threatening condition" means any medical condition which poses an imminent risk to a patient's life if emergency medical care is not provided to that patient, as certified by the patient's attending physician in accordance with the medical treatment protocol utilized by the hospital.

The commission shall require a hospital which engages in inefficient or inappropriate provision of uncompensated care services to submit to the commission a cost reduction plan. The commission may prospectively reduce the hospital's uncompensated care payments for failure to submit or implement a cost reduction plan that has been approved by the commission.

b. The hospital mandatory assessment shall be funded by the uniform Statewide uncompensated care add-on determined pursuant to section 5 of P.L.1991, c.187 (C.26:2H-18.28) which is charged by the hospital to all payers.

A hospital shall collect all monies received from the uncompensated care add-on pursuant to subsection a. of section 5 of P.L.1991, c.187 (C.26:2H-18.28) and remit all such monies to the fund as the hospital's mandatory assessment.

Such funds as may be necessary from the assessment shall be appropriated from the fund to the Division of Medical Assistance and Health Services in the Department of Human Services for

payment to disproportionate share and non-disproportionate share hospitals for payments of approved uncompensated care costs.

The commission shall determine the amount that the Division of Medical Assistance and Health Services in the Department of Human Services shall pay to each hospital.

The Commissioner of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the provisions of this subsection.

2. Section 20 of P.L.1991, c.187 (C.26:2H-18.42) is amended to read as follows:

C.26:2H-18.42 Hospital not claiming deduction for bad debt eligible for reimbursement for charity care.

20. Notwithstanding the provisions of section 6 of P.L.1991, c.187 (C.26:2H-18.29) to the contrary, a hospital that does not claim any deduction for bad debt for the purpose of the department's determination of that hospital's uncompensated care factor pursuant to N.J.A.C.8:31B-4.39, is eligible for full reimbursement for charity care, as provided pursuant to N.J.A.C.8:31B-4.37, for all eligible patients regardless of a patient's state of residence; except that this section shall not apply in the case of a patient who is not a resident of the United States.

3. This act shall take effect immediately.

Approved July 29, 1992.

CHAPTER 69

AN ACT concerning power vessels in the pinelands area, and amending P.L.1979, c.111.

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

1. Section 23 of P.L.1979, c.111 (C.13:18A-24) is amended to read as follows:

C.13:18A-24 Operation of power vessels or motor vehicles within pinelands; littering; violations; penalty.

23. a. No person shall operate any power vessel which utilizes any engine in excess of 10 horse power upon any of the waters of this State within the pinelands area, except upon that portion of the Mullica River downstream from Burlington County Route 542, upon that portion of the Great Egg Harbor River downstream from its confluence with Mare Run, or upon that portion of the Wading River downstream from its confluence with the Oswego River. As used in this subsection, "power vessel" means any vessel temporarily or permanently equipped with machinery for propulsion, not including a vessel propelled wholly by sails or by muscular power.

b. No person shall operate any motor vehicle upon any public land within the pinelands area other than upon public highways, except in such areas designated by the commission for such purposes. As used in this subsection, "motor vehicle" means all vehicles propelled other than by muscular power, but not including those vehicles run only upon rails or tracks, police, fire or emergency vehicles, or those vehicles utilized for the administration or maintenance of any public land.

c. No person shall throw, drop, discard or otherwise place any litter upon any land or water within the pinelands area. As used in this subsection, "litter" means any paper, bottle, can, trash, garbage, refuse or debris of any nature.

d. Any person who violates any provision of this section shall be liable to a penalty of not more than \$500.00 for each offense, which penalty shall be imposed in addition to any other penalty otherwise provided by P.L.1954, c.38 (C.23:7-9), R.S.39:4-64, or by any other law. Such penalty shall be collected by the Department of Environmental Protection pursuant to the provisions of "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

2. This act shall take effect immediately.

Approved July 30, 1992.

CHAPTER 70

AN ACT concerning birth certificates and amending R.S.26:8-28.

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

1. R.S.26:8-28 is amended to read as follows:

Birth certificate required; Social Security numbers of parents; blood type of child.

26:8-28. a. Within five days after each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of the birth filled out with durable black or blue ink in a legible manner.

b. In accordance with the provisions of the federal "Family Support Act of 1988," Pub.L.100-485, the local registrar shall record the Social Security numbers of both parents on a separate form provided or approved by the State registrar pursuant to subsection c. of R.S.26:8-24, and the State registrar shall transmit those numbers to the State IV-D agency for the enforcement of child support orders in effect in the State. For the purposes of this subsection, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program.

c. The State registrar shall require each parent to provide his Social Security number in accordance with procedures established by the State registrar. The Social Security numbers furnished pursuant to this section shall be used exclusively for child support enforcement purposes.

d. The certificate of birth shall include the blood type of the child.

2. This act shall take effect on the 60th day after enactment.

Approved July 30, 1992.

CHAPTER 71

AN ACT concerning anabolic steroids and amending P.L. 1962, c.113 and repealing sections 1,2,3 and 5 of P.L.1989, c. 335.

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

1. Section 1 of P.L. 1962, c.113 (C.2A:170-77.8) is amended to read as follows:

C.2A:170-77.8 Unlawful use, possession or control, or under influence of prescription legend drug or stramonium preparation.

1. Except as hereinafter provided, any person who uses or is under the influence of, or who possesses or has under his control, in any form, any prescription legend drug which is not a narcotic, depressant or stimulant drug or controlled dangerous substance as defined in N.J.S.2C:35-2 or section 2 of P.L.1970, c.226 (C.24:21-2) or any stramonium preparation, unless obtained from, or on a valid prescription of, a duly licensed physician, veterinarian or dentist, is a disorderly person.

In a prosecution under this act, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific drug or drugs except for stramonium preparations, but it shall be sufficient for a conviction under this act for the State to prove that the accused did use or was under the influence of some drug or drugs as aforesaid by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any such drug.

As used in this act, "stramonium preparation" means a preparation prepared from the leaves, seeds, or any other part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form, with or without admixture of other ingredients. "Stramonium plant" means the plant *Datura Stramonium* Linne, including *Datura Tatula* Linne.

2. Section 2 of P.L.1962, c.113 (C.2A:170-77.9) is amended to read as follows:

C.2A:170-77.9 Unlawful sale of prescription legend drug or stramonium preparation.

2. Except as hereinafter provided, any person who sells, dispenses or gives away, in any form, any prescription legend drug which is not a narcotic, depressant or stimulant drug or controlled dangerous substance as defined in N.J.S.2C:35-2 or section 2 of P.L.1970, c.226 (C.24:21-2), or any stramonium preparation, is a disorderly person.

Repealer.

3. The following are repealed:

Section 1 of P.L.1989, c.335 (C.2C:35-2.1);

Section 2 of P.L.1989, c.335 (C.2C:35-5.1);

Section 3 of P.L.1989, c.335 (C.2C:35-10.1); and
Section 5 of P.L.1989, c.335 (C.24:21-8.2).

4. This act shall take effect immediately.

Approved July 30, 1992.

CHAPTER 72

AN ACT concerning motor vehicles and traffic regulations and
amending P.L.1942, c.192.

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

1. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to
read as follows:

**C.39:4-128.1 School buses stopped for children; duty of motorists; duty of
bus driver; violations; revocation of license.**

1. On highways having roadways not divided by safety islands
or physical traffic separation installations, the driver of a vehicle
approaching or overtaking a bus, which is being used solely for the
transportation of children to or from school or a summer day camp
or any school connected activity and which has stopped for the pur-
pose of receiving or discharging any child, shall stop such vehicle
not less than 25 feet from such school bus and keep such vehicle
stationary until such child has entered said bus or has alighted and
reached the side of such highway and until a flashing red light is no
longer exhibited by the bus; provided, such bus is designated as a
school bus by one sign on the front and one sign on the rear, with
each letter on such signs at least four inches in height.

On highways having dual or multiple roadways separated by
safety islands or physical traffic separation installations, the
driver of a vehicle overtaking a school bus, which has stopped for
the purpose of receiving or discharging any child, shall stop such
vehicle not less than 25 feet from such school bus and keep such
vehicle stationary until such child has entered said bus or has
alighted and reached the side of the highway and until a flashing
red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the purpose of receiving or discharging any child, shall reduce the speed of his vehicle to not more than 10 miles per hour and shall not resume normal speed until the vehicle has passed the bus and has passed any child who may have alighted therefrom or be about to enter said bus.

For purposes of this section, "highway" means the entire width between the boundary lines of every way whether publicly or privately maintained when any part thereof is open to the public for purposes of vehicular travel.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children to enter a school, or a summer day camp or any school connected activity, which is located on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass said bus without stopping, but at a speed not in excess of 10 miles per hour.

The driver of a bus which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity shall continue to exhibit a flashing red light and shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety.

Any person who shall violate any provision of this act shall be subject to (1) a fine of not less than \$100.00, (2) imprisonment for not more than 15 days or community service for 15 days in such form and on such terms as the court shall deem appropriate, (3) or both for the first offense, and a fine not less than \$250.00, imprisonment for not more than 15 days, or both for each subsequent offense. The penalties shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes. There shall be a rebuttable presumption that the registered owner of the vehicle which was involved in the violation of this section was the person who committed the act.

The Director of the Division of Motor Vehicles may also revoke the license to drive a motor vehicle of any person who shall have been guilty of such willful violation of any of the provisions of this act as shall, in the discretion of the director, justify such revocation, but the director shall, at all times, have power to validate such a license which has been revoked, or to grant a new

license to any person whose license to drive a motor vehicle shall have been revoked pursuant to this act.

2. This act shall take effect immediately.

Approved July 30, 1992.

CHAPTER 73

AN ACT concerning membership in the Police and Firemen's Retirement System of New Jersey and amending P.L.1965, c.186.

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

1. Section 1 of P.L.1965, c.186 (C.43:16A-3.1) is amended to read as follows:

C.43:16A-3.1 Service defined.

1. Service with a municipal police or fire department to which the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.) apply in an appointive administrative or supervisory capacity or any combination thereof by any person who not more than six months prior to such service served as a member of that or any other such police or fire department, as the term "member" is defined in section 1 of P.L.1944, c.255 (C.43:16A-1), shall be deemed to be service as a member under and for all the purposes of the provisions of the act of which this act is a supplement.

2. Section 2 of P.L.1965, c.186 (C.43:16A-3.2) is amended to read as follows:

C.43:16A-3.2 Purchase of prior service credit.

2. Any such person presently serving in any of said capacities may purchase prior service credit for the period of time he has so served by paying to the Police and Firemen's Retirement System of New Jersey an amount equal to the contributions he would have been required to have made had such service heretofore been deemed to be service as a member of the police or fire department. Application for such prior service credit shall be made to the retirement system within six months of the effective date of

this amendatory act, P.L.1992, c.73, and payment therefor may be in a lump sum or in installments as the commission may determine by rule or regulation.

3. This act shall take effect immediately.

Approved July 30, 1992.

CHAPTER 74

AN ACT concerning the temporary transfer of a handgun, rifle or shotgun, amending N.J.S.2C:39-5 and N.J.S.2C:39-7 and supplementing chapter 58 of Title 2C of the New Jersey Statutes.

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

C.2C:58-3.1 Temporary transfer of firearms.

1. a. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary concerning the transfer or disposition of firearms, the legal owner, or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a handgun, rifle, or shotgun to another person who is 18 years of age or older, whether or not the person receiving the firearm holds a firearms purchaser identification card or a permit to carry a handgun. The person to whom a handgun, rifle or shotgun is temporarily transferred by the legal owner of the firearm or a licensed dealer may receive, possess, carry and use that handgun, rifle or shotgun, if the transfer is made upon a firing range operated by a licensed dealer, by a law enforcement agency, a legally recognized military organization or a rifle or pistol club which has filed a copy of its charter with the superintendent and annually submits to the superintendent a list of its members and if the firearm is received, possessed, carried and used for the sole purpose of target practice, trap or skeet shooting, or competition upon that firing range.

A transfer under this subsection shall be for not more than eight consecutive hours in any 24-hour period and may be made for a set fee or an hourly charge.

The firearm shall be handled and used by the person to whom it is temporarily transferred only in the actual presence or under the direct supervision of the legal owner of the firearm, the dealer who transferred the firearm or any other person competent to supervise the handling and use of firearms and authorized to act for that purpose by the legal owner or licensed dealer. The legal owner of the firearm or the licensed dealer shall be on the premises or the property of the firing range during the entire time that the firearm is in the possession of the person to whom it is temporarily transferred.

The term "legal owner" as used in this subsection means a natural person and does not include an organization, commercial enterprise, or a licensed manufacturer, wholesaler or dealer of firearms.

b. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary concerning the transfer and disposition of firearms, a legal owner of a shotgun or a rifle may temporarily transfer that firearm to another person who is 18 years of age or older, whether or not the person receiving the firearm holds a firearms purchaser identification card. The person to whom a shotgun or rifle is temporarily transferred by the legal owner may receive, possess, carry and use that shotgun or rifle in the woods or fields or upon the waters of this State for the purposes of hunting if the transfer is made in the woods or fields or upon the waters of this State, the shotgun or rifle is legal and appropriate for hunting and the person to whom the firearm is temporarily transferred possesses a valid license to hunt with a firearm, and a valid rifle permit if the firearm is a rifle, obtained in accordance with the provisions of chapter 3 of Title 23 of the Revised Statutes.

The transfer of a firearm under this subsection shall be for not more than eight consecutive hours in any 24-hour period and no fee shall be charged for the transfer.

The legal owner of the firearm which is temporarily transferred shall remain in the actual presence or in the vicinity of the person to whom it was transferred during the entire time that the firearm is in that person's possession.

The term "legal owner" as used in this subsection means a natural person and does not include an organization, commercial enterprise, or a licensed manufacturer, wholesaler or dealer of firearms.

c. No firearm shall be temporarily transferred or received under the provisions of subsection a. or b. of this section for the purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

d. An owner or dealer shall not transfer a firearm to any person pursuant to the provisions of this section if the owner or dealer knows the person does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit. A person shall not receive, possess, carry or use a firearm pursuant to the provisions of this section if the person knows he does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit.

2. N.J.S.2C:39-5 is amended to read as follows:

Unlawful possession of weapons.

2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

f. Assault firearms. Any person who knowingly has in his possession an assault firearm is guilty of a crime of the third degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

g. The temporary possession of a handgun, rifle or shotgun by a person receiving, possessing, carrying or using the handgun, rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1) shall not be considered unlawful possession under the provisions of subsection b. or c. of this section.

3. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read as follows:

C.2C:39-7 Certain persons not to have weapons.

6. Certain Persons Not to Have Weapons. a. Except as provided in subsection b. of this section, any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, or any person convicted of a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted of other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2 who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

b. A person having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault or sexual assault, whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person having been convicted of a crime pursuant to the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section

1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3, N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree.

c. Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated in subsection a. or b. of this section, then that person shall be subject to the provisions of this section.

4. This act shall take effect immediately.

Approved July 31, 1992.

CHAPTER 75

AN ACT creating a permanent advisory commission to provide State revenue forecasts, supplementing Title 52 of the Revised Statutes and making an appropriation.

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

C.52:9H-31 "State Revenue Forecasting Advisory Commission" established.

1. a. There is established a commission to be known as the "State Revenue Forecasting Advisory Commission." The commission shall consist of eight members, of whom four shall be appointed by the Governor, two shall be appointed by the President of the Senate and two shall be appointed by the Speaker of the General Assembly, provided that no more than half of the appointments of each appointing authority shall be of the same political party.

b. In appointing the commission members, the appointing authorities shall select individuals who have knowledge and practical experience in the private sector in the application of economic forecasting, analyzing business trends and cycles, tax accounting, and the preparation and filing of State tax returns. No member shall be a nominee for, or hold, an elective office, other than on a local board of education, or serve in government

employment other than public college or university employment during the member's period of service on the commission.

c. Members of the commission shall serve for a term of four years, except that of the appointments first made to the commission by each appointing authority, half of the appointments shall serve for a term of two years and half of the appointments shall serve for a term of four years. No more than one half of the appointments of an appointing authority may be of the same political party. The term of each member shall be deemed to commence on July 1 of the calendar year of the appointment and shall expire on June 30 of the second or fourth calendar year thereafter, as the case may be for the first or subsequent appointments, but members shall continue to serve during a succeeding term until the appointment and qualification of a successor. Any vacancy during a term shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. Members shall be eligible for reappointment to successive terms. Any member of the commission may be removed for cause by the appointing authority. 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.

d. The commission shall organize as soon as may be practicable following the appointment of its members, to elect a chairperson from among the members appointed by the President of the Senate and the Speaker of the General Assembly, and to select a secretary, who need not be a member of the commission. The commission may formulate and adopt rules of procedure and operation in furtherance of its responsibilities. The commission may divide itself into such task forces and subcommittees as it deems necessary to accomplish its purposes. The commission may meet and hold hearings at such places and times as it shall designate.

C.52:9H-32 Duties of commission.

2. The commission shall engage in a continuous study of State tax and revenue collections and related economic conditions with particular attention to the periodic monitoring of revenue collections under the State's tax system and the forecasting of revenues anticipated to be received by the State during the present and next commencing fiscal year. The commission shall, at least quarterly, make revenue forecasts which shall be provided by way of written reports, to the Governor to assist him in the preparation of

his annual budget message and in his certification of revenues available to support appropriations, and to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, to assist them during their appropriations hearings and deliberations. The commission shall make such further interim reports to the Governor and the committees as it shall deem advisable, or as shall be requested by the Governor or by either committee. All official forecasts and reports of the commission shall be made available for public dissemination following their submission to the Governor or the committees. The commission shall consider the expert opinions of its members in formulating its revenue forecasts in addition to the use of traditional quantitative techniques and econometric forecasting and statistical models.

C.52:9H-33 Commission may call for assistance.

3. a. The commission shall be entitled to call to its assistance and avail itself of the 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 its purposes, 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 its purposes.

b. The State Treasurer shall report to the commission not later than 10 days following the end of each month on the amount of State revenues collected during that month for deposit in the General Treasury.

c. The commission may make use of existing studies, surveys, data and other materials in the possession of any State agency, other than the records and files of the Director of the Division of Taxation that are confidential under R.S.54:50-8, and such materials in the possession of any county, municipality or political subdivision of the State. Each State agency, county, municipality and political subdivision of the State shall make any information or materials available to the commission as it may require to perform its responsibilities under this act.

4. There is appropriated \$50,000 from the General Fund to the State Revenue Forecasting Advisory Commission to carry out the purposes of this act.

5. This act shall take effect immediately.

Approved July 31, 1992.