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

Legislative Services Commission

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OF THE

SECOND ANNUAL SESSION

OF THE

Two Hundredth Legislature

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(Part of Atlantic)
WILLIAM L. GORMLEY

THIRD DISTRICT
(Salem, parts of Cumberland, Gloucester)
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FOURTH DISTRICT
(Parts of Atlantic, Camden, Gloucester)
DANIEL J. DALTON

FIFTH DISTRICT
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SIXTH DISTRICT
(Part of Camden)
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(Parts of Burlington, Ocean)
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(Part of Ocean)
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ELEVENTH DISTRICT
(Part of Monmouth)
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(Parts of Middlesex, Monmouth)
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FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex, Somerset)
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FIFTEENTH DISTRICT
(Part of Mercer)
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SEVENTEENTH DISTRICT
(Parts of Middlesex, Union)
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(Part of Middlesex)
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(Parts of Middlesex, Union)
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RAYMOND LESNIAK†

TWENTY-FIRST DISTRICT
(Part of Union)
C. LOUIS BASSANO

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* Forfeit 3/15/83.

† Sworn in 6/16/83.

TWENTY-SECOND DISTRICT
(Parts of Essex, Union)
DONALD T. DiFRANCESCO

TWENTY-THIRD DISTRICT
(Parts of Hunterdon, Mercer, Morris, Sussex, Warren)
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(Parts of Sussex, Warren)
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(Part of Morris)
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(Parts of Morris, Passaic)
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(Part of Essex)
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(Part of Essex)
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(Part of Hudson)
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(Parts of Essex, Passaic)
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(Parts of Bergen, Passaic)
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(Parts of Bergen, Passaic)
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(Part of Bergen)
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THIRTY-EIGHTH DISTRICT
(Part of Bergen)
JOHN B. PAOLELLA

THIRTY-NINTH DISTRICT
(Part of Bergen)
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FORTIETH DISTRICT
(Part of Bergen)
GARRETT W. HAGEDORN

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(Parts of Middlesex, Monmouth)
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(Parts of Hunterdon, Morris, Somerset)
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(Parts of Middlesex, Union)
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THOMAS LONG†

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(Part of Union)
EDWARD K. GILL
CHUCK HARDWICK

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(Parts of Essex, Union)
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(Part of Morris)
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(Parts of Morris, Passaic)
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(Part of Essex)
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HARRY McENROE

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(Part of Essex)
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(Part of Essex)
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(Part of Essex)
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JOHN V. KELLY

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(Part of Hudson)
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JOSEPH V. DORIA, JR.

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(Part of Hudson)
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(Part of Hudson)
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(Parts of Essex, Passaic)
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(Parts of Bergen, Passaic)
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VINCENT OZZIE PELLECCHIA

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(Parts of Bergen, Passaic)
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(Part of Bergen)
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(Part of Bergen)
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WILLIAM P. SCHUBER

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN W. MARKERT
JOAN M. WRIGHT**
JOHN E. ROONEY††

FORTIETH DISTRICT
(Part of Bergen)
NICHOLAS R. FELICE
WALTER M. D. KERN, JR.

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* Resigned 6/16/83.
† Sworn in 9/6/83.
** Resigned 2/28/83.
†† Sworn in 5/5/83.

LAWS

ACTS

ENACTED BY THE

Second Annual Session

OF THE

Two Hundredth Legislature

CHAPTER 1

AN ACT concerning the authorization of school bonds and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:24-11.1 Rules governing authorization of bonds.

1. In cities of the first class with a population in excess of 300,000, according to the 1980 Federal Census, that change the local school district governmental structure from a Type I to a Type II district, any bond authorization process begun, under the provisions of N. J. S. 18A:22–18, prior to the referendum authorizing the change from a Type I to a Type II district shall be subject to the laws, rules and regulations governing the authorization of bonds in Type I school districts.

2. This act shall take effect immediately.

Approved January 13, 1983.

CHAPTER 2

AN ACT to amend the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76), as said short title was amended by P. L. 1970, c. 138 and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

1. Section 3 of P. L. 1967, c. 76 (C. 55:13A–3) is amended to read as follows:

C. 55:13A-3 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.

(c) The term "board" shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(e) (Deleted by amendment.)

(f) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the

protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any motor hotel, motel, or established guesthouse, which is commonly regarded as a motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other, provided, that this definition shall not be construed to include any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such; nor shall this definition be construed to include any building section containing not more than two dwelling units held under a condominium or cooperative form of ownership, or by a mutual housing corporation, where all the dwelling units in the section are occupied by their owners, if a condominium, or by shareholders in the cooperative or mutual housing corporation, and where such building section has at least two exterior walls unattached to any adjoining building section and is attached to any adjoining building sections exclusively by walls of such fire-resistant rating as shall be established by the bureau in conformity with recognized standards.

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling.

(m) The term "person" shall mean any individual, corporation, association, or other entity, as defined in R. S. 1:1–2.

(n) The term "continuing violation" shall mean any violation

of this act or any regulation promulgated thereunder, where notice is served within 2 years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of this act, which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

(p) The term "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of section 607 of the Lanham Act (National Defense Housing), P. L. 849, 76th Congress, 54 Stat. 1125, 42 U. S. C. 1521 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

(q) "Condominium" means the form of ownership so defined in the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(r) "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

C. 40:48-2.12al Inspection ordinance permitted.

2. (New section) No exemption from inspection pursuant to the provisions of section 3 of P. L. 1967, c. 76 (C. 55:13A–3) shall prevent any municipality from adopting an ordinance to provide for the inspection of buildings to assure the health, safety and public welfare of the municipality and its residents.

3. This act shall take effect immediately.

Approved January 17, 1983.

CHAPTER 3

AN ACT to amend the "Cigarette Tax Act," approved April 29, 1948 (P. L. 1948, c. 65).

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

1. Section 403 of P. L. 1948, c. 65 (C. 54:40A–13) is amended to read as follows:

C. 54:40A-13 Credit sales of revenue stamps.

403. Credit sales of revenue stamps. The director, in his discretion, may permit a licensed distributor to pay for revenue stamps within thirty days after the date of purchase; provided, a bond or an irrevocable letter of credit, issued by a State or federally chartered bank, that is satisfactory to the director in an amount not less than the sales price of such stamps shall have been filed with the director. The bond, conditioned to secure payment for such stamps, shall be executed by the licensed distributor, as principal, and by a corporation duly authorized to engage in business as a surety company in the State of New Jersey, as surety.

2. This act shall take effect immediately.

Approved January 17, 1983.

CHAPTER 4

AN ACT to amend "An act concerning education, providing scholarships for children and surviving spouses of police, firemen, first aid or rescue squad workers, civil defense workers and other law enforcement personnel in certain cases and supplementing Title 18A of the New Jersey Statutes," approved October 13, 1979 (P. L. 1979, c. 229) as said title was amended by P. L. 1981, c. 300.

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

1. Section 1 of P. L. 1979, c. 229 (C. 18A:71–77) is amended to read as follows:

C. 18A:71-77 Scholarships for children, surviving spouses.

1. Any child or surviving spouse of a member or officer of a New Jersey volunteer fire company, volunteer first aid or rescue squad or municipal fire, police, county police or park police department, State Fire Service, or of the Division of State Police, or of a permanent, active and full-time officer employee of this State or any political subdivision thereof holding the following titles: State investigator, correction officer, recruit, senior correction officer, sergeant, lieutenant, captain, correction officer duty keeper, court attendant and sheriff's officer, court attendant and sheriff's officer lieutenant, court attendant and sheriff's officer captain, court attendant and sheriff's officer deputy chief, prosecutor's detective, prosecutor's investigator, narcotics officer, marine patrolman, senior marine patrolman, principal marine patrolman, chief, bureau of marine law enforcement, or who is an inspector, assistant, technician, supervisor or superintendent with respect to the enforcement and regulation of weights and measures, or civil defense or disaster control worker, which member, officer or worker was killed in the performance of his duties as a member of such company, squad or fire or police department or division, or worker in a civil defense or disaster control unit, upon such child or surviving spouse being accepted to pursue a course of undergraduate study in any public institution of higher education of this State, as enumerated in N. J. S. 18A:62–1, shall, while enrolled as an undergraduate student in good standing at such college, have his tuition paid by the State; or upon that child or surviving spouse being accepted to pursue a course of undergraduate study at any independent college or university located in the State, shall, while enrolled as an undergraduate student in good standing at that college or university, have that part of his tuition which is not more than the highest tuition charged at the public institutions of higher education of this State, enumerated in N. J. S. 18A:62–1, paid by the State.

Eligibility for this program shall be limited to a period of 8 years from the date of death of the member, officer or worker, in the case of a surviving spouse, and 8 years following graduation from high school, in the case of a child, pursuant to rules and regulations established by the Student Assistance Board.

2. This act shall take effect January 1 next following enactment; however, no tuition award shall be granted prior to September 1 next ensuing.

Approved January 17, 1983.

CHAPTER 5

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 48 of P. L. 1963, c. 144 (C. 17:12B–48) is amended to read as follows:

C. 17:12B-48 Specific powers.

48. Specific powers. Without limiting the generality of the foregoing, every association shall have power to:

(1) Have succession by its corporate name for the period limited in its charter or certificate of incorporation, and when no period is limited, perpetually.

(2) Sue and be sued in any court.

(3) Adopt and use a corporate seal and alter the same.

(4) Purchase and otherwise acquire, hold, mortgage, pledge, lease, exchange, sell, convey and otherwise dispose of any real and personal property, necessary or incidental to its operations and consistent with its powers and purposes.

(5) Insure its members' accounts with the Federal Savings and Loan Insurance Corporation, and comply with conditions necessary to obtain and maintain such insurance.

(6) Become a member of or stockholder in a Federal Home Loan Bank and to that end to comply with all conditions of membership therein.

(7) Act as agent for the United States or the State of New Jersey or any instrumentality of either of them, when designated for that purpose, and perform such reasonable duties as such agent as may be required of it.

(8) Join any cooperative league organized for the purpose of protecting and promoting the welfare of associations and their members and comply with all conditions of membership therein.

(9) Borrow money from any source in or out of the State, on the note, bond and mortgage or other obligation of the association upon such terms and conditions as the board may from time to time prescribe by resolution adopted by at least a majority of all the members of the board and duly recorded on the minutes and

to pledge, assign or transfer mortgages, owned by the association and the obligations secured by such mortgages, together with the shares, if any, pledged as collateral security therefor, or any real or other personal property, as security for the repayment of money so borrowed. No association shall borrow money if by doing so the aggregate of its indebtedness for borrowed money other than to the Federal Home Loan Bank will exceed 20% of its capital, except with the approval of the commissioner.

(10) (Deleted by amendment.)

(11) Require an advance payment of interest for a period of 1 month on any loan; and accept advance payments of interest, if made at the option of the debtor, for any period on any loan. None of such payments shall be deemed usurious.

(12) Where shares are issued, charge an admission fee, not to exceed $0.25 per share, which shall include the cost of membership or share certificate and account book.

(13) Impose charges upon a member for failure to make any payment to the association when due, but only as provided in this paragraph. Where the association issues installment share accounts it may impose such charge upon any member holding such an account or any borrower upon a sinking fund mortgage not in excess of 1% a month upon the amount in arrears, except for the first month's arrearage or the amount by which such first month's arrearage may be increased by subsequent arrearage, in which case a charge not in excess of 5% may be imposed. Such charges shall be subject to the further limitations that no such charge shall be deducted from any amount actually paid by a member upon an account nor shall the total of any such charges against any account in any fiscal year exceed the amount that may be charged for failure to make any payments for a 6-month period nor shall any charge for default be made on a charge for default. Otherwise an association may impose a charge for failure to make any required payment to it when due upon any loan or contract for the resale of real estate to a member, not to exceed 4% of the amount of each payment in arrears, but no more than one such charge may be made with respect to any one payment in arrears. An association may impose a reasonable service charge against any member who tenders to such association, for collection or as payment, a check or other instrument of any type which subsequently is not honored by the institution or person upon which such check or other instrument is drawn. None of such charges shall be deemed usurious.

(14) Compute interest upon any direct reduction loan, on designated payment dates, and add the same to the unpaid balance of such loan.

(15) Act as agent for any person, where such agency will further the interests of the association and its members, subject to such limitations as may be prescribed by the commissioner.

(16) Upon application to and approval by the commissioner, to act as custodian or trustee within the contemplation of the Federal Self-Employed Individuals Tax Retirement Act of 1962, as amended and supplemented, and the Employee Retirement Income Security Act of 1974, as amended and supplemented, and as custodian, trustee or manager of any such investment fund the authorized investments of which include, but need not be limited to, savings accounts or real estate loans, and the beneficial interests in which may be represented by transferable shares or certificates. Associations exercising the powers anthorized by this subsection shall segregate all funds held in such fiduciary capacities from the general assets of the association and shall keep a separate set of books and records showing in detail all transactions made under authority of this subsection. If individual records are kept for each self-employed individual's retirement plan and each such investment fund, then all such funds held in such fiduciary capacities by an association may be commingled for appropriate purposes of investment. No funds held in such fiduciary capacities shall be used by an association in the conduct of its business; however, such funds may be invested in savings accounts of the association in the event that the custodial, trust or other plan does not prohibit such investment. In granting or refusing the association's application the commissioner shall take into consideration the investment policies, amount, type and adequacy of reserves, fidelity bonds and any legally required deposits of the applicant and other pertinent facts and circumstances.

(17) Upon compliance with subsection (5) of this section, accept from its members accounts to be repaid upon such terms, not inconsistent with this act, as are approved by the Commissioner of Banking, by regulation or otherwise, provided that no account shall exceed the limitations established by section 78 of P. L. 1963, c. 144 (C. 17:12B–78), and provided further that no account shall be accepted or issued in the name of any corporation, association or partnership or in the name of any individual for use in trade or business. An association issuing such accounts may honor demands for withdrawal of such accounts in the form of negotiable

checks, drafts or orders in the form of electronic fund transfers and may become a member of a clearing facility and satisfy reasonable conditions required for its qualification and pay reasonable expenses therefor. Such accounts may be either interest-bearing or noninterest-bearing; provided, however, that the payment of interest on such accounts be permitted by federal law. An association accepting accounts pursuant to this subsection shall, at all times, maintain reserves against such accounts as shall be prescribed in regulations issued by the commissioner in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), but such reserves shall be equal in nature and amount to those required of savings banks in this State against similar accounts. Such reserves shall be maintained in cash or deposits in one or more reserve depositories as authorized by the Commissioner of Banking. Regulations of the commissioner may also provide that associations issuing such type of accounts maintain a general reserve account, federal insurance reserve account and undivided profits of specified minimum amounts and provide for minimum standards of office facilities in connection therewith. An insured association may impose a reasonable service charge for providing and maintaining such accounts for the benefit of its members.

(18) Issue credit cards, extend credit in connection therewith, and otherwise engage in or participate in credit card operations, subject to such regulations as the commissioner may prescribe. Any such regulations shall be in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board.

(19) (a) Apply to the commissioner for permission to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which federal savings and loan associations doing business in this State are permitted to act. Associations exercising any or all of the powers enumerated in this section shall segregate all assets held in any fiduciary capacity from the general assets of the association and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this section. No association shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the association awaiting investment shall be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department

United States bonds or other securities approved by the commissioner. In the event of the failure of such association, the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart, in addition to their claim against the estate of the association. Whenever the laws of this State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by New Jersey law. Associations in such cases shall not be required to execute the bond usually required of individuals if New Jersey corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of New Jersey. In any case in which the laws of this State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section shall take an oath or make an affidavit, any officer, as defined in section 65 of P. L. 1963, c. 144 (C. 17:12B–65), of such association may take the necessary oath or execute the necessary affidavit. It shall be unlawful for any association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000.00, or imprisoned not more than 5 years, or may be both fined and imprisoned, in the discretion of the court. In passing upon applications for permission to exercise the powers enumerated in this section, the commissioner may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to him proper, and may grant or refuse the application accordingly, except that approval shall not be granted to any association having a capital and surplus less than the capital and surplus required by New Jersey law of State banks, trust companies, and corporations exercising such powers.

(b) Any association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the commissioner a

certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the commissioner, after satisfying himself that such association has been relieved in accordance with State law of all duties as trustee, executor, administrator, guardian or other fiduciary, under court, private or other appointments previously accepted under authority of this section, may, in its discretion, issue to such association a certificate certifying that such association is no longer authorized to exercise the powers granted by this section. Upon the issuance of such a certificate by the commissioner, such association (i) shall no longer be subject to the provisions of this section or the regulations of the commissioner made pursuant thereto, (ii) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (iii) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining approval to exercise such powers pursuant to the provisions of this section.

(c) The commissioner is authorized and empowered to promulgate such regulations as he may deem necessary to enforce compliance with the provisions of this section and the proper exercise of the trust powers granted by this section. Any such regulations shall be in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board.

(20) In accordance with rules and regulations promulgated by the commissioner, issue and sell directly to subscribers or through underwriters mutual capital certificates. Such certificates shall constitute part of the general reserve and net worth of the issuing association. Such certificates—

(a) Shall be subordinate to all savings accounts, savings certificates, and debt obligations;

(b) Shall constitute a claim in liquidation on the general reserves, surplus, and undivided profits of the association remaining after the payment in full of all savings accounts, savings certificates, and debt obligations;

(c) Shall be entitled to the payment of dividends; and

(d) May have a fixed or variable dividend rate.

The commissioner is authorized and empowered to promulgate such regulations as he may deem necessary with respect to the powers granted by this section. Any such regulations shall be in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board. The commissioner shall provide

in his regulations for charging losses to the mutual capital certificates, reserves, and other net worth accounts.

(21) If authorized by regulation of the commissioner, exercise any power, right, benefit, or privilege permitted to federal associations, provided that such power, right, benefit or privilege is not specifically prohibited by law, which regulation shall be in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board; and exercise any power, right, benefit or privilege under this section, modified by regulation of the commissioner, where the Federal Home Loan Bank Board has, by regulation, modified that power, right, benefit or privilege with respect to federal associations.

2. This act shall take effect immediately.

Approved January 17, 1983.

CHAPTER 6

AN ACT establishing a New Jersey State Commission on Cancer Research and making an appropriation therefor.

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

C. 52:9U-1 Short title.

1. This act shall be known and may be cited as the "Cancer Research Act."

C. 52:9U-2 Findings and declarations.

2. The Legislature finds and declares that, although this State has the highest cancer death rate in the nation for many of the most frequently fatal types of cancer, it has provided relatively little encouragement for cancer studies at any of its local institutions involved in basic biological research; and that this failure has made New Jersey unattractive for the recruitment of highly skilled cancer investigators, has reduced the State's capacity to compete for its fair share of federal and private research dollars, and has been responsible for delaying the development of services and facilities necessary to conduct productive research. New Jersey's failure to make a concerted and intense effort in the war against cancer has deprived its citizens of the benefits resulting from the latest advances in basic cancer research.

The Legislature further finds that the State can ill afford to continue its present policy in this regard. Corrective measures should be adopted promptly and funded adequately to make up for lost ground and to make the State competitive in the area of cancer research within the next 5 years.

C. 52:9U-3 Definitions.

3. As used in this act:

a. "Approved research project" means a scientific and biomedical research project at the cellular or molecular level, which is approved by the commission and which focuses on the genetic, biochemical, viral, microbiological and environmental causes of cancer, but does not include behavioral, socio-economic, demographic and psychosocial research or research into methods of clinical treatment.

b. "Commission" means the New Jersey State Commission on Cancer Research established pursuant to this act.

c. "Institutional support services" means all services, facilities, equipment, personnel and expenditures associated with the creation and maintenance of approved research projects.

d. "Qualifying research institution" means the Institute for Medical Research in Camden, New Jersey, the University of Medicine and Dentistry of New Jersey, Rutgers—The State University, Princeton University and any other institution approved by the commission, which is conducting an approved research project.

C. 52:9U-4 Commission established.

4. a. There is established in the Executive Branch of the State government, the New Jersey State Commission on Cancer Research. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Health, but notwithstanding that allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof.

b. The commission shall consist of nine members, including the Commissioners of the Department of Health and the Department of Environmental Protection or their appointed designees, and seven citizens of New Jersey or persons otherwise associated with the State, who are known for their knowledge, competence, experience or interest in medical research, appointed by the Governor with the advice and consent of the Senate.

c. The term of office of each appointed member shall be 3 years, but of the members first appointed, three shall be appointed for terms of 1 year, three for terms of 2 years, and one for a term of 3 years. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. The members of the commission shall not receive any compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the commission.

C. 52:9U-5 Powers.

5. The commission shall:

a. Review and authorize approved research projects;

b. Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;

c. Ensure that funds appropriated to approved research projects are not diverted to any other use and that all authorized projects focus on research at the cellular or molecular level on the causes of cancer;

d. Take steps necessary to encourage the development within the State of cellular research projects on the causes of cancer;

e. Compile a directory of all cancer research projects being conducted in the State; and

f. Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

C. 52:9U-6 Authority.

6. The commission is authorized to:

a. Adopt rules and regulations concerning the operation of the commission, the functions and responsibilities of its officers and employees and other matters as may be necessary to carry out the purposes of this act;

b. Maintain offices at such places within the State as it may designate;

c. Employ an executive director and other personnel as may be necessary, whose employment shall be in the unclassified service of the State, except that employees performing stenographic or clerical duties shall be appointed pursuant to Title 11 (Civil Service) of the Revised Statutes;

d. Design a fair and equitable system for the solicitation, evaluation and approval of proposals for cancer research projects;

e. Apply for and accept any grant of money from the federal government, which may be available for programs relating to cellular or molecular research on the causes of cancer;

f. Enter into contracts with individuals, organizations and institutions necessary or incidental to the performance of its duties and the execution of its powers under this act; and

g. Accept gifts, grants and bequests of funds from individuals, foundations, corporations, governmental agencies and other organizations and institutions.

C. 52:9U-7 Officers.

7. The members of the commission shall annually elect a chairman and a vice-chairman from among their number. The chairman shall be the chief executive officer of the commission, shall preside at all meetings of the commission and shall perform other duties that the commission may prescribe.

The executive director shall serve as secretary to the commission and shall carry out its policies under the direction of the chairman.

C. 52:9U-8 Annual appropriation.

8. $1,000,000.00 shall be appropriated annually from the Cancer Research Fund established by P. L. 1982, c. 40 (C. 54:40A–8 et al.) to effectuate the purposes of this act, except that only $500,000.00 shall be appropriated from the fund in fiscal year 1982-1983.

9. There is appropriated $500,000.00 in fiscal year 1982-83 from the Cancer Research Fund to the commission to effectuate the purposes of this act.

C. 52:9U-9 Other funding not precluded.

10. Nothing in this act shall preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private agency to conduct cancer research.

11. This act shall take effect immediately.

Approved January 17, 1983.

CHAPTER 7

AN ACT regulating the practice of acupuncture, providing standards, qualifications and certification of practitioners with respect thereto, amending P. L. 1971, c. 60, P. L. 1974, c. 46 and P. L. 1978, c. 73 and supplementing Title 45 of the Revised Statutes.

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

C. 45:2C-1 Purpose.

1. (New section) The purpose of this act is to establish the more effective provision of acupuncture services in this State in order to encourage the use thereof by the residents of this State who pursue this form of health care treatment and to protect the public health, safety and welfare.

C. 45:2C-2 Definitions.

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

a. "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, mechanical stimulation and moxibustion.

b. "Board" means the Acupuncture Examining Board.

c. "Electroacupuncture" means the therapeutic use of weak electric currents at acupuncture loci.

d. "Moxibustion" means the therapeutic use of thermal stimulus at acupuncture loci by burning artemisia.

C. 45:2C-3 Acupuncture Examining Board created.

3. (New section) There is created in the Division of Consumer Affairs of the Department of Law and Public Safety and under the State Board of Medical Examiners an Acupuncture Examining Board consisting of nine members, four of whom shall be acupuncturists certified in this State and not licensed as physicians and surgeons, two members shall be physicians and surgeons licensed in this State, with at least 2 years' experience in acupuncture; and pursuant to the provisions of section 2 of P. L. 1971, c. 60 (C.

45:1–2.2), two members shall be public members who do not hold a license or certificate as a physician and surgeon or acupuncturist and one member shall be from a department in the Executive Branch of the State Government. The four acupuncturists initially appointed to the board need not be certified in this State, but shall be certified in another state and shall become certified in this State as soon as possible after their appointments. The members of the board shall be residents of the State appointed by the Governor for terms of 3 years and until the appointment and qualification of their successors. Of the members initially appointed, three shall hold office for 1 year; three shall hold office for 2 years; and three shall hold office for 3 years. Vacancies shall be filled for the unexpired terms only.

The board shall organize as soon as possible after the appointment of its members and shall annually elect a chairman and a secretary from among its members. The board shall carry out the responsibilities assigned to it under this act and such other matters as the State Board of Medical Examiners may require. The board shall promulgate such rules and regulations as it deems necessary to effectuate the purposes of this act. All regulations adopted, amended or repealed by the board shall be subject to the review and approval of the State Board of Medical Examiners.

C. 45:2C-4 Register of applications; list of certified acupuncturists.

4. (New section) The board shall keep a record of its proceedings under this act and a register of all applications for certification hereunder, which register shall include but not be limited to:

a. The name and residence of each applicant;

b. The date of the application;

c. The applicant's place of business;

d. Whether the applicant was rejected or a certificate was granted and the date of such action.

The board shall compile annually a list of certified acupuncturists authorized to practice in this State and approved acupuncturists authorized to supervise tutorial programs in this State. This list shall be available to the public.

C. 45:2C-5 Standards governing practice; personnel.

5. (New section) a. The State Board of Medical Examiners, after consultation with the board, shall establish standards governing the practice of acupuncture, including but not limited to:

(1) Initial acupuncture treatment shall only be performed on presentation by the patient of a referral by or diagnosis from a

licensed physician. A diagnosis and preevaluation of the patient shall be made available to the treating acupuncturist by the referring or diagnosing physician. In each case an accurate and detailed clinical record shall be kept by the acupuncturist, which shall include the referring physician's preevaluation of the patient.

(2) An acupuncturist shall obtain informed written consent from each patient, giving each patient a full explanation of the procedure to be performed and informing each patient of the possible complications which may result therefrom, before performing acupuncture.

(3) Only acupuncture devices labeled in accordance with United States Food and Drug Administration guidelines shall be used by acupuncturists.

b. The board may employ such personnel as it deems necessary for the administration of this act.

C. 45:2C-6 Certificates.

6. (New section) A certificate issued pursuant to this act authorizes the holder thereof to engage in the practice of acupuncture and when used in connection therewith to perform or prescribe the use of oriental massage, surface stimulation of a certain point or combination of points on the body, breathing techniques and exercise to promote health.

C. 45:2C-7 Certification required.

7. (New section) No person who is not certified under this act shall practice acupuncture, hold himself out as practicing acupuncture, or use a title or description, including the following: C. A., Certified Acupuncturist; Acupuncturist; M. D., C. A.; M. D., Certified Acupuncturist; or any other letters or words denoting that the person so practices acupuncture. A person who is participating in an approved course of study, school or tutorial program in acupuncture may practice acupuncture under conditions established by the board.

The State Board of Medical Examiners may suspend or revoke a license to practice medicine and surgery or a registration to practice physical therapy, upon proof to its satisfaction that the holder thereof practiced acupuncture contrary to the provisions of this act or employed a person who practiced acupuncture without certification.

C. 45:2C-8 Physicians, dentists permitted to practice acupuncture.

8. (New section) Nothing in this act shall be construed to prevent the practice of acupuncture by a person licensed as a physician and

automatically expire. Approval which has thus expired may, within 1 year of its expiration, be renewed on payment to the board of the past due renewal fee and a delinquency fee. After the 1 year period approval may be renewed only by complying with the provisions of this section of this act.

The provisions of this section shall expire three years after the enactment of this act.

C. 45:2C-15 Continuing education.

15. (New section) The board shall establish standards for the continuing education of acupuncturists.

C. 45:2C-16 Posting of certificates.

16. (New section) Before practicing acupuncture, an acupuncturist shall post his certificate in a conspicuous location in his office. If an acupuncturist has more than one office, he shall obtain from the board a duplicate certificate for each additional office. Where a certificate or duplicate is lost or destroyed, notice of the loss or destruction shall be given to the board forthwith and the board may issue a copy thereof. An acupuncturist shall notify the board in writing of any change of address or location of his office at least 5 days prior to the change, returning therewith his certificate and any duplicates, so that the board may either endorse thereon the change or issue a new certificate and duplicates as of the same date as the original certificate, in lieu of the certificate and duplicates so surrendered.

C. 45:2C-17 Denial, suspension, revocation of certificates.

17. (New section) In addition to the provisions of section 8 of P. L. 1978, c. 73 (C. 45:1–21), the board may refuse to grant or may suspend or revoke a certificate to practice acupuncture upon proof to the satisfaction of the board that the holder thereof has:

a. Employed uncertified persons to practice acupuncture; or

b. Advertised the practice of acupuncture so as to disseminate false, deceptive or misleading information, whether as an individual, through a professional service corporation or through a third party.

C. 45:2C-18 Annual report to Legislature.

18. (New section) For 5 years following enactment of this act the board shall submit a report to the Legislature in January of each year. The report shall include, but not be limited to, a summary of the implementation of this act; the number of acupuncturists certified in the preceding year; and a description of all complaints received and disciplinary action taken against acupuncturists by

the board and State Board of Medical Examiners in the preceding year. The report may include any legislative bills which the board may desire to recommend for adoption by the Legislature.

19. Section 1 of P. L. 1971, c. 60 (C. 45:1–2.1) is amended to read as follows:

C. 45:1-2.1 Boards, commissions included.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board of Barber Examiners, the Board of Beauty Culture Control, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the X-ray Technician Board of Examiners, and the Acupuncture Examining Board.

20. Section 1 of P. L. 1974, c. 46 (C. 45:1–3.1) is amended to read as follows:

C. 45:1-3.1 Subject to act.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board of Barber Examiners, the Board of Beauty Culture Control, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical

Examiners, the X-ray Technician Board of Examiners, and the Acupuncture Examining Board.

21. Section 2 of P. L. 1978, c. 73 (C. 45:1–15) is amended to read as follows:

C. 45:1-15 Regulated professions and occupations.

2. The provisions of this act shall apply to the following boards and all professions or occupations regulated by or through such boards: the New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board of Barber Examiners, the Board of Beauty Culture Control, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, and the Acupuncture Examining Board.

22. This act shall take effect immediately.

Approved January 18, 1983.

CHAPTER 8

AN ACT concerning the "Local Fiscal Affairs Law," and amending N. J. S. 40A:5–2 and N. J. S. 40A:5–14.

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

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

Local fiscal affairs definitions.

40A:5–2. As used in this chapter and any act amendatory to and supplementary thereto unless the context indicates otherwise:

"local unit" means any county, municipality, special district or any public body corporate and politic created or established under

any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds, but shall not include a school district;

"governing body" means the governing body of a county or the commission, council, board or body having control of the finances of a municipality or any other local unit as defined herein;

"chief financial officer" means the director of revenue and finance, comptroller, treasurer, collector or other financial officer of a local unit;

"chief executive officer" means the county executive, county manager, county supervisor or president of the board of chosen freeholders, as appropriate to the form of government of a county, or the mayor, manager or commissioner, as appropriate to the form of government of a municipality, or the chairman, president, director or other chief executive officer of any other local unit;

"warrant" means the draft or check of any local unit used in warranting disbursement of moneys and shall, in every instance, be evidenced by the issuance of a check of the local unit. In no instance shall it be necessary for the local unit to refer to, or issue, a check separate and distinct from the warrant;

"check" means the instrument by which moneys of any local unit are disbursed.

2. N. J. S. 40A:5–14 is amended to read as follows:

Cash management plan.

40A:5–14. Each local unit shall adopt a cash management plan and shall deposit its funds pursuant to that plan. The cash management plan shall include the designation of a depository or depositories as defined in section 1 of P. L. 1970, c. 236 (C. 17:9–41) and may permit deposits in such depository or depositories as permitted in section 4 of P. L. 1970, c. 236 (C. 17:9–44). In lieu of designating a depository or in addition to the designation, the cash management plan may provide that the local unit make deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 281 (C. 52:18A–90.4). The cash management plan shall be designed to assure to the extent practicable the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in federal or State law or regulations. The cash management plan shall be subject to the annual audit conducted pursuant to N. J. S. 40A:5–4.

The official charged with the custody of moneys of a local unit shall deposit them as designated by the cash management plan and shall thereafter be relieved of any liability for loss of such moneys due to the insolvency or closing of any depository designated in the cash management plan.

3. This act shall take effect immediately.

Approved January 18, 1983.

CHAPTER 9

AN ACT concerning waterfront development projects by the Port Authority of New York and New Jersey and amending and supplementing P. L. 1947, c. 44.

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

C. 32:1-35.36c Findings and declarations.

1. (New section) The Legislature hereby finds and declares that:

a. The Port Authority of New York and New Jersey (hereinafter called the Port Authority) has performed studies concerning the feasibility of redevelopment of specific waterfront areas in the port district which are no longer utilized in the movement of cargoes, or which are related to the movement of passengers and their vehicles, or which concern the operation or development of any other Port Authority project or facility;

b. The revitalization and economic development of those sections in the port district's waterfront through the construction of hotels, marinas, commercial offices, or facilities which serve conference, convention, recreation or entertainment purposes or are retail service establishments, parking, technical, communication or other facilities directly or indirectly related or connected to any of those sections of the port district's waterfront is in the public interest and involves the exercise of public and essential governmental functions which may include appropriate and reasonable limitations on competition and which should be performed by either state, or any municipality, public authority, agency or commission of either or both states and would provide significant economic benefits to the municipality in which the project is to be located;

c. The Port Authority, in view of its extensive experience both in waterfront construction and in the administration of waterfront projects and operations, including waterfront cleanup projects, is a proper agency to act on behalf of either state to finance and effectuate such waterfront development projects as may be approved by the city, county, town, village, borough or township in which they are to be located;

d. The construction of each such waterfront development project shall conform to the policies of the state wherein such project is to be located with respect to affirmative action and equal employment opportunities; and

e. It is therefore the object of this act to authorize the Port Authority to participate in the financing and effectuation of waterfront development projects since it is in the public interest.

2. Section 3 of P. L. 1947, c. 44 (C. 32:1–35.30) is amended to read as follows:

C. 32:1-35.30 Definitions.

3. The following terms as used herein shall mean:

"Marine terminals" shall mean developments, consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers and shall also mean waterfront development projects. It shall also include such highway projects in the vicinity of a marine terminal providing improved access to such marine terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, it shall also mean railroad freight projects related or of benefit to a marine terminal or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the commerce of the port district, consisting of railroad freight transportation facilities or railroad freight terminal facilities, and any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property in connection therewith or incidental thereto, deemed necessary or desirable in the opinion of the port authority, whether or not now in existence or under construction, for the undertaking of railroad freight projects.

"Marine terminal purposes" shall mean the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of marine terminals.

"Municipality" shall mean a county, city, borough, village, township, town, public agency, public authority or political subdivision.

"Real property" shall mean lands, structures, franchises and interests in land, including waters, lands under water and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, including but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

"Waterfront development projects" shall mean projects for the revitalization and economic development of the port district's waterfront property, including but not limited to property directly or indirectly related to the waterborne movement of passengers and their vehicles or to the operation or development of any other Port Authority project or facility. Property for these projects, however, shall not include property in use for the handling of waterborne cargoes. Waterfront development projects shall include but not be limited to hotels, marinas, commercial offices or facilities which serve conference, convention, recreation or entertainment purposes or are retail service establishments, parking, technical, satellite antenna, similar communication or other facilities directly or indirectly related or connected to any of the foregoing and associated improvements necessary or desirable in the opinion of the Port Authority to provide improved public access to waterfront development projects.

C. 32:1-35.36d Proper and legal investment.

3. (New section) The obligations issued by the Port Authority to provide funds for any marine terminal purpose are hereby made securities in which all state and municipal officers and bodies of both states, all trust companies and banks other than savings banks, all building and loan associations, savings and loan associations, investment companies and other persons carrying on a commercial banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and

all other persons and legal entities whatsoever (other than savings banks), who are now or may hereafter be authorized by either state to invest in bonds of such state, may properly and legally invest any funds, including capital, belonging to them or within their control, and those obligations are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency of either state for any purpose for which the deposit of bonds of that state is now or may hereafter be authorized. The obligations issued by the Port Authority to provide funds for any marine terminal purpose as security for which the general reserve fund of the Port Authority authorized by R. S. 32:1–141 et seq. shall have been pledged in whole or in part are hereby made securities in which all savings banks also may properly and legally invest any funds, including capital, belonging to them or within their control.

C. 32:1-35.36e Waterfront development projects authorized.

4. (New section) The Port Authority is authorized and empowered to effect, establish, acquire, construct, rehabilitate, improve, maintain or operate waterfront development projects; provided, however, that nothing in this act is intended to authorize the Port Authority to construct, rehabilitate, improve, maintain or operate housing.

C. 32:1-35.36f Hoboken site.

5. (New section) A waterfront development project in the city of Hoboken shall be located on all that certain piece, parcel or tract of land, situate, lying and being in the city of Hoboken, in the county of Hudson and the State of New Jersey, more particularly bounded and described as follows: BEGINNING at the corner formed by the intersection of the United States pierhead line with the boundary line between the city of Jersey City and the city of Hoboken and running thence (1) westerly along said boundary line to its intersection with the westerly line of Henderson Street; thence (2) northerly along that westerly line of Henderson Street to its intersection with the northerly line of Observer Highway; thence (3) easterly along that northerly line of Observer Highway to its intersection with the westerly line of Hudson Street; thence (4) northerly along that westerly line of Hudson Street to its intersection with the westerly extension of the northerly line of Hudson Place; thence (5) easterly along that northerly line of Hudson Place to its intersection with the westerly line of River Street; thence (6) northerly along that westerly line of River Street and along its northerly extension to

its intersection with the northerly line of Fourth Street; thence (7) easterly along that northerly line of Fourth Street and its easterly extension to the southeast corner of Stevens Park; thence (8) northerly along the easterly line of Stevens Park and its northerly extension to a point in the northerly line of Fifth Street, said point being the southeast corner of lot 1 in block 234 as shown on the Tax Map of the city of Hoboken; thence (9) northerly along the easterly line of lot 1 to its intersection with the westerly extension of the northerly line of lot 2 in block 258; thence (10) easterly along that extension and easterly and northerly along that northerly line of lot 2 in block 258 to a corner therein; thence (11) easterly along another northerly line of lot 2 in block 258 to its intersection with the United States pierhead; thence (12) southerly along that United States pierhead to the point and place of beginning, together with such additional contiguous areas as may be agreed upon from time to time between the Port Authority and the city of Hoboken or any other city in which the areas may be located.

C. 32:1-35.36g Proposed New York City site.

6. (New section) No later than 180 days following the effective date of this act, the Port Authority, after consultation with the Mayor of the City of New York or his designated representative, shall propose to him a site within New York City which the Port Authority considers suitable for the effectuation of a waterfront development project. Within 90 days of receipt of the proposal, the mayor may request the Port Authority to propose an alternative site and within 180 days of receipt of the request, if any, the Port Authority may submit the proposal to him. The President of any borough within New York City in which any proposed site is located shall receive notice of the proposal and may within 30 days of receipt of the notice, and after consulting with and considering any recommendation made by the borough board of that borough, notify the Mayor that the Port Authority is not to undertake any waterfront development project at such proposed site, in which event the project shall not be undertaken by the Port Authority.

No later than 180 days after his receipt of the initial Port Authority site proposal or the alternative site proposal, if any, the Mayor shall give notice to the Port Authority as to whether he considers the proposed site suitable for the effectuation of a waterfront development project. The Port Authority may propose the effectuation of a waterfront development project at a proposed site if the Mayor has given notice to the Port Authority

that he considers the site suitable for development or if the Port Authority has not received any notice from him within that period. The undertaking by the Port Authority of a waterfront development project at a proposed site shall be subject to the prior express approval of the project by the City of New York, with any approval to be given in the manner provided in article 22 of the compact of April 30, 1921 between the two states creating the Port Authority.

C. 32:1-35.36h Municipal approval required.

7. (New section) The undertaking by the Port Authority of additional or alternative waterfront development projects in either state shall be subject to the prior express approval of the city, county, town or village of the State of New York in which the project is to be located, or by the city, county, town, borough or township of the State of New Jersey in which the project is to be located, with any approval to be given in the manner provided in article 22 of the compact of April 30, 1921 between the two states creating the Port Authority.

C. 32:1-35.36i Feasibility studies.

8. (New section) The Port Authority may agree with any municipality in the port district to study the feasibility of developing one or more specific waterfront development projects within that municipality. In undertaking a study, the Port Authority shall consult with and consider any recommendation made by the governing body of the municipality. No waterfront development project may be undertaken by the Port Authority in the City of New York unless the mayor thereof requests it do so, which request shall specify the borough or boroughs in which the project is to be undertaken. The president of any borough within the City of New York in which a project is proposed to be undertaken shall receive notice of the request and may within 30 days of receipt of notice, and after consulting with and considering any recommendation made by the borough board of that borough, notify the Mayor of the City of New York that the Port Authority is not to undertake the requested project, in which event the project shall not be undertaken by the Port Authority.

At least 10 days prior to (1) the recommendation by the Port Authority of any study undertaken pursuant to any agreement and (2) the authorization by the Port Authority of any waterfront development project in addition to the project designated in this act, the Port Authority shall notify the chief executive officer of each municipality in the port district for which Port Authority

has studied the feasibility of developing a waterfront development project of the proposed study or authorization of the project, shall seek their comments and shall include with the study or authorization any comments received from the municipality.

C. 32:1-35.36j Governors' powers unimpaired.

9. (New section) Nothing contained in this act shall be construed to limit or impair the power of the Governor of the State of New York and the Governor of the State of New Jersey to review the actions of the Commissioners of the Port Authority as provided for in chapter 700, laws of New York, 1927, and in R. S. 32:2-6 et seq.

C. 32:1-35.36k Agreements authorized.

10. (New section) The Port Authority is hereby authorized and empowered in its discretion to enter into an agreement, upon terms or conditions as it may deem in the public interest, with the United States, the State of New York, the State of New Jersey, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, to effectuate, establish, acquire, construct, rehabilitate, improve, maintain, or operate all or any portion or portions of any waterfront development project or, subject to the terms of any agreement or agreements, to cooperate by assisting either state, or any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, in the planning or designing of any housing development within the area of any project pursuant to this act or within the areas of any additional or alternative waterfront development projects approved pursuant to this act, which is related to any waterfront development project undertaken by the Port Authority and which is to be undertaken by either state, or any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing or in the acquisition, clearance, preparation for use or disposition of the land site on which any housing development is to be situated, and in obtaining any permits, approvals, authorizations or financial assistance for the construction of any housing development.

Notwithstanding any contrary provision of law, general, special or local, either state or any agency, department, commission, public authority, board or division thereof, or any municipality or other public corporation thereof, or any two or more of the foregoing, are hereby authorized and empowered to enter into an agreement with the Port Authority, the United States or any department, agency or instrumentality thereof, or any person, firm, association, company or corporation, or any two or more of the foregoing, for or related to the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of any waterfront development project undertaken by the Port Authority or of any housing development, provided that such housing development is within the area of any project pursuant to this act or within the areas of any additional or alternative waterfront development projects approved pursuant to this act and is related to any waterfront development project undertaken by the Port Authority. Any agreement may provide, inter alia, for the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of all or any portion or portions of a waterfront development project or any housing development by either state, or by any agency, department, commission, public authority, board or division of either state or any municipality or other public corporation in either state, or by any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing. In connection with any waterfront development project, either state or any agency, department, commission, public authority, board or division thereof, the Port Authority and any person, firm, partnership, association, company, corporation or other legal entity are empowered to enter into agreements which may provide, inter alia, for the establishment of prices or rates, a requirement that any person, firm, partnership, association, company, corporation or other legal entity sell, lease or purchase any commodity or service to or from either state or any agency, department, commission, public authority, board or division thereof or the Port Authority, or any other similar arrangement.

11. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved January 18, 1983.

CHAPTER 10

AN ACT concerning children born out-of-wedlock, amending P. L. 1977, c. 412, R. S. 26:8–40 and P. L. 1960, c. 142.

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

1. Section 44 of P. L. 1977, c. 412 (C. 3A:2A–41) is amended to read as follows:

C. 3A:2A-41 Parent-child relationship.

44. If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person,

a. The relationships and rights of an adopted minor child shall be those as provided by section 14 of P. L. 1977, c. 367 (C. 9:3–50), and the relationships and rights of an adopted adult shall be as provided in N. J. S. 2A:22–3.

b. In cases not covered by subsection a., a person is the child of its natural parents regardless of their marital status. The parent and child relationship may be established by proof that parentage has been adjudicated under prior law, under the laws governing probate, by an order of a court in another state or pursuant to the "New Jersey Parentage Act," P. L. 1983, c. 17 (C. 9:17–38 et seq.).

2. R. S. 26:8–40 is amended to read as follows:

Amended birth record.

26:8–40. a. The State registrar shall amend the original birth record of a child born out of wedlock to change its surname on the request of both natural parents or the child who is 18 years of age or older and on proof under oath of the marriage of its natural parents. If one of the parents of the child is deceased, the State registrar shall amend the record on proof under oath by the surviving parent or guardian or the child who is 18 years of age or older: (1) of the death of the other parent and (2) that the male parent was presumed to be the child's natural father pursuant to the "New Jersey Parentage Act," P. L. 1983, c. 17 (C. 9:17–38 et seq.).

b. When parentage is adjudicated by any court, the State registrar shall amend the birth record to conform it to the court decree or make any other necessary changes pursuant to a request by the

parent to whom custody has been awarded, the child's guardian or the child who is 18 years of age or older. A request for amendment shall be made under oath by the parent, guardian or child and shall be accompanied by a copy of the court decree.

3. Section 1 of P. L. 1960, c. 142 (C. 26:8–40.11) is amended to read as follows:

C. 26:8-40.11 Change in surname.

1. Whenever the mother of a child born out of wedlock, who has the same surname as the mother, and who has no presumed natural father pursuant to the "New Jersey Parentage Act," P. L. 1983, c. 17 (C. 9:17–38 et seq.), or the presumed father does not oppose the name change, marries a person who is not the father of said child, the surname of said child may be changed to the surname of the husband of the mother by submitting proof of such marriage to the State Registrar of Vital Statistics or to any local registrar of vital statistics, accompanied by a declaration, signed by said mother and her husband and acknowledged or proved in the manner required by law for deeds to real estate, setting forth that they desire the surname of said child to be changed to that of the husband of said mother and a declaration signed by the presumed father setting forth his approval of the name change. Upon the receipt of such proof and declarations, the surname of said child shall be so changed and the State Registrar and any local registrar of vital statistics is authorized to accept from the said mother and her husband a correction or amendment to the original birth record, giving the child the said husband's surname. Any declaration submitted to the State Registrar or to any local registrar pursuant to this section shall be filed with the original birth record of said child.

4. This act shall take effect 90 days following enactment.

Approved January 19, 1983.

CHAPTER 11

AN ACT concerning pensions and supplementing Article 1 of chapter 66 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:66-14.1 Credit for military service.

1. Any member of the retirement system, born in 1920, having at least 33 years of service credit as an employee of the same school district, which is coterminous with a municipality that had a population of 7,000 to 8,000 people, according to the 1970 census, and said municipality is designated as the county seat of a county of the third class that had a population of 75,000 to 100,000, according to the 1970 census, and borders both the States of New York and Pennsylvania, and who prior to said service served said district in a temporary capacity for a period of not less than 3 months, following which said member was inducted into the U. S. Army and served therein from July 15, 1942, to December, 1945, and then was recalled and served as an officer in the U. S. Army from September, 1950, to June, 1952, receiving an honorable discharge at the conclusion of his military service, shall be granted credit for said military service during 1942 to 1945 to the same extent that he would have been entitled to credit for said service if his temporary employment with the school district had been on a permanent basis.

2. This act shall take effect immediately.

Approved January 19, 1983.

CHAPTER 12

AN ACT to amend "An act concerning municipal services to certain streets which have not been designated as public highways, and the dedication thereof supplementing Title 40 of the Revised Statutes and repealing P. L. 1944, c. 35 and R. S. 40:150–1," approved October 27, 1975, P. L. 1975, c. 243.

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

1. Section 1 of P. L. 1975, c. 243 (C. 40:67–23.1) is amended to read as follows:

C. 40:67-23.1 Municipal street services.

1. The governing body of every municipality may make, amend, repeal and enforce ordinances to cause the governing body of the municipality to repair and maintain and provide for the removal

of snow, ice and other obstructions from, and provide for the lighting of, any roads or streets upon which the travel is sufficient, in the opinion of said governing body, to warrant such expenditures, even though such roads or streets shall not have been taken over by said municipal governing body or dedicated and accepted as public highways. The municipality may also provide for the collection of garbage placed at the curb of such streets, or for the reimbursement of such garbage collection costs as the municipality may determine to have been reasonably incurred by persons residing adjacent to such streets. Roads or streets so serviced, which are not shown on the official map of the municipality, may, at the option of the governing body of said municipality, be suitably improved in accordance with any requirements established pursuant to article 5 of the "Municipal Land Use Law," P. L. 1975, c. 291, ss. 23-27 (C. 40:55D–32 through 40:55D–36) and the ordinance.

If, as a condition of providing services for any road or street proposed to be serviced, the municipality notifies the owner that dedication thereof to the municipality is required, the owner may refuse to accept the services and benefits of the ordinance upon that condition by so notifying the municipality within 60 days of receipt of the notice. With respect to any road or street for which services are provided, if the municipality notifies the owner that continuation of provision of the services is conditioned upon the dedication thereof to the municipality, the owner may refuse to accept continuance of the services and benefits of the ordinance upon that condition by so notifying the municipality within 60 days of receipt of the notice. Notices to be given pursuant to this act shall be in writing.

2. This act shall take effect immediately.

Approved January 19, 1983.

CHAPTER 13

AN ACT concerning the duration of certain contracts subject to the "Public School Contracts Law," and amending N. J. S. 18A:18A–42.

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

1. N. J. S. 18A:18A–42 is amended to read as follows:

Duration of certain contracts.

18A:18A–42. Duration of certain contracts. Any board of education may enter into a contract exceeding the fiscal year for the

a. Supplying of:

(1) Fuel for heating purposes, for any term not exceeding in the aggregate, three years; or

(2) Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years; or

b. The plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or

c. The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or

d. Data processing service, for any term of not more than five years; or

e. Insurance, for any term of not more than three years; or

f. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for any term not exceeding the aggregate, five years; provided, however, such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the State Board of Education;

g. 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;

h. Materials, supplies or services that are required on a recurring basis from year to year, for any term not exceeding in the aggregate, two years; however, such contract may be renewed yearly for a period not exceeding three additional years without any further solicitation for bids or bidding upon a finding by the board that the services are being performed in an effective and efficient manner, or that the materials and supplies continue to meet the original specifications. If a board of education elects to renew an existing contract, the terms and conditions of the existing contract shall remain substantially unchanged and any increase in the contract cost over the three year period shall be no greater than a total of 20% over the initial cost.

All multiyear leases and contracts entered into pursuant to this section 18A:18A–42, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the

jurisdiction of the Board of Public Utilities, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

2. This act shall take effect immediately.

Approved January 19, 1983.

CHAPTER 14

A SUPPLEMENT to "An act to place limits on expenditures by counties and municipalities and supplementing Title 40A of the New Jersey Statutes," approved August 18, 1976 (P. L. 1976, c. 68).

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

1. Notwithstanding the provisions of P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.) or any other law imposing limitations on the expenditures of municipalities, there shall be exempted from the final appropriations of a municipality subject to the spending limitations imposed by that act or other law, legal fees and expenses incurred by a municipality in any action involving a public utility subject to the jurisdiction of the Board of Public Utilities.

2. This act shall take effect immediately and expire on December 31, 1983.

Approved January 19, 1983.

CHAPTER 15

AN ACT concerning certain cable television service theft, amending N. J. S. 2C:20–8 and the "Cable Television Act," approved December 15, 1972 (P. L. 1972, c. 186; C. 48:5A–1 et seq.) and repealing section 52 thereof.

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

1. N. J. S. 2C:20–8 is amended to read as follows:

Theft of services.

2C:20–8. Theft of Services. a. A person is guilty of theft if he purposely obtains services which he knows are available only for compensation, by deception or threat, or by false token, slug, or other means, including but not limited to mechanical or electronic devices or through fraudulent statements, to avoid payment for the service. "Services" include labor, professional service, transportation, telephone, or other public service, accommodation in hotels, restaurants or elsewhere, entertainment, admission to exhibitions, use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

b. A person commits theft if, having control over the disposition of services of another, to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

c. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any vendor of electricity, gas or water:

(1) Connects or causes to be connected by wire or any other device with the wires, cables or conductors of any such vendor; or

(2) Connects or disconnects the meters, pipes or conduits of such vendor or in any other manner tampers or interferes with such meters, pipes or conduits, or connects with such meters, pipes or conduits by pipes, conduits or other instruments—is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

d. Any person who, without permission or authority, connects or causes to be connected by wires or other devices, any meter erected

or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any vendor of electricity within this State, or changes or shunts the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tampers with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters or attachments described in this subsection or in subsection c. is presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with electricity for less than 31 days or until there has been at least one meter reading.

e. Any person who, with intent to obtain cable television service without payment, in whole or in part, of the lawful charges therefor, or with intent to deprive another of the lawful receipt of such service, damages, cuts, tampers with, installs, taps or makes any connection with, or who displaces, removes, injures or destroys any wire, cable, conduit, apparatus or equipment of a cable television company operating a CATV system; or who, without authority of a cable television company, intentionally prevents, obstructs or delays, by any means or contrivance, the sending, transmission, conveyance, distribution or receipt of programming material carried by equipment of the cable television company operating a CATV system, is a disorderly person.

The existence of any of the conditions with reference to wires, cables, conduits, apparatus or equipment described in this subsection is presumptive evidence that the person to whom cable television service is at the time being furnished has, with intent to obtain cable television service without authorization or compensation or to otherwise defraud, created or caused to be created the condition so existing.

f. Any person who purposely or knowingly manufactures, constructs, sells, offers for sale, distributes or installs any equipment, device or instrument designed or intended to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment of the charges therefor to the provider, in whole or in part, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N. J. S. 2C:64–1 et seq.

g. Any person who purposely or knowingly maintains or possesses any equipment, device or instrument of the type described in subsection f. of this section or maintains or possesses any equipment, device or instrument actually used to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment, in whole or in part, of the charges therefor to the provider, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N. J. S. 2C:64–1 et seq.

2. Section 3 of P. L. 1972, c. 186 (C. 48:5A–3) is amended to read as follows:

C. 48:5A-3 Definitions.

3. As used in this act, except as the context may otherwise clearly require or indicate:

a. "Board" means the Board of Public Utility Commissioners of the Department of Public Utilities of this State.

b. "Office" means the office of Cable Television established by this act.

c. "Director" means the Director of the Office of Cable Television.

d. "Cable television system" or "CATV system" means any facility within this State which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable or other device or means for accomplishing such redistribution, to members of the public who subscribe to such service, or distributing through its facility any television signals, whether broadcast or not; or any part of such facility. The term "facility" as used in this subsection includes all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a CATV company in providing service to its subscribers and customers.

e. "Cable television reception service" means the simultaneous delivery through a CATV system of the signals of television broad-

cast stations to members of the public subscribing to such service, which service may include additional nonbroadcast signals delivered as a part of the service with no additional charge.

f. "Cable communications system" or "cable communications service" means any communications service other than cable television reception service delivered through the facilities of a CATV system and for which charges in addition to or other than those made for cable television reception service are made or proposed to be made.

g. "Cable television company" or "CATV company" means any person owning, controlling, operating or managing a cable television system, and the term "person" as used herein shall be construed, without limiting the generality thereof, to include specifically any agency or instrumentality of this State or of any of its political subdivisions; but this definition shall not include a telephone, telegraph or electric utility company regulated by the Board of Public Utility Commissioners in a case where it merely leases or rents or otherwise provides to a CATV company wires, conduits, cables or pole space used in the redistribution of television signals to or toward subscribers or customers of such CATV company.

h. "Highway" includes every street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public.

i. "Certificate" means a certificate of approval issued, or which may be issued, by the board pursuant to this act.

j. "Cable television service" includes the definitions of cable television reception service and cable communications service herein, as well as the provision of any other impulse or signal by a cable television company or other service lawfully provided, utilizing the facilities of the system.

Repealer.

3. P. L. 1972, c. 186, section 52 (C. 48:5A–52) is repealed.

4. This act shall take effect immediately.

Approved January 20, 1983.

CHAPTER 16

AN ACT to amend "An act concerning motorized bicycles, amending R. S. 39:1–1 and supplementing Title 39 of the Revised Statutes," approved October 31, 1979 (P. L. 1975, c. 250).

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

1. Section 2 of P. L. 1975, c. 250 (C. 39:4–14.3) is amended to read as follows:

C. 39:4-14.3 Operation of motorized bicycles.

2. a. Motorized bicycles shall not be operated upon interstate highways or upon public highways divided by a grass or concrete median or highways with posted speed limits in excess of 50 miles per hour or upon the railroad or right-of-way of an operating railroad within the State of New Jersey or upon any public land where expressly prohibited by the governing body, department or agency having jurisdiction thereof.

The Director of Motor Vehicles is authorized to adopt regulations either prohibiting the operation of motorized bicycles on any public road or highway with a speed limit in excess of 40 miles per hour, which in his discretion are hazardous for the operation of motorized bicycles or permitting the operation of motorized bicycles on any public road or highway, upon which the operation of motorized bicycles is otherwise prohibited by the provisions of this section, which in his discretion are safe for the operation of motorized bicycles. In no case, however, shall the director adopt a regulation permitting motorized bicycles to be operated on any highway with a posted speed in excess of 50 miles per hour.

b. No municipality shall limit or otherwise restrict the operation of motorized bicycles on any public roads or highways under its jurisdiction in contravention of the provisions of this act or any regulations adopted by the director pursuant thereto.

c. Motorized bicycles shall not be operated by a person under 15 years of age.

d. No person shall operate a motorized bicycle unless he is in possession of a valid driver's license of any class or a motorized bicycle license, which shall be issued by the director to any person 15 years of age or older, upon proof of identity and date of birth,

and after he has passed a satisfactory examination as to his ability as an operator. Such examination shall include a test of the applicant's knowledge of such portions of the mechanism of motorized bicycles as is necessary to insure their safe operation and of the laws and ordinary usages of the road and a demonstration of his ability to operate a motorized bicycle.

The demonstration of an applicant's ability to operate a motorized bicycle shall be administered at such municipalities that the director shall designate, under the supervision of the director, or an officer, employee, or authorized agent of the Division of Motor Vehicles, in accordance with rules and regulations promulgated by the division.

The director may, in his discretion, issue a learner's permit to a person 15 years of age or older, upon proof of identity and date of birth, allowing such person, for the purpose of fitting himself to become a motorized bicycle driver, to operate a motorized bicycle during daylight hours without supervision for a period not to exceed 45 days. The permit shall be sufficient license for the person to operate a motorized bicycle. No permit shall be issued unless the person applying therefor shall pay the sum of $5.00 to the director, or an officer, employee or agent of the division.

e. The valid driver's license shall be in the possession of the operator at all times when he is operating a motorized bicycle with motor engaged on the highways of this State. The operator shall exhibit his driver's license when requested to do so by any police officer or magistrate, while in the performance of the duties of his office and shall write his name in the presence of the officer, so that the officer may thereby determine the identity of the licensee. Any person violating this subsection shall be subject to a fine not exceeding $50.00.

f. Unless otherwise determined by the director, statutes, rules and regulations applicable to bicycles shall apply whenever a motorized bicycle is operated upon any highway or upon any public land.

Every person operating a motorized bicycle upon a public road or highway shall be subject to all of the duties applicable to the driver of a vehicle by chapter 4 of Title 39 and N. J. S. 2A:113–9 and all amendments and supplements thereto.

2. This act shall take effect 45 days after its enactment.

Approved January 21, 1983.

CHAPTER 17

AN ACT concerning children born out-of-wedlock, supplementing chapter 17 of Title 9 of the Revised Statutes and repealing parts of the statutory law pertaining thereto.

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

C. 9:17-38 Short title.

1. This act shall be known and may be cited as the "New Jersey Parentage Act."

C. 9:17-39 Parent-child relationship.

2. As used in this act, "parent and child relationship" means the legal relationship existing between a child and the child's natural or adoptive parents, incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

C. 9:17-40 Marital status irrelevant.

3. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.

C. 9:17-41 Establishment, termination.

4. The parent and child relationship between a child and:

a. The natural mother, may be established by proof of her having given birth to the child, or under this act;

b. The natural father, may be established by proof that his paternity has been adjudicated under prior law; under the laws governing probate; by an order of a court of competent jurisdiction in another state; or under this act;

c. An adoptive parent, may be established by proof of adoption;

d. The natural mother or the natural father, may be terminated by an order of a court of competent jurisdiction in granting a judgment of adoption or as the result of an action to terminate parental rights.

C. 9:17-42 Closed proceedings.

5. Notwithstanding any other law concerning public hearings and records, any action or proceeding held under this act shall be held in closed court without admittance of any person other than those

necessary to the action or proceeding. All papers and records and any information pertaining to an action or proceeding held under this act which may reveal the identity of any party in an action, other than the final judgment or the birth certificate, whether part of the permanent record of the court or of a file with the State registrar of vital statistics or elsewhere, are confidential and are subject to inspection only upon consent of the court and all parties to the action who are still living, or in exceptional cases only upon an order of the court for compelling reason clearly and convincingly shown.

C. 9:17-43 Presumptions.

6. a. A man is presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment or divorce;

(2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

(a) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after its termination by death, annulment or divorce; or

(b) if the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation;

(3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

(a) he has acknowledged his paternity of the child in writing filed with the local registrar of vital statistics;

(b) he has sought to have his name placed on the child's birth certificate as the child's father, pursuant to R. S. 26:8–40; or

(c) he openly holds out the child as his natural child; or

(d) he is obligated to support the child under a written voluntary agreement or court order;

(4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child;

(5) While the child is under the age of majority, he provides support for the child and openly holds out the child as his natural child; or

(6) He acknowledges his paternity of the child in a writing filed with the local registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the local registrar. If another man is presumed under this section to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted. Each attempted acknowledgment, whether or not effective, shall be kept on file by the local registrar of vital statistics and shall entitle the person who filed it to notice of all proceedings concerning parentage and adoption of the child, as provided in section 10 of this act and pursuant to section 9 of P. L. 1977, c. 367 (C. 9:3-45).

b. A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court order terminating the presumed father's paternal rights or by establishing that another man is the child's natural or adoptive father.

c. Notwithstanding the provisions of this section to the contrary, in an action brought under this act against the legal representative or the estate of a deceased alleged father, the criteria in paragraphs (4) and (5) of subsection a. of this section shall not constitute presumptions but shall be considered by the court together with all of the evidence submitted. The decision of the court shall be based on a preponderance of the evidence.

d. In the absence of a presumption, the court shall decide whether the parent and child relationship exists, based upon a preponderance of the evidence.

C. 9:17-44 Artificial insemination.

7. a. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with

semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent shall be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, upon forms provided by the Department of Health, and file the husband's consent with the State Department of Health, where it shall be kept confidential and in a sealed file. However, the physician's failure to do so shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for compelling reasons clearly and convincingly shown.

b. Unless the donor of semen and the woman have entered into a written contract to the contrary, the donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the father of a child thereby conceived and shall have no rights or duties stemming from the conception of a child.

C. 9:17-45 Parties to actions.

8. a. A child, a legal representative of the child, the natural mother, the estate or legal representative of the mother, if the mother has died or is a minor, a man alleged or alleging himself to be the father, the estate or legal representative of the alleged father, if the alleged father has died or is a minor, the Division of Public Welfare in the Department of Human Services, or the county welfare agency, or any person with an interest recognized as justiciable by the court may bring or defend an action or be made a party to an action at any time for the purpose of determining the existence or nonexistence of the parent and child relationship.

b. No action shall be brought under this act more than five years after the child attains the age of majority.

c. The death of the alleged father shall not cause abatement of any action to establish paternity, and an action to determine the existence or nonexistence of the parent and child relationship may be instituted or continued against the estate or the legal representative of the alleged father.

d. Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with subsection 11c. between an alleged or presumed father and the mother of the child, shall not bar an action under this section.

e. If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony. The court may consider the issue of medical expenses and may order the alleged father to pay the reasonable expenses of the mother's pregnancy and postpartum disability.

f. This section does not extend the time within which a right of inheritance or a right to succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

C. 9:17-46 Jurisdiction.

9. a. The juvenile and domestic relations court, and where an action is joined with another action, the Superior Court, shall have jurisdiction over an action brought under this act. The action shall be joined with an action for divorce, annulment, separate maintenance or support.

b. A person who has sexual intercourse in this State thereby submits to the jurisdiction of the courts of this State as to an action brought under this act with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by law, personal jurisdiction may be acquired by service in accordance with the rules of the court.

c. The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

C. 9:17-47 Guardian ad litem.

10. The child may be made a party to the action. If the child is a minor and is made a party, a guardian ad litem may be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The court may appoint an attorney-at-law or an appropriate State agency as guardian ad litem for the child. The natural mother, each man presumed to be the father under section 6, each man alleged to be the natural father, anyone whose name appears on the birth certificate, and anyone who has attempted to file an acknowledgment under section 6, whether or not effective to create a presumption of paternity, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

C. 9:17-48 Consent conference.

11. a. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, a consent conference shall be held by the juvenile and domestic relations court intake service, the county probation department or the county welfare agency. A court appearance shall be scheduled in the event that a consent agreement cannot be reached.

b. On the basis of the information produced at the conference, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

(1) That the action be dismissed with or without prejudice; or

(2) That the alleged father voluntarily acknowledge his paternity of the child.

c. If the parties accept a recommendation made in accordance with subsection b., which has been approved by the court, judgment shall be entered accordingly.

d. If a party refuses to accept a recommendation made under subsection b., and blood tests or genetic tests have not been taken, the court may require the parties to submit to blood tests or genetic tests. Thereafter the juvenile and domestic relations court intake service, with the approval of the court, shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial.

e. The guardian ad litem may accept or refuse to accept a recommendation under this section.

f. The consent conference may be terminated and the action set for trial if the court finds it unlikely that all parties would accept a recommendation that might be made under subsection b. or d.

g. No evidence, testimony or other disclosure from the consent conference shall be admitted as evidence in a civil action except by consent of the parties. However, blood tests or genetic tests ordered pursuant to subsection d. may be admitted as evidence.

C. 9:17-49 Civil action rules apply.

12. a. An action under this act is a civil action governed by the rules of court.

b. The trial shall be by the court without a jury, unless a party to the action shall file with the court a written request for a trial by jury within 10 days after service of the complaint. The complaint shall contain a notice to all parties that they may request a jury trial within 10 days of the service of the complaint.

b. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that an amendment to the original birth record be made under section 22.

c. The judgment or order may contain any other provision directed against the appropriate party to the proceeding concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, the repayment of any public assistance grant, or any other matter in the best interests of the child. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and postpartum disability, including repayment to an agency which provided public assistance funds for those expenses.

d. Support judgments or orders ordinarily shall be for periodic payments, which may vary in amount. In the best interests of the child, the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit a parent's liability for past support of the child to the proportion of the expenses already incurred that the court deems just.

e. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider all relevant facts, including the:

(1) Needs of the child;

(2) Standard of living and economic circumstances of each parent;

(3) Income and assets of each parent, including any public assistance grant received by a parent;

(4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children and the length of time and cost for each parent to obtain training or experience for appropriate employment;

(5) Need and capacity of the child for education, including higher education;

(6) Age and health of the child and each parent;

(7) Income, assets and earning ability of the child;

(8) Responsibility of the parents for the support of others; and

(9) Debts and liabilities of each child and parent.

The factors set forth herein are not intended to be exhaustive.

The court may consider such other factors as may be appropriate under the circumstances.

C. 9:17-54 Fees, costs.

17. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action and pre-trial proceedings, including blood or genetic tests, to be paid by the parties in proportions and at times determined by the court.

C. 9:17-55 Enforcement of duty of support.

18. a. If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this act or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, and child, the public agency that has furnished or may furnish the reasonable expenses of pregnancy, postpartum disability, education, support, or burial, or by any other person, including a private agency, to the extent that the mother, child, person or agency has furnished or is furnishing these expenses.

b. The court may order support payments to be made to the mother, the clerk of the court, the appropriate county probation office, or a person, corporation, or agency designated to administer them for the benefit of the child, under the supervision of the court.

c. Willful failure to obey the judgment or order of the court is a civil contempt of the court.

C. 9:17-56 Continuing jurisdiction.

19. The court has continuing jurisdiction to modify or revoke a judgment or order.

C. 9:17-57 Standing to bring action.

20. The child, the mother or personal representative of the child, the Division of Public Welfare in the Department of Human Services or the county welfare agency, the personal representative or a parent, if the mother has died or is a minor, a man alleged or alleging himself to be the father, the personal representative or a parent of the alleged father, if the alleged father has died or is a minor, or any person with an interest recognized as justiciable by the court may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this act applicable to the father and child relationship apply.

C. 9:17-58 Agreement to furnish support.

21. a. Any agreement in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship,

does not require consideration and is enforceable according to its terms, subject to subsection d. of section 8.

b. In the best interests of the child or the mother, the court may, and upon the request of the person agreeing to furnish support shall, order the agreement to be kept in confidence and designate a person or agency to receive and disburse on behalf of the child all amounts paid in performance of the agreement.

C. 9:17-59 Amended birth record.

22. a. Upon order of a court of this State or upon request of a court of another state, the local registrar of vital statistics shall prepare an amended birth record consistent with the findings of the court.

b. The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the amended birth record, but the actual place and date of birth shall be shown.

c. The evidence upon which the amended birth record was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for compelling reasons clearly and convincingly shown.

Repealer.

23. The following are repealed:

a. R. S. 9:15-1 and R. S. 9:15-2;

b. R. S. 9:16-1 through R. S. 9:16-4;

c. R. S. 9:17-1 and R. S. 9:17-2;

d. R. S. 9:17-11 through R. S. 9:17-20;

e. R. S. 9:17-23 through R. S. 9:17-35;

f. N. J. S. 2A:83-2 and N. J. S. 2A:83-3.

24. This act shall take effect 120 days after enactment.

Approved January 21, 1983.

CHAPTER 18

AN ACT concerning banking institutions, amending sections 24, 74, and 106 of "The Banking Act of 1948," P. L. 1948, c. 67.

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

1. Section 24 of P. L. 1948, c. 67 (C. 17:9A–24) is amended to read as follows:

C. 17:9A-24 Powers of banks and savings banks.

24. Powers of banks and savings banks. Every bank and savings bank shall, subject to the provisions of this act, have the following powers, whether or not such powers are specifically set forth in its certificate of incorporation:

(1) To adopt a corporate seal, and to sue and be sued;

(2) To issue cashier's checks, treasurer's checks, and money orders; to transmit funds; to guarantee signatures and endorsements;

(3) To borrow money, and to pledge, mortgage or hypothecate its real or personal property as security therefor, and to execute and deliver all such instruments as may be necessary to evidence such borrowing, pledge, mortgage, or hypothecation;

(4) To keep, maintain, and rent out for hire, at any location occupied by its principal office or any branch office, safe deposit boxes or other receptacles for the safekeeping of personal property. In exercising the powers authorized by this paragraph, the bank or savings bank shall have, but shall not be confined to, the same rights and remedies conferred upon safe deposit companies;

(5) To invest in real property as purchaser of the fee or as lessee, and to hold, lease and convey such real property, or any interest therein, for the following purposes and no others:

(a) Such as may be necessary or convenient for the use, operation, or housing of its principal office or any branch office, or an auxiliary office, or for the storage of records or other personal property, or for office space for use by its officers or employees, or which may be reasonably necessary for future expansion of its business, or which is otherwise reasonably incidental to the conduct of its business; and which may include, in addition to the space required for the transaction of its business, other space which may be let as a source of income. In exercising the powers conferred by this subparagraph, the bank or savings bank shall be subject to the limitations imposed by paragraph (13) of this section;

(b) Such as may be conveyed to it in whole or part satisfaction of debts previously contracted in the course of its dealings;

(c) Such as it shall purchase at sale under judgments and decrees in its favor, and on foreclosure of mortgages held by it;

(d) Such as it shall purchase or acquire to minimize or prevent the loss or destruction of any lien or interest therein; and

(e) Such as may be permitted for associations pursuant to subsections (4) and (21) of section 48 of the "Savings and Loan Act (1963)," P. L. 1963, c. 144 (C. 17:12B–48);

provided, that all real property not held for any purpose specified in subparagraph (a) of this paragraph shall be sold within 5 years of its acquisition, or within 5 years after the time it ceases to be held for any purpose specified in subparagraph (a) of this paragraph, unless the commissioner shall extend the time within which such sale shall be made;

(6) To be a member of the Federal Reserve System; to subscribe for, purchase, hold, and surrender such amounts of the capital stock of the Federal Reserve Bank organized within the district in which such bank or savings bank is located as may be required or as may be deemed advisable by such bank or savings bank; and to have and exercise all powers, privileges and options which are conferred by law upon such members; to comply with all requirements of federal legislation and the rules and regulations lawfully promulgated thereunder governing such membership, as such legislation and such rules and regulations may provide at the time of inception of such membership, and as the same may from time to time thereafter be amended or supplemented; and to assume and discharge all liabilities and obligations which may be required by reason of such membership;

(7) To be a member of Federal Deposit Insurance Corporation or of any successor corporation having for its purpose the insurance of deposits, and to do all things, and assume and discharge all liabilities and obligations imposed upon such members by federal legislation or by rules and regulations lawfully promulgated pursuant thereto, as the same may provide at the inception of such membership, or as the same may thereafter be amended or supplemented;

(8) To be a member of any federal agency hereafter created, membership in which is open to banking institutions, and the purpose of which is to afford advantages or safeguards to banking institutions, or to their depositors, and to comply with all the re-

quirements and conditions imposed upon such members, except that the power by this paragraph conferred shall not be exercised unless the commissioner, with the concurrence of the banking advisory board, shall make a general order authorizing banks or savings banks, or both, to become and be such members, upon such terms and conditions as may in such order be prescribed;

(9) To subscribe for, purchase and hold stock of one or more safe deposit companies which have been or may be organized to do business on or adjacent to premises occupied by the principal office or a branch office of the bank or savings bank; provided, that:

(a) In the case of a savings bank, the amount so invested shall not exceed 5% of its surplus; and

(b) In the case of a bank, the amount so invested shall not exceed 10% of its capital stock and surplus; and

(c) Each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a majority in interest of its stockholders at any annual or special meeting; and

(d) Each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(10) To subscribe for, purchase and hold stock of not more than one fiduciary institution organized under any law of this State hereafter enacted; provided, that:

(a) In the case of a savings bank, the amount so invested shall not exceed 10% of its surplus; and

(b) In the case of a bank, the amount so invested shall not exceed 20% of its capital stock and surplus; and

(c) Each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a majority in interest of its stockholders at any annual or special meeting; and

(d) Each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(11) To contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, or civic betterment, or the economic advantage of the community,

and to instrumentalities for the protection or advancement of the interests of banking institutions, such sums as its board of directors or board of managers may deem expedient and in the interests of such bank or savings bank;

(12) To exercise all incidental powers, not specifically enumerated in this act, which shall be necessary or convenient to carry on the business of the bank or savings bank;

(13) To invest in stock of a subsidiary of such bank or savings bank which holds title to real property of the kind in which such bank or savings bank could itself invest pursuant to subparagraph (a) of paragraph (5) of this section, and to make secured or unsecured loans to such subsidiary, without regard to the limitations imposed by Article 13; but no bank or savings bank shall, except with the prior approval of the commissioner: (1) invest in real property, including all capital leases, pursuant to subparagraph (a) of paragraph (5) of this section; or (2) invest in the stock or other securities of such subsidiary; or (3) make a loan to such subsidiary, if the aggregate of all such investments and loans, when added to any indebtedness otherwise owing by the subsidiary, will exceed the greater of: (1) 50% of the capital funds of the bank or savings bank; or (2) the amount permitted to national banks for such investments. As used in this paragraph, "subsidiary" of a bank or savings bank means a corporation all of whose capital stock and other securities having voting rights are owned by such bank or savings bank, and whose powers are limited by its certificate of incorporation to the acquiring, holding, managing, selling, leasing, mortgaging, altering, improving and otherwise dealing in and with real property of the kind in which the bank or savings bank could itself invest pursuant to subparagraph (a) of paragraph (5) of this section; and "capital funds" means the aggregate of the capital stock, the principal amount owing on all capital notes, surplus and undivided profits of a bank, and the aggregate of the capital deposits, if any, and the surplus of a savings bank. Every subsidiary of a bank or savings bank shall be subject to examination by the commissioner as provided in the case of banks and savings banks pursuant to sections 260, 261, 262, 263 and 335, and the ultra vires or unlawful act of a subsidiary of a bank or savings bank shall be deemed to be the ultra vires or unlawful act of such bank or savings bank for the purposes of Article 42. In determining whether to give or withhold approval of an investment or loan in excess of the limitation imposed by this paragraph, the commissioner

shall consider whether the making of such loan or investment is consistent with sound banking practice, having regard to: (1) the ratio between the aggregate of such loans and investments and the capital funds of the bank or savings bank; (2) the benefits to the bank or savings bank reasonably to be anticipated from such investment or such loan; (3) the ratio between such aggregate capital funds and total deposits; and (4) such other factors as the commissioner shall consider germane to the protection of deposits. A violation of any provision of this paragraph by any bank, savings bank, or subsidiary of a bank or savings bank shall not impair the validity or sufficiency of any deed of conveyance, mortgage, or lease made by such bank, savings bank, or subsidiary of real property owned by it; nor shall any other interest in such real property, acquired by or vested in any person claiming through or under such bank, savings bank, or subsidiary, or to which such person may be entitled, be impaired by reason of such violation;

(14) To make or invest in any secondary mortgage loan as defined in section 1 of P. L. 1948, c. 67 (C. 17:9A–1). Secondary mortgage loans shall be repayable in installments under the same terms and conditions as provided for secondary mortgage loan licensees under the "Secondary Mortgage Loan Act," P. L. 1970, c. 205 (C. 17:11A–34 et seq.), only with respect to maximum term, maximum loan amount and maximum annual percentage rate of interest. The Commissioner of Banking shall have the power, in relation to a "secondary mortgage loan," to adopt, amend, alter or rescind regulations, the requirements of which, in his judgment, are necessary for the implementation of this paragraph.

2. Section 74 of P. L. 1948, c. 67 (C. 17:9A–74) is amended to read as follows:

C. 17:9A-74 Exempt transactions.

74. Exempt transactions.

A. Any liability incurred prior to the effective date of this act, which would, if incurred after the effective date of this act, be subject to this article, may from time to time be wholly or partly renewed to the extent and in the manner authorized by the law in effect when such liability was initially incurred.

B. Nothing in this article shall apply to a mortgage loan made by a bank to an executive officer of the bank or to him or her and his or her spouse, if: (1) the mortgaged property has erected thereon a one- or two-family dwelling occupied or to be occupied

wholly or partly by such officer; or (2) if the proceeds of the loan shall be used for the purpose of erecting upon the mortgaged property a one- or two-family dwelling to be so occupied; or (3) if the mortgaged property is a one- or two-family condominium unit occupied or to be occupied wholly or partly by such officer; nor shall anything in this article apply (4) to a loan secured by a first lien on stock in a residential cooperative housing corporation, where the proceeds of the loan are used to finance the acquisition of such stock and the officer shall occupy an apartment or dwelling unit in premises owned by the residential cooperative housing corporation; or (5) to any loan or loans made to an executive officer of the bank, not exceeding in the aggregate $20,000.00 outstanding at any one time to finance the education of a child of such officer; or (6) to any liability to a bank incurred by any officer who is not an executive officer of such bank.

3. Section 106 of P. L. 1948, c. 67 (C. 17:9A–106) is amended to read as follows:

C. 17:9A-106 Directors; compensation.

106. Directors; compensation. Directors shall receive such reasonable compensation as the board of directors may from time to time by resolution provide.

4. This act shall take effect immediately.

Approved January 21, 1983.

CHAPTER 19

AN ACT concerning the Office for Promoting Technical Innovation and amending P. L. 1977, c. 429.

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

1. Section 8 of P. L. 1977, c. 429 is amended to read as follows:

8. This act shall take effect 90 days after enactment and shall expire February 28, 1984.

2. This act shall take effect immediately.

Approved January 21, 1983.

CHAPTER 20

AN ACT concerning charity racing days for the developmentally disabled and amending P. L. 1977, c. 200.

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

1. Section 1 of P. L. 1977, c. 200 (C. 5:5–44.2) is amended to read as follows:

C. 5:5-44.2 Charity Racing Days.

1. Each holder of a permit to hold or conduct horse race meetings shall, with the approval of the New Jersey Racing Commission, be allotted 3 racing days in addition to the days authorized by the New Jersey Racing Commission pursuant to P. L. 1940, c. 17 (C. 5:5–22 et seq.); provided, however, that should any permit holder reject the additional days, the commission may allot them among the remaining permit holders, and provided further that the provisions of this section shall not apply where to do so would require the breach of an agreement entered into by the commission. Said additional days shall be known as "Charity Racing Days for the Developmentally Disabled."

2. Section 2 of P. L. 1977, c. 200 (C. 5:5–44.3) is amended to read as follows:

C. 5:5-44.3 Distribution of funds.

2. All moneys received by the commission, pursuant to section 46 of P. L. 1940, c. 71 (C. 5:5–66), as its share of the total contributions to all parimutuel pools conducted or made on the additional racing days hereinbefore provided for shall be distributed to the organizations and in the amounts designated by the New Jersey State Developmental Disabilities Council, created pursuant to Executive Order Number 20 of 1971, as modified pursuant to Executive Order Number 49 of 1973 and Executive Order Number 42 of 1976, as hereinafter prescribed.

3. This act shall take effect immediately.

Approved January 21, 1983.

CHAPTER 21

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

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

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are ratified, validated and confirmed, notwithstanding that the supplemental debt statement or statements required by N. J. S. 18A:24–16 was or were not prepared and filed as required by N. J. S. 18A:24–17; provided, however, that such supplemental debt statement or statements has or have heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24–16 and N. J. S. 18A:24–17; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the effective date of this act and within the time fixed therefor by or pursuant to law or rule of court, or, when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved January 21, 1983.

CHAPTER 22

AN ACT to provide that physical therapists may practice physical therapy for licensed dentists in addition to licensed physicians, and amending P. L. 1963, c. 169.

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

1. Section 2 of P. L. 1963, c. 169 (C. 45:9–37.1) is amended to read as follows:

C. 45:9-37.1 Physical therapy definitions.

2. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners, which shall enforce and administer the provisions of this act.

(b) "Advisory committee" means the physical therapy advisory committee as described in section 10 of this act.

(c) "Physical therapy" or "physiotherapy" shall mean and include treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical condition or preventing the development of any physical disability; or the performance of appropriate tests and measurements, authorized by the State Board of Medical Examiners, to assess the extent of body malfunction; provided, however, that physical therapy shall not include radiology or electrosurgery.

(d) "Physical therapist" shall mean a person who practices physical therapy, under the direction and supervision of a licensed physician or dentist, or a person who renders physical therapy services upon the direction of a licensed physician or dentist for a physical condition, disability or assessment of body malfunction which the physician or dentist is licensed to treat.

(e) "Physical therapist assistant" shall mean a person who assists, under the direction of a registered physical therapist, the physical therapist in the practice of physical therapy and who performs such procedures delegated to him that are commensurate with his education and training.

2. This act shall take effect immediately.

Approved January 22, 1983.

CHAPTER 23

AN ACT to amend the "Public College Auxiliary Organization Act," approved April 1, 1982 (P. L. 1982, c. 16).

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

1. Section 2 of P. L. 1982, c. 16 (C. 18A:64–27) is amended to read as follows:

C. 18A:64-27 Auxiliary organizations.

2. As used in this act:

a. "College" means any State or county college.

b. "Auxiliary organization" means an organization, subject to the provisions of this act, that performs selected functions or operations of a college while maintaining an identity distinct from that of the college.

2. Section 13 of P. L. 1982, c. 16 (C. 18A:64–38) is amended to read as follows:

C. 18A:64-38 Employees.

13. As may be necessary for its operation, an auxiliary organization may appoint, retain and employ officers, agents, employees and experts, who shall be within the unclassified service of the Civil Service; except that, officers, agents, employees and experts of an auxiliary organization established by a county college shall not be subject to the provisions of Title 11 of the Revised Statutes.

3. This act shall take effect immediately.

Approved January 22, 1983.

CHAPTER 24

AN ACT to amend and supplement the "Dental Plan Organization Act," approved February 27, 1980 (P. L. 1979, c. 478).

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

1. Section 2 of P. L. 1979, c. 478 (C. 17:48D–2) is amended to read as follows:

C. 17:48D-2 Dental plan definitions.

2. In this act, unless the context otherwise requires:

a. "Commissioner" means the Commissioner of Insurance;

b. "Dental plan" means any contractual arrangement for dental services provided directly or arranged for or administered directly on a prepaid or postpaid individual or group capitation basis;

c. "Dental plan organization" means any person who undertakes to provide directly or to arrange for or administer one or more dental plans providing dental services;

d. ''Dental services'' means services included in the practice of dentistry as defined in R. S. 45:6–19;

e. ''Enrollee'' means an individual and his dependents who are enrolled in a dental plan organization;

f. ''Evidence of coverage'' means any certificate, agreement or contract issued to an enrollee, setting out the dental services to which the enrollee is entitled;

g. "Consultant" means a person who holds himself out as an advisor or renders advice on the organization, financing, administration or operation of a dental plan to any employer, union, trust fund or dental plan organization;

h. "Finder" means a person who brings together a dental plan organization with an employer, union or trust fund for the purpose of establishing a contractual relationship to provide dental services, or facilities or equipment related to the operation of the dental plan or dental plan organization.

2. Section 3 of P. L. 1979, c. 478 (C. 17:48D–3) is amended to read as follows:

C. 17:48D-3 Certificate of authority.

3. a. No person may establish, operate or administer a dental plan organization, or sell or offer to sell, or solicit offers to purchase, or receive advance or periodic consideration in conjunction with any dental plan organization, utilizing in the aggregate the services of more than one full-time equivalent dentist, without obtaining and maintaining a certificate of authority pursuant to this act.

b. Within 90 days after the effective date of this act, every dental plan organization utilizing in the aggregate the services of more than one full-time equivalent dentist shall submit an application for a certificate of authority to the commissioner. A dental plan organization may continue to operate until the commissioner acts upon the application. If the application is denied, the dental plan organization shall be treated as if its certificate of authority has been revoked.

c. An application for a certificate of authority shall be in a form prescribed by the commissioner, shall be verified by an officer or authorized representative of the dental plan organization and shall include the following:

(1) All basic organizational documents of the dental plan organization, such as the articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement,

shareholder agreement or other applicable documents and all amendments to those documents;

(2) The bylaws, rules and regulations or similar documents regulating the conduct or the internal affairs of the dental plan organization;

(3) The names, addresses and official positions of the persons who are responsible for the conduct of the affairs of the dental plan organization, including all members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers, in the case of a corporation, and the partners or members, in the case of a partnership or association;

(4) All contracts or agreements made between any dentist and the dental plan organization;

(5) All contracts or agreements made between any person listed in paragraph (3) of this subsection and any dentist, consultant, finder or business manager;

(6) A description of the dental plan organization, its dental plan or plans, facilities and personnel;

(7) The form of the evidence of coverage to be issued to the enrollees;

(8) The form of any group contract which is issued to employers, unions, trustees or others;

(9) A financial statement prepared by an independent certified public accountant, setting forth the applicant's present or anticipated assets, liabilities and sources of funds. The statement shall set forth the terms and conditions of all current liabilities and any outstanding loans made from the funds of the applicant, and shall be attested to by the applicant or an authorized officer thereof. If the commissioner requires an audit of the financial records of the applicant by an independent certified public accountant, the financial statement shall be prepared and certified by the certified public accountant having conducted the audit;

(10) The proposed method of marketing the plan, a financial plan with a 3 year projection of the initial operating results and a statement of the sources of working capital and any other sources of funding;

(11) A power of attorney duly executed by the dental plan organization, if not domiciled in this State, appointing the commissioner, the commissioner's successors in office and duly authorized deputies as the true and lawful attorney of the dental plan orga-

nization in and for this State, upon whom lawful process in any legal action or proceeding against the dental plan organization on a cause of action arising in this State may be served;

(12) A description of the geographic area or areas to be served;

(13) A description of the procedures and programs to be implemented to achieve an effective dental plan as required in section 5 a. (2) of this act; and

(14) Such other information as the commissioner may require.

d. The dental plan organization shall pay a fee of $100.00 to the commissioner, upon filing an application for a certificate of authority.

e. The commissioner shall act on an application for a certificate of authority within 90 days following receipt of the application or the operative date of this amendatory and supplementary act, whichever is later.

3. Section 5 of P. L. 1979, c. 478 (C. 17:48D–5) is amended to read as follows:

C. 17:48D-5 Conditions.

5. a. The commissioner shall issue a certificate of authority if he is satisfied that the following conditions are met:

(1) The persons responsible for conducting the affairs of the dental plan organization are competent and trustworthy and are professionally capable of providing, arranging for or administering the services offered by the plan;

(2) The dental plan organization constitutes an appropriate mechanism to achieve an effective dental plan, as determined by the commissioner;

(3) The dental plan organization has demonstrated the potential to provide dental services in a manner that will assure both availability and accessibility of adequate personnel and facilities;

(4) The dental plan organization has arrangements for an ongoing quality of dental care assurance program;

(5) The dental plan organization has a procedure to establish and maintain uniform systems of cost accounting and reports and audits that meet the requirements of the commissioner;

(6) The dental plan organization is financially responsible and may reasonably be expected to meet its obligations to enrollees. In making this determination the commissioner shall consider:

(a) The financial soundness of the dental plan's arrangements for services and the schedule of charges used;

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(b) Any arrangement with an insurer or medical or dental service corporation for continuation of coverage in the event of discontinuance of the plan, on an indemnity basis through a group vehicle to the end of the period for which premiums were paid to the discontinued dental plan organization; and

(c) The sufficiency of an agreement with dentists for the provision of dental services;

(7) A general surplus is maintained as required in section 6 of this act;

(8) A contingent surplus is accumulated and maintained as required in section 7 of this act;

(9) The condition or methods of operation of the dental plan organization are not such as would render its operations hazardous to its enrollees or the public; and

(10) The persons responsible for conducting the affairs of the dental plan organization are: (a) of good moral character, and (b) have not been convicted, within 7 years of the filing of the application for a certificate of authority, of a crime listed in N. J. S. 2C:41–1 or, at any time, of engaging in a pattern of racketeering activity, as defined in N. J. S. 2C:41–1 and 2C:41–2.

b. When the commissioner disapproves an application for a certificate of authority, he shall notify the dental plan organization in writing of the reasons for the disapproval.

c. A certificate of authority shall expire 1 year following the date of issuance or previous renewal. If the dental plan organization remains in compliance with this act and has paid a renewal fee of $100.00, its certificate shall be renewed.

4. Section 13 of P. L. 1979, c. 478 (C. 17:48D–13) is amended to read as follows:

C. 17:48D-13 Annual report.

13. a. Every dental plan organization annually on or before March 1 shall file with the commissioner a report covering its activities for the preceding calendar year.

b. The reports shall be on forms prescribed by the commissioner and shall include:

(1) A financial statement of the dental plan organization, prepared by an independent certified public accountant and attested to by an officer of the dental plan organization, which statement shall include full disclosure of all assets and liabilities of the dental plan organization, the terms and conditions thereof, and the sources and disposition of all funds. If the dental plan organization's records

have been audited by an independent certified public accountant, the financial statement shall be certified by the certified public accountant having conducted the audit;

(2) Any significant modification of information submitted with the application for a certificate of authority;

(3) The number of persons who became enrollees during the year, the number of enrollees as of the end of the year and the number of enrollments terminated during the year;

(4) A description of the enrollee complaint system, including the procedures of the complaint system, the total number of written complaints handled through the system, a summary of causes underlying the complaints filed, and the number, amount and disposition of malpractice claims settled during the year by the dental plan organization and any of the dentists used by it; and

(5) Any other information relating to the performance of the dental plan organization, as required by the commissioner.

5. Section 16 of P. L. 1979, c. 478 (C. 17:48D–16) is amended to read as follows:

C. 17:48D-16 Suspension, revocation.

16. a. The commissioner may suspend or revoke any certificate of authority issued to a dental plan organization pursuant to this act, if he finds that any of the following conditions exists:

(1) The dental plan organization is operating in a manner significantly contrary to that described in sections 3 and 4 of this act;

(2) The dental plan organization issues an evidence of coverage which does not comply with the requirements of section 9 of this act;

(3) The dental plan organization does not provide or arrange for an effective dental plan, as determined by the commissioner;

(4) The dental plan organization can no longer be expected to meet its obligations to enrollees;

(5) The dental plan organization, or any authorized person on its behalf, has advertised or merchandised its services in an untrue or misleading manner;

(6) The dental plan organization has failed to comply with this act or any rules and regulations promulgated thereunder;

(7) Any person responsible for conducting the affairs of the dental plan organization is: (a) not of good moral character, or (b) has been convicted, within 7 years of the filing of the application

for a certificate of authority, of a crime listed in N. J. S. 2C:41–1 or, at any time, of engaging in a pattern of racketeering activity, as defined in N. J. S. 2C:41–1 and 2C:41–2.

b. When the commissioner has cause to believe that grounds for the suspension or revocation of a certificate of authority exist, he shall notify the dental plan organization in writing, specifically stating the grounds for suspension or revocation. A hearing on the matter shall be granted by the commissioner within 20 days after a request in writing by the dental plan organization. After the hearing, or upon failure of the dental plan organization to appear at the hearing, the commissioner shall take action on his findings.

c. If the commissioner suspends the certificate of authority, the dental plan organization shall not accept any additional enrollees or engage in any advertising or solicitation during the period of the suspension.

d. If the commissioner revokes the certificate of authority, the dental plan organization shall proceed to dissolve its structure immediately following the effective date of the order of revocation, and shall conduct no further business, except as may be essential to the orderly conclusion of the affairs of the dental plan organization. The commissioner by written order, however, may permit such further operation of the dental plan organization as he finds to be in the best interest of enrollees to the end that enrollees shall be afforded the greatest practical opportunity to obtain continuing dental plan coverage.

e. Notwithstanding the provisions of subsections c. and d. of this section, a dental plan organization which has had its certificate of authority suspended or revoked, or has suffered an adverse decision by the commissioner, shall be entitled to a hearing pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.).

6. Section 18 of P. L. 1979, c. 478 (C. 17:48D–18) is amended to read as follows:

C. 17:48D-18 Violations; penalties.

18. Any dental plan organization which violates any provisions of this act, or neglects, fails or refuses to comply with any of the requirements of this act shall be liable for a civil penalty of not less than $500.00 nor more than $10,000.00 for each violation. The penalty may be sued for and recovered by the commissioner in a summary proceeding pursuant to the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.).

A purposeful or knowing misstatement or omission of material fact required to be supplied to the commissioner is a crime of the fourth degree.

C. 17:48D-3.1 Consultants.

7. (New section) No person shall be employed as a consultant by an employer, union, trust fund or dental plan organization or applicant, except in accordance with the provisions of this section.

A consultant, entering into a contract or agreement to provide consulting services on a dental plan, shall provide a copy of the contract or agreement to the commissioner for his approval. In addition to the contract or agreement, the consultant shall provide the commissioner with a list of all sources and amounts of income received from consulting work within the preceding 5 years, and income received or anticipated to be received in the year the contract or agreement is submitted for approval, and such other information as may be required by the commissioner.

No person shall be employed as a consultant who:

a. Within 7 years of his employment as a consultant has been convicted of a crime listed in N. J. S. 2C:41–1; or

b. At any time has been convicted of engaging in a pattern of racketeering activity, as defined in N. J. S. 2C:41–1 and 2C:41–2.

In accordance with standards established by the commissioner, the commissioner may disapprove the contract or agreement within 90 days following receipt thereof.

Any person employed as a consultant on the operative date of this act shall, within 30 days thereof, satisfy the requirements of this section. Unless the commissioner disapproves the contract or agreement as herein provided, the consultant shall continue to render consulting services under the terms and conditions of the contract or agreement insofar as its terms and conditions are not inconsistent with the provisions of this act.

C. 17:48D-3.2 Fiduciary relationship.

8. (New section) A consultant shall be a fiduciary of the employer, union, trust fund or dental plan organization with which employed and shall not be entitled to:

a. Any compensation in excess of the amount specified in the contract or agreement for consulting services; or

b. Any compensation whatsoever, either as a consultant or in any other capacity, from any person associated with the dental plan,

other than with whom the contract or agreement for consulting services has been entered into.

C. 17:48D-3.3 Reports on finders.

9. (New section) A dental plan organization, employer, union or trust fund shall report to the commissioner the name and address of, and the amount of any fee paid to a finder within 30 days of the use or employment of the finder or within 30 days of the operative date of this act, whichever is later.

10. This act shall take effect immediately but shall remain inoperative for 60 days following enactment.

Approved January 25, 1983.

CHAPTER 25

AN ACT concerning investigations of antitrust practices and amending the "New Jersey Antitrust Act," approved May 21, 1970 (P. L. 1970, c. 73).

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

1. Section 9 of P. L. 1970, c. 73 (C. 56:9–9) is amended to read as follows:

C. 56:9-9 Investigations of antitrust practices.

9. a. (1) Whenever the Attorney General, by his own inquiry or as the result of a complaint, suspects that a violation of this act or of the federal antitrust laws is occurring, has occurred or is about to occur, or, whenever the Attorney General believes it to be in the public interest that an investigation be made, the Attorney General or his designee may, prior to the institution of a criminal or civil action thereon, issue in writing and cause to be served upon any person who may have information relevant to such investigation a subpena to appear and be examined under oath before the Attorney General, his designee or a court of record; answer written interrogatories under oath; or produce documents or any other information or materials for inspection or copying.

(2) Any subpena issued pursuant to this subsection shall:

(a) Contain a general statement concerning the subject matter of the investigation;

(b) Contain a statement advising the person subpenaed that he

has the right, at any time before the return date of the subpena, to seek a court order determining the validity of the subpena;

(c) Contain a statement advising the person subpenaed that he may have an attorney present when he appears and testifies or otherwise responds to the subpena;

(d) Describe the classes of documentary material to be produced thereunder with sufficient particularity to permit such materials to be reasonably identified;

(e) Prescribe a date and time at which the person subpenaed shall appear to testify, under oath, or by which the person shall answer written interrogatories or produce the documents or other information or materials for inspection or copying; provided that such date shall not be less than 15 days from the date of service of the subpena; and

(f) Specify a place for the taking of testimony or for the submission of answers or for the production of documents or other information or materials and identify the persons who are authorized to receive the return of the subpena.

(3) The powers of subpena and examination contained in this subsection shall not abate or terminate by reason of any action or proceeding brought by the Attorney General under this act.

b. (1) If a person in attendance upon such investigation pursuant to subpena, or if a person required to provide the Attorney General answers in writing under oath or otherwise, personally refuses to answer a question or produce evidence of any other kind or make the required answers on the ground that he may be incriminated thereby, and if the Attorney General or his designee, in a writing directed to the person, orders that person to answer the question or produce the evidence, that person shall comply with the order. After complying therewith, and if but for this section he would have been privileged to withhold the answer given or the evidence produced, such answer, testimony or evidence or any evidence directly or indirectly derived therefrom may not be used against the person in any prosecution for a crime or offense concerning which he gave answer or produced evidence; provided that the answer, testimony or evidence is responsive to the question propounded. However, he may nevertheless be prosecuted or subject to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing evidence or failing to produce evidence in accordance with the order.

(2) Any person who fails to obey the command of a subpena, after being ordered to do so by a court of competent jurisdiction, is

guilty of a crime of the fourth degree. In the alternative, if a person fails to obey a subpena after being ordered to do so by a court of competent jurisdiction, the Attorney General may apply to that court to have that person adjudged in contempt and to commit him to jail until such time as he purges himself of contempt by responsively answering, testifying or producing evidence as ordered.

(3) A person shall not be excused from complying with the terms of a subpena on the ground of failure to tender or pay a witness fee for mileage, unless demand therefor is made at the time compliance is about to be made. Payment of a witness fee or mileage shall not apply to any officer, director or person in the employ of any person whose conduct or practices are being investigated.

c. (1) Except as otherwise provided in this subsection, no material produced pursuant to this section or information derived therefrom shall be available for examination, without the consent of the person who produced the material, by any person other than the Attorney General or his designee in connection with the enforcement of this act. However, nothing contained herein shall prevent the legitimate use of such information or materials by the Attorney General or his designee, without the consent of the person who produced the materials, for investigational purposes.

(2) The Attorney General or his designee may disclose, without the consent of the person who produced the material, the material produced pursuant to this section or information derived therefrom to officers and employees of appropriate federal or State law enforcement agencies upon the prior certification of an officer of the federal or State law enforcement agency that the information will be maintained in confidence and will be used only for official law enforcement purposes; provided, however, the Attorney General or his designee shall advise such person of his intent to disclose such material or information derived therefrom 10 days prior to the disclosure.

(3) The Attorney General or his designee may disclose, without the consent of the person who produced the material, material produced pursuant to this section or information derived therefrom to any court or grand jury.

d. Service of a subpena pursuant to this section shall be by any of those methods specified in the New Jersey Rules of Court for service of a summons and complaint in a civil action.

2. This act shall take effect immediately.

Approved January 25, 1983.

CHAPTER 26

AN ACT authorizing the use of alternative waste treatment systems and greywater systems and supplementing P. L. 1954, c. 199 (C. 58:11–23 et seq.).

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

C. 58:11-25a Alternative treatment systems.

1. As used in this act:

a. "Acceptable alternative greywater system" means a system for the treatment and disposal of wastewater which normally does not receive human body wastes or industrial waste and is approved for use by a local health department.

b. "Acceptable alternative waste treatment system" means a waste system which has been approved for use by the State department and which is properly operated and maintained so as not to cause a health hazard or nuisance. An acceptable alternative waste treatment system may include an organic waste treatment system or compost toilet which operates on the principle of decomposition of heterogeneous organic materials by aerobic and facultatively anaerobic organisms and utilizes an effectively aerobic composting process which produces a stabilized humus. Acceptable alternative waste treatment system does not include a septic tank—drain field system or other system that results in a discharge to the ground or surface water of this State.

c. "Structure" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate less than 2,000 gallons per day of water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

C. 58:11-25b Installation, use.

2. Notwithstanding any other law, rule, regulation or ordinance to the contrary, a person may install and use in a structure an acceptable alternative waste treatment system or an acceptable alternative waste treatment system in combination with an acceptable alternative greywater system. Installation and use of an acceptable alternative waste treatment system or an acceptable alternative waste treatment system in combination with an acceptable alternative greywater system shall be subject to local

health department regulation and inspection by the appropriate subcode official in accordance with the State Uniform Construction Code, pursuant to P. L. 1975, c. 217 (C. 52:27D–119 et seq.).

C. 58:11-25c Not exempt from assessments.

3. A person who installs and uses an acceptable alternative waste treatment system or an acceptable alternative waste treatment system in combination with an acceptable alternative greywater system shall not be exempt from any special assessments levied by a municipality for the purpose of financing the construction of an approved sanitary sewer system and sewerage facilities.

C. 58:11-25d Minimum standards.

4. Within 180 days of the effective date of this act, the Department of Environmental Protection and the Department of Community Affairs shall jointly establish minimum standards regarding the appropriate installation and use of acceptable alternative waste treatment systems and acceptable alternative waste treatment systems in combination with acceptable alternative greywater systems.

5. This act shall take effect immediately.

Approved January 25, 1983.

CHAPTER 27

AN ACT to amend "An act concerning motor vehicles and traffic regulations, and supplementing chapter 4 of Title 39 of the Revised Statutes," approved May 13, 1942 (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 Stopping for school buses.

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 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 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 4 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.

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 fined not less than $10.00 for the first offense, and not less than $25.00 for each subsequent offense, which 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 January 25, 1983.

CHAPTER 28

AN ACT concerning the use of certain health care facilities by licensed podiatrists.

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

C. 26:2H-12.1 Privileges for podiatrists.

1. Any health care facility licensed pursuant to P. L. 1971, c. 136 (C. 26:2H–1 et seq.), which provides medical or surgical care, shall provide for the use of the facility by, and appropriate privileges for, duly licensed podiatrists. Use of the facility and privileges of a podiatrist shall be subject to nondiscriminatory rules and regulations governing such use or privileges established by the governing body of the facility for persons licensed as physicians and surgeons pursuant to R. S. 45:9–6 and dentists pursuant to R. S. 45:6–19.

2. This act shall take effect 90 days following enactment.

Approved January 25, 1983.

CHAPTER 29

AN ACT concerning volunteer fire companies and volunteer first aid, rescue and emergency squads and amending P. L. 1963, c. 71 and P. L. 1975, c. 196.

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

1. Section 1 of P. L. 1963, c. 71 (C. 2A:53A–13) is amended to read as follows:

C. 2A:53A-13 Member's immunity from liability.

1. No member of a volunteer fire company, which provides emergency public first aid and rescue services or services for the control and extinguishment of fires, or both, and no authorized active volunteer first aid or rescue squad worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty, shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services, or arising out of and in the course of participation in any authorized drill, but such immunity from liability shall not extend to the operation of any motor vehicle in connection with the rendering of any such services.

Nothing herein shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.

2. Section 1 of P. L. 1975, c. 196 (C. 2A:53A–13.1) is amended to read as follows:

C. 2A:53A-13.1 Company's immunity from liability.

1. No volunteer fire company or volunteer first aid, rescue or emergency squad, civil defense unit, incorporated or unincorporated, which provides services for the control and extinguishment of fires or emergency public first aid and rescue services, or both, shall be liable in any civil action to respond in damages as a result of any acts of commission or omission arising out of and in the course of the rendition in good faith of any such services, or arising out of and in the course of participation in any authorized drill, by any member of the volunteer fire company or the volunteer first aid,

rescue or emergency squad, or civil defense unit, and in the case of a volunteer fire company within which a first aid or rescue squad has been created, by any authorized active volunteer first aid or rescue squad worker therefor, notwithstanding that he is not a member of the volunteer fire company. No such immunity from liability shall extend to the operation of any motor vehicle in connection with the rendering of any such services.

3. This act shall take effect immediately.

Approved January 25, 1983.

CHAPTER 30

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain cities.

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

1. Notwithstanding any provisions of law or any judicial order to the contrary, no city of the first class having a population in excess of 300,000 shall be required to implement a revaluation of real property for the tax years 1983 to 1984, inclusive. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and implementing any partial or complete reassessment of real property in the city during the time covered by the act.

2. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 31

AN ACT concerning agriculture and supplementing Title 4 of the Revised Statutes.

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

C. 4:1C-1 Short title.

1. This act shall be known and may be cited as the "Right to Farm Act."

C. 4:1C-2 Findings and declarations.

2. The Legislature finds and declares that:

a. The retention of agricultural activities would serve the best interest of all citizens of this State by insuring the numerous social, economic and environmental benefits which accrue from one of the largest industries in the Garden State;

b. Several factors have combined to create a situation wherein the regulations of various State agencies and the ordinances of individual municipalities may unnecessarily constrain essential farm practices;

c. It is necessary to establish a systematic and continuing effort to examine the effect of governmental regulation on the agricultural industry;

d. All State departments and agencies thereof should encourage the maintenance of agricultural production and a positive agricultural business climate;

e. It is the express intention of this act to establish as the policy of this State the protection of commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time, acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey.

C. 4:1C-3 Definitions.

3. As used in this act:

a. "Commercial farm" means any place producing agricultural or horticultural products worth $2,500.00 or more annually;

b. "Committee" means the State Agriculture Development Committee established pursuant to section 4 of this act.

C. 4:1C-4 State Agriculture Development Committee.

4. a. In order that the State's regulatory action with respect to agricultural activities may be undertaken with a more complete understanding of the needs and difficulties of agriculture, there is established in the Executive Branch of the State Government a public body corporate and politic, with corporate succession, to be known as the State Agriculture Development Committee. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the committee is allo-

cated within the Department of Agriculture, but, notwithstanding that allocation, the committee shall be independent of any supervision or control by the State Board of Agriculture, by the department or by the secretary or any officer or employee thereof, except as otherwise expressly provided in this act. The committee shall constitute an instrumentality of the State, exercising public and essential governmental functions, and the exercise by the committee of the powers conferred by this or any other act shall be held to be an essential governmental function of the State.

b. The committee shall consist of 11 members, five of whom shall be the Secretary of Agriculture, who shall serve as chairman, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, the State Treasurer and the Dean of Cook College, Rutgers University, or their designees, who shall serve ex officio, and six citizens of the State, to be appointed by the Governor with the advice and consent of the Senate, four of whom shall be actively engaged in farming, the majority of whom shall own a portion of the land that they farm, and two of whom shall represent the general public. With respect to the members actively engaged in farming, the State Board of Agriculture shall recommend to the Governor a list of potential candidates and their alternates to be considered for each appointment.

c. Of the six members first to be appointed, two shall be appointed for terms of 2 years, two for terms of 3 years and two for terms of 4 years. Thereafter, all appointments shall be made for terms of 4 years. Each of these members shall hold office for the term of the appointment and until a successor shall have been appointed and qualified. A member shall be eligible for reappointment for no more than two consecutive terms. 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.

d. Members of the committee shall receive no compensation but the appointed members may, subject to the limits of funds appropriated or otherwise made available for these purposes, be reimbursed for expenses actually incurred in attending meetings of the committee and in performance of their duties as members thereof.

e. The committee shall meet at the call of the chairman as soon as may be practicable following appointment of its members and shall establish procedures for the conduct of regular and special meetings, including procedures for the notification of departments of State regulating the activities of commercial agriculture, pro-

vided that all meetings are conducted in accordance with the provisions of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4–6 et seq.).

f. A true copy of the minutes of every meeting of the committee shall be prepared and forthwith delivered to the Governor. No action taken at such meeting by the commission shall have force or effect until 15 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 15-day period, the Governor returns such copy of the minutes with a veto of any action taken by the commission at such meeting, such action shall be null and void and of no force and effect.

g. The department shall provide any personnel that may be required as staff for the committee.

C. 4:1C-6 Powers and duties.

5. The committee shall:

a. Consider any matter relating to the improvement of farm management practices;

b. Review and evaluate the proposed rules, regulations and guidelines of any State agency in terms of feasibility, effect and conformance with the intentions and provisions of this act;

c. Study, develop and recommend to the appropriate State departments and agencies thereof a program of agricultural management practices which shall include, but not necessarily be limited to, air and water quality control, noise control, pesticide control, fertilizer application, integrated pest management, and labor practices;

d. Upon a finding of conflict between the regulatory practices of any State instrumentality and the agricultural management practices recommended by the committee, commence a period of negotiation not to exceed 120 days with the State instrumentality in an effort to reach a resolution of the conflict, during which period the State instrumentality shall inform the committee of the reasons for accepting, conditionally accepting or rejecting the committee's recommendations and submit a schedule for implementing all or a portion of the committee's recommendations.

e. Within 1 year of the effective date of this act and at least annually thereafter, recommend to the Governor, the Legislature and the appropriate State departments and agencies thereof any actions which should be taken that recognize the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in the State, minimize unnecessary

constraints on essential agricultural activities, and are consistent with the promotion of the public health, safety and welfare.

C. 4:1C-9 Authority for commercial farm owners, operators.

6. The owner or operator of a commercial farm which meets the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4–23.1 et seq.) and the operation of which conforms to agricultural management practices recommended by the committee and all relevant federal or State statutes or rules and regulations adopted pursuant thereto and which does not pose a direct threat to public health and safety may:

a. Produce agricultural and horticultural crops, trees and forest products, livestock, and poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping;

b. Process and package the agricultural output of the commercial farm;

c. Provide for the wholesale and retail marketing of the agricultural output of the commercial farm, and related products that contribute to farm income, including the construction of building and parking areas in conformance with municipal standards;

d. Replenish soil nutrients;

e. Control pests, predators and diseases of plants and animals;

f. Clear woodlands using open burning and other techniques, install and maintain vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas; and

g. Conduct on-site disposal of organic agricultural wastes.

C. 4:1C-10 Rebuttable presumption.

7. In all relevant actions filed subsequent to the effective date of this act, there shall exist a rebuttable presumption that no commercial agricultural operation, activity or structure which conforms to agricultural management practices recommended by the committee, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto and which does not pose a direct threat to public health and safety, shall constitute a public or private nuisance, nor shall any such operation, activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

8. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 32

AN ACT concerning agricultural development and farmland preservation, providing for the establishment of county agriculture development boards, providing for the establishment of voluntary farmland preservation programs, authorizing the purchase of development easements and the funding of soil and water conservation projects on agricultural land, and making an appropriation.

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

C. 4:1C-11 Short title.

1. This act shall be known and may be cited as the "Agriculture Retention and Development Act."

C. 4:1C-12 Findings and declarations.

2. The Legislature finds and declares that:

a. The strengthening of the agricultural industry and the preservation of farmland are important to the present and future economy of the State and the welfare of the citizens of the State, and that the Legislature and the people have demonstrated recognition of this fact through their approval of the "Farmland Preservation Bond Act of 1981," P. L. 1981, c. 276;

b. All State departments and agencies thereof should encourage the maintenance of agricultural production and a positive agricultural business climate;

c. It is necessary to authorize the establishment of State and county organizations to coordinate the development of farmland preservation programs within identified areas where agriculture will be presumed the first priority use of the land and where certain financial, administrative and regulatory benefits will be made available to those landowners who choose to participate, all as hereinafter provided.

C. 4:1C-13 Definitions.

3. As used in this act:

a. "Agricultural development areas" means areas identified by a county agricultural development board pursuant to the provisions of section 11 of this act and certified by the State Agriculture Development Committee;

b. "Agricultural use" means the use of land for common farmsite activities, including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing;

c. "Board" means a county agriculture development board established pursuant to section 7 or a subregional agricultural retention board established pursuant to section 10 of this act;

d. "Committee" means the State Agriculture Development Committee established pursuant to section 4 of the "Right to Farm Act," P. L. 1983, c. 31 (C. 4:1C–4);

e. "Cost," as used with respect to cost of development easements or soil and water conservation projects, includes, in addition to the usual connotations thereof, interest or discount on bonds; cost of issuance of bonds; the cost of inspection, appraisal, legal, financial, and other professional services, estimates and advice; and the cost of organizational, administrative and other work and services, including salaries, supplies, equipment and materials necessary to administer this act;

f. "Development easement" means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of this act and any relevant rules or regulations promulgated pursuant hereto;

g. "Development project" means any proposed construction or capital improvement for nonagricultural purposes;

h. "Farmland preservation program" or "municipally approved farmland preservation program" (hereinafter referred to as municipally approved program) means any voluntary program, the duration of which is at least 8 years, authorized by law enacted subsequent to the effective date of the "Farmland Preservation Bond Act of 1981," P. L. 1981, c. 276, which has as its principal purpose the long-term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to this act and the maintenance and support of increased agricultural production as the first priority use of that land. Any municipally approved program shall be established pursuant to section 14 of this act;

i. "Fund" means the "Farmland Preservation Fund" created pursuant to the "Farmland Preservation Bond Act of 1981," P. L. 1981, c. 276;

j. "Governing body" means, in the case of a county, the board of chosen freeholders, and in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

k. "Secretary" means the Secretary of Agriculture;

l. "Soil and water conservation project" means any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity;

m. "Soil conservation district" means a governmental subdivision of this State organized in accordance with the provisions of R. S. 4:24–1 et seq.

C. 4:1C-8 Grants to landowners.

4. The secretary shall use the sum of money appropriated by section 31 of this act, and any other sums as may be appropriated from time to time for like purposes, to assist the committee in administering the provisions of this act to make grants to assist boards or any other local units as authorized herein, to acquire development easements, and to make grants to landowners to fund soil and water conservation projects, on land devoted to farmland preservation programs within duly adopted agricultural development areas.

With respect to moneys to be utilized to make grants for soil and water conservation projects, the secretary shall not approve any grant unless it shall be for a project which is also part of a farm conservation plan approved by the local soil conservation district.

C. 4:1C-5 Powers of committee.

5. The committee may:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business;

b. Adopt and use a seal and alter the same at its pleasure;

c. Sue and be sued;

d. Apply for, receive, and accept from any federal, State, or other public or private source, grants or loans for, or in aid of, the committee's authorized purposes;

e. Enter into any agreement or contract, execute any instrument, and perform any act or thing necessary, convenient, or desirable for the purposes of the committee or to carry out any power expressly given in this act;

f. Adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), rules and regulations necessary to implement the provisions of this act;

g. Request assistance and avail itself of the services of the employees of any State, county or municipal department, board, commission or agency as may be made available for these purposes.

C. 4:1C-7 Duties of committee.

6. The committee shall:

a. Establish guidelines and adopt criteria for identification of agricultural lands suitable for inclusion in agricultural development areas and farmland preservation programs to be developed and adopted by a board applying for moneys from the fund;

b. Certify to the secretary that the board has approved the agricultural development area and the farmland preservation program within the area where matching grants from the fund shall be expended;

c. Review State programs and plans and any other public or private action which would adversely affect the continuation of agriculture as a viable use of the land in agricultural development areas and recommend any administrative action, executive orders or legislative remedies which may be appropriate to lessen these adverse effects;

d. Study, develop and recommend to the departments and agencies of State government a program of recommended agricultural management practices appropriate to agricultural development areas, municipally approved programs (provided that these practices shall not be more restrictive than for those areas not included within municipally approved programs) and other farmland preservation programs, which program shall include but not necessarily be limited to: air and water quality control; noise control; pesticide control; fertilizer application; soil and water management practices; integrated pest management; and labor practices;

e. Review and approve, conditionally approve or disapprove all applications for funds pursuant to the provisions of this act; and

f. Generally act as an advocate for and promote the interests of productive agriculture and farmland retention within the administrative processes of State government.

C. 4:1C-14 County boards.

7. a. The governing body of any county may, by resolution duly adopted, establish a public body under the name and style of "The County Agriculture Development Board," with all or any significant part of the name of the county inserted. Every board shall consist of three non-voting members as follows: a representative of the county planning board; a representative of the local soil conservation district; and the county agent of the New Jersey Cooperative Extension Service whose jurisdiction encompasses the boundaries of the county; and seven voting members who shall be residents of the county, four of whom shall be actively engaged in farming, the majority of whom shall own a portion of the land they farm, and three of whom shall represent the general public, appointed by the board of chosen freeholders, or, in the counties operating under the county executive plan or county supervisor plan pursuant to the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A–1 et seq.), by the county executive, or the county supervisor, as the case may be, with the advice and consent of the board of chosen freeholders. With respect to the members actively engaged in farming, the county board of agriculture shall recommend to the board of chosen freeholders, the county executive or the county supervisor, as appropriate, a list of potential candidates and their alternates to be considered for each appointment.

b. Of the seven members first to be appointed, three shall be appointed for terms of 2 years, two for terms of 3 years, and two for terms of 4 years. Thereafter, all appointments shall be made for terms of 4 years. Each of these members shall hold office for the term of the appointment and until a successor shall have been appointed and qualified. A member shall be eligible for reappointment for no more than two consecutive terms. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. The board of chosen freeholders, county executive or county supervisor, as appropriate, may appoint such other advisory members to the board as they may deem appropriate.

d. Members of the board shall receive no compensation but the appointive members may, subject to the limits of funds appropriated or otherwise made available for these purposes, be reimbursed for expenses actually incurred in attending meetings of the board and in performance of their duties as members thereof.

e. The board shall meet as soon as may be practicable following the appointment of its members and shall elect a chairman from among its members and establish procedures for the conduct of regular and special meetings, provided that all meetings are conducted in accordance with the provisions of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4-6 et seq.). The chairman shall serve for a term of 1 year and may be reelected.

f. The chairman shall appoint three members actively engaged in farming to serve with the representatives of the general public for the purpose of mediating disputes pursuant to the provisions of section 19 of this act.

g. Notwithstanding the provisions of subsections a. and b. of this section, any public body established by the governing body of any county prior to May 3, 1982, which was established to carry out functions substantially similar to the functions of boards pursuant to this act and which proposes to apply for grants pursuant hereto may carry out the functions authorized herein, provided that within 5 years following the effective date of this act those boards established prior to May 3, 1982 shall reorganize so that the board reflects no more than a simple majority of members actively engaged in farming or equal representation of the general public and those actively engaged in farming.

C. 4:1C-15 Duties of boards.

8. Every board shall:

a. Develop and adopt, after public hearings, agricultural retention and development programs, which shall have as their principal purpose the long-term encouragement of the agricultural business climate and the preservation of agricultural land in the county;

b. Establish the minimum acreage of significant masses of reasonably contiguous land required for the creation of a municipally approved program or other farmland preservation programs;

c. Establish minimum standards for the inclusion of land in a municipally approved program or other farmland preservation programs;

d. Review and approve, conditionally approve or disapprove petitions for the formation of a municipally approved program or other farmland preservation programs, and monitor the operations thereof;

e. Review and approve, conditionally approve or disapprove, prior to any applications to the committee, any request for financial assistance authorized by this act;

f. Monitor and make appropriate recommendations to the committee and to county and municipal governing bodies and boards with respect to resolutions, ordinances, regulations and development approvals which would threaten the continued viability of agricultural activities and farmland preservation programs within agricultural development areas;

g. At the request of a municipality, require that any person proposing any nonagricultural development in an agricultural development area prepare and submit a statement as to the potential impact the proposed development would have on agricultural activities in the area.

C. 4:1C-16 Authority of boards.

9. Every board may:

a. Develop an educational and informational program concerning farmland preservation techniques and recommended agricultural management practices to advise and assist municipalities, farmers and the general public with respect to the implementation of these techniques;

b. Provide assistance to farm operators concerning permit applications and information regarding the regulatory practices of State government agencies.

C. 4:1C-17 Subregional boards.

10. a. If any board of chosen freeholders has not created a board within 1 year of the effective date of this act, the governing body of any municipality located within that county may, singly or jointly by parallel ordinance with other contiguous municipalities within the county, establish a subregional agricultural retention board, which shall have the same responsibilities as a county board, except that its jurisdiction shall not exceed the boundaries of the municipality or municipalities establishing the board. Every subregional agricultural retention board may receive State moneys from the fund pursuant to the provisions of this act.

b. The members of a subregional agricultural retention board shall be appointed in the same manner as a county board, except that the planning board representative shall be from the municipal planning board and the appointive members shall be residents of the municipality. If two or more municipalities jointly create a subregional board, the number of members thereof shall be multiplied by the number of municipalities involved.

c. If the governing body of the county creates a board subsequent to the establishment of a subregional agricultural retention board, the subregional body shall, within 90 days of the date of the crea-

tion of the board, be dissolved but may remain advisory to the board. The board shall honor any contractual commitments of the subregional agricultural retention board.

C. 4:1C-18 Recommended development areas.

11. The board may, after public hearing, identify and recommend an area as an agricultural development area, which recommendation shall be forwarded to the county planning board. The board shall document where agriculture shall be the preferred, but not necessarily the exclusive, use of land if that area:

a. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production in agriculture and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;

b. Is reasonably free of suburban and conflicting commercial development;

c. Comprises not greater than 90% of the agricultural land mass of the county;

d. Incorporates any other characteristics deemed appropriate by the board.

Approval of the agricultural development area by the board shall be in no way construed to authorize exclusive agricultural zoning or any zoning which would have the practical effect of exclusive agricultural zoning, nor shall the adoption be used by any tax official to alter the value of the land identified pursuant hereto or the assessment of taxes thereon.

C. 4:1C-19 Notice of intent.

12. a. Any public body or public utility which intends to exercise the power of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.), for the acquisition of land included in an agricultural development area, or which intends to advance a grant, loan, interest subsidy or other funds within an agricultural development area for the construction of dwellings, commercial or industrial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures, shall file a notice of intent with the board and the committee, the provisions of any other law, rule or regulation to the contrary notwithstanding, 30 days prior to the initiation of this action. This notice shall contain a statement of the reasons for the acquisition and an evaluation of alternatives which would not include action in the agricultural development area.

b. Within 30 days of the receipt of this notice of intent, the board and the committee shall review the proposed action to determine its effect upon the preservation and enhancement of agriculture in the agricultural development area, the municipally approved program, and upon overall State agricultural preservation and development policies. If the board or the committee finds that the proposed action would cause unreasonably adverse effects on the agricultural development area, or State agricultural preservation and development policies, the board or the committee may direct that no action be taken thereon for 60 days, during which time a public hearing shall be held by the board or the committee in the agricultural development area and a written report containing the recommendations of the board or the committee concerning the proposed acquisition or development project shall be made public. Notice of the hearing shall be afforded in accordance with the provisions of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4–6 et seq.).

c. The secretary may, upon finding that the provisions of this section have been violated, request the Attorney General to bring an action to enjoin the acquisition or development project.

C. 4:1C-20 Petitions by landowners.

13. a. Any one or more owners of land which qualifies for differential property tax assessment pursuant to the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4–23.1 et seq.), and which is included in an agricultural development area, may petition the board for the creation of a farmland preservation program. The petition shall include a map of the boundaries of the proposed farmland preservation program and any other information deemed appropriate by the board.

b. Approval of the petition by the board and creation of the farmland preservation program shall be signified by an agreement between the board and the landowner to retain the land in agricultural production for a minimum period of 8 years. The agreement shall constitute a restrictive covenant and shall be filed and recorded with the county clerk in the same manner as a deed.

C. 4:1C-21 Municipally approved program.

14. a. Any one or more owners of land which qualifies for differential property tax assessment pursuant to the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4–23.1 et seq.), and which is included in an agricultural development area may petition the board for the creation of a municipally approved program comprising that land; provided that the owner or owners own at least

the minimum acreage established by the board. The petition shall include a map of the boundaries of the municipally approved program and any other information deemed appropriate by the board.

b. Upon receipt thereof, the board shall review this petition for conformance with minimum eligibility criteria as established by the committee and the board. If the board finds that the criteria have been met, it shall immediately forward a copy of the petition to the county planning board, the governing body of any municipality wherein the proposed municipally approved program is located, and to the planning board of each affected municipality.

c. Within 60 days of receipt of the petition, the municipal planning board shall review and report to the municipal governing body the potential effect of the proposed municipally approved program upon the planning policies and objectives of the municipality.

d. The municipal governing body shall, after public hearing and within 120 days of receipt of the report, recommend to the board, by ordinance duly adopted, that the municipally approved program boundaries be approved, conditionally approved with proposed geographical modifications, or disapproved.

e. Upon receipt of a recommendation by the governing body to approve the petition, the board shall forward the petition for the creation of the municipally approved program and the municipal ordinance approving the municipally approved program to the county planning board. This action shall constitute creation of a municipally approved program.

f. Upon receipt of a recommendation by the governing body to conditionally approve the petition with proposed geographical modifications, the board shall review the recommendation for conformance with minimum eligibility criteria. If the board finds that the criteria have been met and that the proposed modifications encourage agriculture retention and development to the greatest practicable extent, the petition shall be forwarded and adopted pursuant to subsection e. of this section.

g. Upon receipt of a recommendation by the governing body to disapprove the petition, the board shall take no further action and the proposed municipally approved program shall not be adopted.

h. If the governing body proposes modifications to the petition which exclude any land from being included within a municipally approved program, the owner thereof may request that the board mediate on behalf of the landowner with the municipal governing body prior to acting on the recommendation thereof. The land-

owner may request mediation by the committee with respect to any action taken by the board.

i. If any municipal governing body fails to act on a petition to create a municipally approved program within the time prescribed in subsection d. of this section, the board or the landowner may appeal to the committee to intervene, and the committee may approve or disapprove a petition for the creation of a municipally approved program pursuant to the provisions of this section.

j. The board shall advise owners of any land contiguous to the proposed municipally approved program that a petition has been received, solicit opinions concerning inclusion of this land and, if the board deems appropriate, encourage the inclusion of the land in the municipally approved program.

Any landowner not included in the municipally approved program as initially created may, within 2 years following the creation date, request inclusion, and upon review by the board and municipal governing body, and a finding that this inclusion is warranted, become part of the municipally approved program; provided that the landowner enters into an agreement pursuant to section 17 of this act for the remaining duration of the municipally approved program.

C. 4:1C-22 Documentation.

15. The creation of a municipally approved program shall be documented in the following manner:

a. The petition in its final form shall be filed and recorded, in the same manner as a deed, with the county clerk and shall be filed with the municipal clerk;

b. The petition, the municipal ordinance of adoption and the county resolution or ordinance of adoption, as the case may be, shall be filed with the committee; and

c. The petition in its final form shall be filed with the municipal tax assessor for the purpose of qualifying for the exemption from property taxation on new farm structures and improvements within the municipally approved program, as authorized and provided in the Constitution.

The documentation of the creation of the municipally approved program as prescribed herein shall in no way be construed to constitute or in any other way authorize exclusive agricultural zoning.

C. 4:1C-23 Exclusive zoning limited.

16. Notwithstanding the provisions of P. L. 1975, c. 291 (C. 40:55D–1 et seq.) or any other law, rule or regulation to the con-

trary, no municipality shall alter its zoning ordinance as it pertains to land included within a municipally approved program in any way so as to provide for exclusive agricultural zoning or zoning which has the practical effect of exclusive agricultural zoning for a period of 11 years from the date of the creation of the municipally approved program, unless all landowners within that municipally approved program who entered into an agreement pursuant to the provisions of section 17 of this act agree to that alteration by express written consent at the end of the minimum period required by section 17 of this act.

C. 4:1C-24 Restrictive covenant.

17. a. Landowners within a municipally approved program or other farmland preservation program shall enter into an agreement with the board, and the municipal governing body, if appropriate, to retain the land in agricultural production for a minimum period of 8 years. The agreement shall constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed.

b. The landowner shall be eligible to apply to the local soil conservation district and the board for a grant for a soil and water conservation project approved by the State Soil Conservation Committee and to the board to sell a development easement on the land, subject to the provisions of this act.

c. The landowner or farm operator as an agent for the landowner may apply to the local soil conservation district and the board for a grant for a soil and water conservation project approved by the State Soil Conservation Committee on land included within a municipally approved program or other farmland preservation program and restricted by an agreement entered into pursuant to subsection a. of this section.

d. Approval by the local soil conservation district and the board for grants for soil and water conservation projects shall be contingent upon a written agreement by the person who would receive funds that the project shall be maintained for a specified period of not less than 3 years, and shall be a component of a farm conservation plan approved by the local soil conservation district.

e. If the landowner applying for funds for a soil and water conservation project pursuant to this section provides 50% of those funds without assistance from the county, the local soil conservation district shall review, approve, conditionally approve or disapprove the application. The committee shall certify that the land on which the soil and water conservation project is to be conducted is part

of a municipally approved program or other farmland preservation program and restricted by an agreement entered into pursuant to the provisions of this section.

C. 4:1C-25 Declaration by Governor required.

18. The provisions of any law to the contrary notwithstanding, no public body shall exercise the power of eminent domain for the acquisition of land in a municipally approved program, nor shall any public body advance a grant, loan, interest subsidy or other funds within a municipally approved program for the construction of dwellings, commercial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures unless the Governor declares that the action is necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative. If the Governor so declares, the provisions of section 12 of this act shall apply.

C. 4:1C-26 Neither public nor private nuisance.

19. a. In all relevant actions filed subsequent to the effective date of this act, there shall exist an irrebuttable presumption that no agricultural operation, activity or structure which is conducted or located within a municipally approved program and which conforms to agricultural management practices approved by the committee, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto and which does not pose a direct threat to public health and safety shall constitute a public or private nuisance, nor shall any such operation, activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

b. In the event that any person wishes to file a complaint to modify or enjoin an agricultural operation or activity under the belief that the operation or activity violates the provisions of subsection a. of this section, that person shall, 30 days prior to instituting any action in a court of competent jurisdiction, petition the board to act as an informal mediator.

c. The board shall, in the course of its regular or special meetings but within 30 days of receipt of the petition, seek to facilitate the resolution of any dispute. No statement or expression of opinion made in the course of a meeting concerning the dispute shall be deemed admissible in any subsequent judicial proceeding thereon.

C. 4:1C-27 Exempt from emergency restrictions.

20. The provisions of any law, rule, regulation or ordinance to the contrary notwithstanding, agricultural activities on land in a

municipally approved program shall be exempt from any emergency restrictions instituted on the use of water and energy supplies unless the Governor declares that the public safety and welfare require otherwise.

C. 4:1C-28 Minimum construction standard.

21. a. The provisions of any law, rule, regulation or ordinance to the contrary notwithstanding, any criteria developed by a land grant college or a recognized organization of agricultural engineers and approved by the committee for farm structure design shall be the acceptable minimum construction standard for a farm structure located in a municipally approved program or other farmland preservation program.

b. The use by a farm owner or operator of a farm structure design approved pursuant to subsection a. of this section shall, the provisions of any law, rule, regulation or ordinance to the contrary notwithstanding, be exempt from any requirement concerning the seal of approval or fee of an architect or professional engineer.

C. 4:1C-29 8-year minimum duration.

22. a. The municipally approved program shall remain in effect for a minimum of 8 years, provided that a review of the practicability and feasibility of its continuation shall be conducted by the board and the municipal governing bodies within the year immediately preceding the termination date of the municipally approved program.

b. If subsequent to notification by the board, none of the parties to the agreement entered into pursuant to section 17 of this act notify the board within this 1 year period that they wish to terminate the municipally approved program, the municipally approved program shall continue in effect for another 8-year period and may continue for succeeding 8-year periods, provided that no notice of termination is received by the board during subsequent periods of review.

c. Termination of the municipally approved program at the end of any 8-year period shall occur following the receipt by the board of any notice of termination. The municipal tax assessor shall be notified by the board if the municipally approved program is terminated.

d. Nothing in this section shall be construed to preclude the reformation of a municipally approved program, as initially created pursuant to the provisions of this act.

e. Any landowner not included in a municipally approved program may request inclusion at any time during the review con-

ducted pursuant to subsection a. of this section. If the board and the municipal governing body find that this inclusion would promote agricultural production, the inclusion shall be approved.

C. 4:1C-30 Withdrawal from program.

23. a. Withdrawal of land from the municipally approved program or other farmland preservation program prior to its termination date may occur in the case of death or incapacitating illness of the owner or other serious hardship or bankruptcy, following a public hearing conducted pursuant to the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4–6 et seq.) and approval by the board and in the case of a municipally approved program, the municipal governing body, at a regular or special meeting thereof. The approval shall be documented by the filing with the county clerk and county planning board, by the board and municipal governing body, of a resolution or ordinance, as appropriate, therefor. The local tax assessor shall also be notified by the board of this withdrawal.

b. Following approval to withdraw from the municipally approved program, the affected landowner shall pay to the municipality, with interest at the rate imposed by the municipality for nonpayment of taxes pursuant to R. S. 54:4–67, any taxes not paid as a result of qualifying for the property tax exemption for new farm structures or improvements in the municipally approved program, as authorized and provided in the Constitution, and shall repay, on a pro rata basis as determined by the local soil conservation district, to the board or the committee, or both, as the case may be, any remaining funds from grants for soil and water conservation projects provided pursuant to the provisions of this act, except in the case of bankruptcy, death or incapacitating illness of the owner, where no such payback of taxes or grants shall be required.

C. 4:1C-31 Sale of development easement.

24. a. Any landowner applying to the board to sell a development easement pursuant to section 17 of this act shall offer to sell the development easement at a price which, in the opinion of the landowner, represents a fair value of the development potential of the land for nonagricultural purposes, as determined in accordance with the provisions of this act.

b. Any offer shall be reviewed and evaluated by the board and the committee in order to determine the suitability of the land for development easement purchase. Decisions regarding suitability shall be based on the following criteria:

(1) Priority consideration shall be given, in any one county, to offers with higher numerical values obtained by applying the following formula:

$$\frac{\text{nonagricultural development value} - \text{agricultural value} - \text{landowner's asking price}}{\text{nonagricultural development value} - \text{agricultural value}}$$

(2) The degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture; and

(3) The degree of imminence of change of the land from productive agriculture to nonagricultural use.

The board and the committee shall reject any offer for the sale of development easements which is unsuitable according to the above criteria and which has not been approved by the board and the municipality.

c. Two independent appraisals paid for by the board shall be conducted for each parcel of land so offered and deemed suitable. The appraisals shall be conducted by independent, professional appraisers selected by the board and the committee from among members of recognized organizations of real estate appraisers. The appraisals shall determine the current overall value of the parcel for nonagricultural purposes, as well as the current market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the development easement. If a development easement is purchased using moneys appropriated from the fund, the State shall provide 50% of the cost of the appraisals conducted pursuant to this section.

d. Upon receiving the results of the appraisals, the board and the committee shall compare the appraised value and the landowner's offer and, pursuant to the suitability criteria established in subsection b. of this section:

(1) Approve the application to sell the development easement and rank the application in accordance with the criteria established in subsection b. of this section; or

(2) Disapprove the application, stating the reasons therefor.

e. Upon approval by the committee and the board, the secretary is authorized to provide the board, within the limits of funds appropriated therefor, an amount equal to 50% of the purchase price of the development easement, as determined pursuant to the

provisions of this section. The board shall match that amount and accept the landowner's offer to sell the development easement. The acceptance shall cite the specific terms, contingencies and conditions of the purchase.

f. The landowner shall accept or reject the offer within 30 days of receipt thereof. Any offer not accepted within that time shall be deemed rejected.

g. Any landowner whose application to sell a development easement has been rejected for any reason other than insufficient funds may not reapply to sell a development easement on the same land within 2 years of the original application.

h. No development easement shall be purchased at a price greater than the appraised value determined pursuant to subsection c. of this section.

i. The appraisals conducted pursuant to this section or the fair market value of land restricted to agricultural use shall not be used to increase the assessment and taxation of agricultural land pursuant to the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4–23.1 et seq.).

C. 4:1C-32 No conveyance.

25. a. No development easement purchased pursuant to the provisions of this act shall be sold, given, transferred or otherwise conveyed in any manner.

b. Upon the purchase of the development easement by the board, the landowner shall cause a statement containing the conditions of the conveyance and the terms of the restrictions on the use and development of the land to be attached to and recorded with the deed of the land, in the same manner as the deed was originally recorded. These restrictions and conditions shall state that any development for nonagricultural purposes is expressly prohibited, shall run with the land and shall be binding upon the landowner and every successor in interest thereto.

c. At the time of settlement of the purchase of a development easement, the landowner and the board may agree upon and establish a schedule of payment which provides that the landowner may receive consideration for the easement in a lump sum, or in installments over a period of up to 10 years from the date of settlement, provided that:

(1) If a schedule of installments is agreed upon, the State Comptroller shall retain in the fund an amount of money sufficient to pay the landowner pursuant to the schedule;

(2) The landowner shall receive annually interest on any unpaid balance remaining after the date of settlement. The interest shall accrue at a rate established in the installment contract.

C. 4:1C-33 Enforcement proceedings.

26. The committee or the board is authorized to institute, in the name of the State, any proceedings intended to enforce the conditions or restrictions on the use and development of land on which a development easement has been purchased pursuant to this act.

C. 4:1C-34 Sale to board.

27. Any person or organization acquiring a development easement, by purchase, gift or otherwise, may apply to sell that development easement to the board, provided that the land on which the development easement was acquired shall be subject to the conditions and provisions of this act and that the board and the committee make a determination to purchase the development easement in the manner prescribed in section 24 of this act.

C. 4:1C-35 Donations.

28. If a person wishes to donate all or a portion of the value of the development easement to the board, the value of the donation shall be appraised pursuant to the provisions of section 24 of this act. For the purpose of qualifying for State funds, pursuant to the provisions of this act, the county may make up the difference between the appraised value of the donation and 50% of the total appraised value of the easement.

C. 4:1C-36 Pinelands area.

29. Nothing herein contained shall be construed to prohibit the creation of a municipally approved program or other farmland preservation program, the purchase of development easements, or the extension of any other benefit herein provided on land, and to owners thereof, in the pinelands area, as defined pursuant to section 3 of P. L. 1979, c. 111 (C. 13:18A-3).

C. 4:1C-37 Joint oversight committee.

30. The Senate Natural Resources and Agriculture Committee and the Assembly Agriculture and Environment Committee are designated as the Joint Legislative Oversight Committee on Agricultural Retention and Development. The duties and responsibilities of the joint oversight committee shall be as follows:

a. To monitor the operation of the committee and its efforts to retain farmland in productive agricultural use and to recommend to the committee any rule, regulation, guideline, or revision thereto

which it deems necessary to effectuate the purposes and provisions of this act;

b. To review and evaluate the implementation of development easement purchases on agricultural land;

c. To review and evaluate all relevant existing and proposed statutes, rules, regulations and ordinances, so as to determine their individual effect upon the conduct of agricultural activities in this State; and

d. To recommend to the Legislature any legislation which it deems necessary in order to effectuate the purposes of this act.

31. There is appropriated to the Department of Agriculture from the fund the sum of $10,000,000.00, or so much thereof as may be necessary, in order to defray the cost of acquisition of development easements and the funding of soil and water conservation projects, in accordance with the provisions of this act. Any portion of this sum which is not expended for these purposes within 2 years of the effective date of this act shall revert to the fund to be used, subject to appropriation, in accordance with the provisions of the "Farmland Preservation Bond Act of 1981," P. L. 1981, c. 276.

32. This act shall take effect immediately, but shall remain inoperative until the "Right to Farm Act," P. L. 1983, c. 31 (C. 4:1C–1 et al.), is enacted and becomes effective.

Approved January 26, 1983.

CHAPTER 33

AN ACT concerning certain moneys received by persons accused of crimes and supplementing the "Criminal Injuries Compensation Act of 1971," approved October 4, 1971 (P. L. 1971, c. 317; C. 52:4B–1 et seq.).

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

C. 52:4B-26 Void contracts.

1. The Legislature finds and declares that every contract with a person convicted or accused of a crime in this State or an agent, assignee, beneficiary, conservator, executor, guardian, representative, relative, friend, associate or conspirator of a person convicted

or accused of a crime in this State, with respect to the reenactment of the crime, by way of a movie, book, magazine article, other literary expression, recording, radio or television presentation, live entertainment or presentation of any kind, or from the expression of the person's thoughts, feelings, opinions or emotions regarding the crime is contrary to public policy and void unless the contract provides for payment of the moneys in escrow to the Violent Crimes Compensation Board in accordance with the procedures set forth in this act.

C. 52:4B-27 Victim, representative.

2. As used in this act:

a. "Victim" means any person who suffers personal injury or death or incurs loss of or injury to personal or real property as a result of the crime;

b. "Victim's representative" means one who represents or stands in the place of a victim, including but not limited to a spouse, parent, relative, guardian, dependent, heir, or executor.

C. 52:4B-28 Escrow account.

3. Every person, firm, corporation, partnership, association or other legal entity contracting with a person convicted or accused of a crime in this State or an agent, assignee, beneficiary, conservator, executor, guardian, representative, relative, friend, associate or conspirator of a person convicted or accused of a crime in this State, with respect to the reenactment of the crime, by way of a movie, book, magazine article, other literary expression, recording, radio or television presentation, live entertainment or presentation of any kind, or from the expression of the person's thoughts, feelings, opinions or emotions regarding the crime, shall submit a copy of the contract to the board and shall pay over to the board all moneys which would otherwise, by terms of the contract, be owing the person convicted or accused of a crime in this State or an agent, assignee, beneficiary, conservator, executor, guardian, representative, relative, friend, associate or conspirator of a person convicted or accused of a crime in this State. The board shall deposit these moneys in an interest bearing escrow account for the benefit of and payable to any victim of the convicted or accused person or the victim's representative, provided that the person is eventually convicted of the crime and that the victim or victim's representative brings, within five years of the date of the establishment of the escrow account, a civil action for damages resulting from the crime, or has already obtained a judgment for damages resulting from the crime, in a court of

competent jurisdiction and files notice of such action with the board and recovers a money judgment for damages resulting from the crime against the person or an agent, assignee, beneficiary, conservator, executor, guardian, representative, relative, friend, associate or conspirator of a person convicted or accused of a crime in this State.

C. 52:4B-29 Notification.

4. The board, if the victim or victims are identifiable, shall notify these persons that such escrow moneys are available to satisfy money judgments under this act. The board, if the victim or victims are not identifiable or cannot be located, shall, at least once every six months for five years from the date it receives these moneys, cause to have published a legal notice in newspapers of general circulation in each county of the State advising that such escrow moneys are available to satisfy money judgments under this act.

C. 52:4B-30 Priorities.

5. a. If a person is not convicted of committing a crime, the board shall immediately pay over all moneys in the escrow account to the person, subject to any outstanding or pending liens or judgments. If the person is convicted, the board shall pay over the moneys according to the following priorities:

(1) Civil judgments of the victim or the victim's representative, which shall be apportioned among these judgment holders, if there is insufficient money in the account to pay each judgment in full. Any money received by the victim or the victim's representative as a result of a judgment in a prior civil action relating to the crime shall be set off against any amount due to be paid from the fund.

(2) Restitution ordered by the court, pursuant to the New Jersey Code of Criminal Justice.

(3) Other judgment creditors of the accused.

(4) Reasonable costs incurred by the Violent Crimes Compensation Board in connection with the administration of the provisions of this act.

(5) The remainder of the moneys in the escrow account shall be paid to the Violent Crimes Compensation Board for use in satisfying claims filed pursuant to the "Criminal Injuries Compensation Act of 1971," P. L. 1971, c. 317 (C. 52:4B–1 et seq.). If there is a dispute as to the respective priority of or the apportionment due a judgment creditor, the board shall apply to Superior

Court for a declaratory judgment, with proper notice given to all parties.

b. No payment shall be made pursuant to subsection a. (5) until five years have elapsed from establishment of the escrow account or final disposition of any action brought by any victim or victim's representative pursuant to this act.

c. Moneys in the escrow account shall not be subject to execution, levy, attachment or lien, except in accordance with the priority of claims established in subsection a.

C. 52:4B-31 5-year period.

6. Notwithstanding any inconsistent provision of the civil practice law and rules with respect to the timely bringing of an action, the five year period provided for in this act shall not begin to run until an escrow account has been established.

C. 52:4B-32 Payments to accused.

7. Notwithstanding the foregoing provisions of this act, the board shall make payments from an escrow account to a person accused of crime, upon the order of a court of competent jurisdiction, after a showing by the person that a reasonable amount of these moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the criminal proceedings against the person, including the appeal process.

C. 52:4B-33 Void actions.

8. Any action taken by a person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this act shall be void as against the public policy of this State.

9. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 34

AN ACT to amend "An act to extend the term of the Corporation Law Revision Commission," approved February 4, 1980 (P. L. 1979, c. 372).

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

1. Section 1 of P. L. 1979, c. 372 (C. 1:14–11) is amended to read as follows:

C. 1:14-11 Commission continued.

1. The Corporation Law Revision Commission as reconstituted by P. L. 1977, c. 66, shall continue in existence until December 31, 1984.

2. This act shall take effect immediately and shall be retroactive to December 31, 1981.

Approved January 26, 1983.

CHAPTER 35

A SUPPLEMENT to the "State Uniform Construction Code Act," approved October 17, 1975 (P. L. 1975, c. 217; C. 52:27D–119 et seq.).

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

C. 52:27D-126.2 License required.

1. Notwithstanding the provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.), or any rule or regulation adopted pursuant thereto to the contrary, on or after January 1, 1981, no person who received an appointment as a construction official or a subcode official prior to October 1, 1978, shall hold or perform the duties of an office for which a license is required under that act, or represent himself as qualified for that position, use a title denoting that he is so licensed or otherwise represent himself as licensed or authorized to act under the code, unless that person possesses the appropriate license; except that a subcode official or municipal engineer appointed prior to October 1, 1978, and acting as a construction official on January 1, 1981, or a municipal official appointed prior to October 1, 1978, and acting as a subcode official on January 1, 1981, may continue to act as a construction official or a subcode official, respectively, until March 1, 1981, without licensing by the commissioner.

2. This act shall take effect immediately and shall be retroactive to January 1, 1981.

Approved January 26, 1983.

CHAPTER 36

AN ACT concerning the tax court, revising parts of the statutory law and supplementing Article 4 of Chapter 3 of Title 54 of the Revised Statutes.

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

1. N. J. S. 2A:12–6 is amended to read as follows:

Distribution of court reports.

2A:12–6. The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound volumes of the New Jersey Reports and the New Jersey Superior Court Reports heretofore or hereafter published and delivered to him, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

a. To the Governor, four copies;

b. To the Department of Law and Public Safety, for the Division of Law, four copies; and the Division of Alcoholic Beverages, one copy;

c. To the Department of the Treasury, for the State Treasurer, one copy; the Division of Taxation, three copies; and the Division of Local Government Services in the Department of Community Affairs, one copy;

d. To the Department of State, one copy;

e. To the Department of Civil Service, one copy;

f. To the Department of Banking, one copy; and the Department of Insurance, one copy;

g. To the Department of Public Utilities, one copy;

h. To the Department of Labor, for the commissioner, one copy; the Division of Workers' Compensation, five copies; the State Board of Mediation, one copy; and the Division of Employment Security, three copies;

i. To the Department of Education, for the commissioner, one copy; and the Division of the State Library, Archives and History,

60 copies, five of which shall be deposited in the Law Library, and 55 of which shall be used by the director of the division in sending one copy to the state library of each state and territory of the United States, the same to be in exchange for the law reports of such states and territories sent to said division, which reports shall be deposited in and become part of the collection of the Law Library;

j. To the Department of Transportation, one copy;

k. To the Department of Human Services, one copy; and the Department of Corrections, one copy;

l. To each judge of the federal courts in and for the district of New Jersey, one copy;

m. To each justice of the Supreme Court, one copy;

n. To each judge of the Superior Court, one copy;

o. To the Administrative Director of the Courts, one copy;

p. To each standing master of the Superior Court, one copy;

q. (Deleted by amendment, P. L. 1983, c. 36.)

r. To the clerk of the Supreme Court, one copy;

s. To the clerk of the Superior Court, one copy;

t. (Deleted by amendment, P. L. 1983, c. 36.)

u. (Deleted by amendment, P. L. 1983, c. 36.)

v. To each judge of a juvenile and domestic relations court, one copy;

w. To each judge of a county district court, one copy;

x. To each county prosecutor, one copy;

y. To the Division of Legal Services in the Office of Legislative Services, one copy;

z. To each surrogate, one copy;

aa. To each county clerk, one copy;

ab. To each sheriff, one copy;

ac. To Rutgers, The State University, two copies; and the law schools, five copies each;

ad. To the law school of Seton Hall University, five copies;

ae. To Princeton University, two copies;

af. To the Library of Congress, four copies;

ag. To the New Jersey Historical Society, one copy;

ah. To every library provided by the board of chosen freeholders of any county at the courthouse in each county, one copy;

ai. To the library of every county bar association in this State, one copy;

aj. To each incorporated library association in this State, which has a law library at the county seat of the county in which it is located, one copy;

ak. To each judge of the tax court, one copy.

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as he may determine upon.

2. Section 59.1 of P. L. 1968, c. 404 (C. 13:17–61) is amended to read as follows:

C. 13:17-61 Definitions.

59.1. As used in this article, unless the context indicates another meaning or intent:

(a) "Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

(b) "Intermunicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this article for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this article.

(c) "Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be, pursuant to the provisions of this article.

(d) "Resident enrollment" means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers' college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county, for which the school district pays tuition.

(e) "Base year" means the calendar year 1970.

(f) "Comparison year" means the second calendar year preceding the adjustment year.

(g) "Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veteran and senior citizens' purposes, as certified pursuant to R. S. 54:4–52, of the municipality in the comparison year, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation on October 1 of the comparison year, pursuant to P. L. 1954, c. 86, as amended, as the same may have been modified by the tax court.

3. Section 65 of P. L. 1968, c. 404 (C. 13:17–67) is amended to read as follows:

C. 13:17-67 Aggregate true value.

65. (a) As used in this section, except as otherwise specifically provided:

(1) The increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

(i) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the municipality located within the district in the comparison year, and

(ii) The aggregate true value of said property in the base year.

(2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing said total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P. L. 1954, c. 86, as amended, as the same may have been modified by the tax court.

(3) For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise:

(i) The assessed value shown on the assessment duplicate for such year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R. S. 54:4–52, as the same may be modified by the county board of taxation upon appeal, plus

(ii) The prorated assessed values pertaining to such year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment

list for such year, as the same may be modified by the county board of taxation upon appeal, plus

(iii) The assessed values pertaining to such year, as certified by the county board of taxation on or about October 10, with respect to the assessor's omitted property assessment list for such year, as the same may be modified by the county board of taxation upon appeal.

(b) The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rates calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for such year; provided, however, that the amount payable to the intermunicipal account shall be limited to 10% of the amount so calculated in the adjustment year 1973 and shall increase 4 percentage points a year until 50% of the amount so calculated is paid into the intermunicipal account in the adjustment year 1983 and thereafter.

(c) If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection (a) (1) of this section, there shall be added to the aggregate true value otherwise determined for such comparison year an amount determined by dividing the amount of said in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation, as same may have been modified by the tax court.

4. Section 18 of P. L. 1970, c. 326 (C. 40:48C–18) is amended to read as follows:

C. 40:48C-18 Payment to only one municipality.

18. No employer shall be obligated to report and pay an employer payroll tax, or any interest, penalty or costs with respect thereto, to more than one municipality with respect to remuneration paid to an employee for services performed. Where any dispute as to the liability for an employers payroll tax to more than one municipality for services performed by an employee is not resolved by agreement between the employer and the municipalities, all of said municipalities shall be joined in a proceeding in the tax court to collect the tax alleged to be due.

5. Section 38 of P. L. 1970, c. 326 (C. 40:48C–38) is amended to read as follows:

C. 40:48C-38 Appeal by taxpayer.

38. Any aggrieved taxpayer may appeal any decision, order, finding, assessment or action of the chief fiscal officer of any municipality adopting an ordinance hereunder to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., upon payment of the amount stated by said chief fiscal officer to be due. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the chief fiscal officer in respect of the determination of a liability for the taxes imposed hereunder.

6. Section 7 of P. L. 1968, c. 49 (C. 46:15–11) is amended to read as follows:

C. 46:15-11 Rules and regulations.

7. a. The Division of Taxation of the Department of the Treasury may prescribe such rules and regulations as it may deem necessary to carry out the purposes of this act.

b. Any person aggrieved by any action of the Director of the Division of Taxation or county recording officer under P. L. 1968, c. 49 (C. 46:15–5 et seq.) may appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

7. Section 3 of P. L. 1948, c. 92 (C. 52:18A–3) is amended to read as follows:

C. 52:18A-3 Treasury divisions.

3. There shall be within the Department of the Treasury a Division of Budget and Accounting, a Division of Purchase and Property, a Division of Taxation, and a Division of the New Jersey Racing Commission.

The State Treasurer shall have authority to organize and maintain in his offices an Administrative Division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

8. Section 46 of P. L. 1948, c. 92 (C. 52:18A–46) is amended to read as follows:

C. 52:18A-46 References to officials.

46. Whenever the term "State Treasurer" occurs or any reference is made thereto in any law, contract or document, the same

shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

Whenever the term "State Director of the United New Jersey Railroad and Canal Company" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

Whenever the term "State Comptroller" or "Comptroller of the Treasury" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Budget and Accounting in the Department of the Treasury established hereunder.

Whenever the term "Division of Purchase and Property in the State Department of Taxation and Finance'' occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Purchase and Property in the Department of the Treasury established hereunder.

Whenever the term "Director of the Division of Purchase and Property in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Purchase and Property in the Department of the Treasury established hereunder.

Whenever the term "Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Local Government Services in the Department of Community Affairs established hereunder.

Whenever the term "Director of the Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Local Government Services in the Department of Community Affairs.

Whenever the term "Local Government Board of the Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law,

contract or document, the same shall be deemed to mean or refer to the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

Whenever the term "Division of Taxation in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Taxation in the Department of the Treasury established hereunder.

Whenever the term "Director of the Division of Taxation in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Taxation in the Department of the Treasury established hereunder.

Whenever the term "New Jersey Racing Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey Racing Commission constituted the Division of the New Jersey Racing Commission established hereunder in the Department of the Treasury.

Whenever the term "State Commissioner of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

9. Section 2 of article 2, P. L. 1944, c. 112 (C. 52:27B–3) is amended to read as follows:

C. 52:27B-3 Divisions.

2. The following are hereby established as divisions in the department:

The Division of Budget and Accounting.

The Division of Purchase and Property.

The Division of Taxation.

10. Section 1 of P. L. 1973, c. 123 (C. 54:1–35a) is amended to read as follows:

C. 54:1-35a Average ratio.

1. a. The "average ratio" of assessed to true value of real property for a taxing district for the purposes of this act shall mean that ratio promulgated by the Director of the Division of Taxation

pursuant to P. L. 1954, c. 86 (C. 54:1–35.1 et seq.), as of October 1 of the year preceding the tax year, as revised by the tax court.

b. The "common level range" for a taxing district is that range which is plus or minus 15% of the average ratio for that district.

11. Section 4 of P. L. 1954, c. 86 (C. 54:1–35.4) is amended to read as follows:

C. 54:1-35.4 Equalization table.

4. An equalization table promulgated hereunder may be reviewed by the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

12. R. S. 54:3–19 is amended to read as follows:

Valuation for all apportionments.

54:3–19. After the equalization table is finally confirmed by the board, the valuations of property in each district as equalized shall be deemed to be the valuation of such property in computing the total ratables of each district for all apportionments of county and State taxes, charges or distribution of moneys, except as may be otherwise provided by law. A certified copy of the equalization table as confirmed shall be transmitted to the tax court, the Director of the Division of Taxation, and each taxing district in the county.

13. R. S. 54:3–21 is amended to read as follows:

Petition of appeal.

54:3–21. A taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may, on or before August 15, appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may, on or before August 15, file a complaint directly with the tax court, if the assessed valuation of the property subject to the appeal exceeds $750,000.00, and any party to an appeal pending on July 1, 1979 before a county board of taxation in which the assessed valuation of the property involved exceeds $750,000.00 shall be entitled, upon application to the county board, to have the appeal transferred to the tax court by the county board. All appeals to the tax court hereunder shall be in accordance with the

provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

14. Section 1 of P. L. 1976, c. 114 (C. 54:3–26.1) is amended to read as follows:

C. 54:3-26.1 Extension.

1. In the event a county board of taxation cannot hear and determine any one or more appeals within the time prescribed in R. S. 54:3–26 it may apply to the tax court for an order to extend the time within which the appeal or appeals may be heard and determined. The application shall be granted upon a showing by the board that the number of appeals before it is disproportionate to the number of members hearing said appeals, or the number of appeals has increased sufficiently to warrant an extension of time. The court shall include in its order the amount of tax, if any, a taxpayer shall pay during the period of such extension.

15. Section 4 of P. L. 1977, c. 357 (C. 54:3–27.3) is amended to read as follows:

C. 54:3-27.3 Exemption.

4. Class 3B (Farm Qualified) and Class 15D, E and F (Exempt Property), in appeal where a statutory qualification is the subject of the appeal, are exempt from those provisions contained in R. S. 54:3–27.

16. Section 5 of P. L. 1966, c. 138 (C. 54:4–2.47) is amended to read as follows:

C. 54:4-2.47 Property used in business.

5. (a) The taxable value of tangible personal property used in business subject to taxation in each taxing district shall be at that percentage of true value as shall correspond to the average ratio of assessed to true value of real property promulgated by the Director of the Division of Taxation on October 1 of the pretax year, pursuant to P. L. 1954, c. 86, for State school aid purposes, as the same may have been modified by the tax court; provided, nevertheless, that such average ratio shall not exceed the percentage level, in effect in the tax year, for expressing the taxable value of real property in the county. In the year in which a taxing district shall have completed and put into operation a district-wide adjustment of real property taxable valuations to conform to the percentage level established for expressing the taxable value of real property in the county, and if a statement to such effect has been included by the assessor in the affidavit prescribed by R. S. 54:4–36, the

average ratio shall be presumed, subject to rebuttal, to be the same level as is established for the taxable value of real property in the county.

(b) The taxable value determined pursuant to subsection (a) of this section shall be taxed at the general real property tax rate of the taxing district wherein such property is found, for the use of such taxing district, in the manner provided by law. The person assessed for personal property shall be personally liable for the taxes thereon.

17. Section 13 of P. L. 1977, c. 17 (C. 54:4–3.89a) is amended to read as follows:

C. 54:4-3.89a Homestead tax rebate.

13. An aggrieved taxpayer may appeal from the disapproval of a claim for a homestead tax rebate by filing a petition of appeal with the county board of taxation within 45 days from the date that such claim has been disapproved. If the property owner's claim for homestead tax rebate is disapproved by the county board of taxation, he may appeal therefrom to the tax court within 45 days from the date of such disapproval, in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq. The tax court shall render its judgment within 90 days from the date the appeal was filed with it. In the event that the Director of the Division of Taxation refuses to certify the property owner's homestead tax rebate claim, the director shall indicate the reasons why such claim has not been certified and the claimant shall be permitted to appeal such refusal to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., within 45 days of the date that a notice of refusal has been mailed to the claimant by the director in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

18. Section 11 of P. L. 1941, c. 397 (C. 54:4–63.11) is amended to read as follows:

C. 54:4-63.11 Hearing of appeals.

11. Appeals from added assessments shall be made to the county board of taxation on or before December 1 of the year of levy, and the county board of taxation shall hear all such appeals within 1 month after the last day for filing such appeals. Appeals to the tax court from the judgment of the county board of taxation shall be made within 45 days from the date fixed for final decisions by the county board of taxation on appeals from added assessments.

In all other respects such appeals shall be governed by the laws concerning appeals from real property assessments.

19. Section 12 of P. L. 1947, c. 413 (C. 54:4–63.23) is amended to read as follows:

C. 54:4-63.23 Assessment of omitted property.

12. Any judgment of the county board of taxation assessing omitted property for a particular year may be reviewed by the tax court upon an appeal taken by the taxing district, owner or other interested party, taken and prosecuted in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

20. Section 9 of P. L. 1968, c. 184 (C. 54:4–63.39) is amended to read as follows:

C. 54:4-63.39 Procedure.

9. Appeals from assessor's omitted assessments shall be made to the county board of taxation on or before December 1 of the year of levy and the county board shall hear all such appeals within 1 month after the last day for filing such appeals. Appeals to the tax court from the judgment of the county board of taxation shall be made within 45 days from the date fixed for final decisions by the county board of taxation on appeals from assessor's omitted assessments. In all other respects such appeals shall be governed by the laws concerning appeals from real and personal property assessments.

21. Section 54 of P. L. 1961, c. 32 (C. 54:8A–54) is amended to read as follows:

C. 54:8A-54 Uniform law governs.

54. The taxes imposed by this act shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., except only to the extent that a specific provision of this act may be in conflict therewith.

22. Section 54 of P. L. 1971, c. 222 (C. 54:8A–111) is amended to read as follows:

C. 54:8A-111 Review of director's decision.

54. Review of director's decision. (a) Appeal to tax court. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the Director of the Division of Taxation made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

(b) Appeal exclusive remedy of taxpayer. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

23. Section 11 of P. L. 1947, c. 50 (C. 54:10A–19.2) is amended to read as follows:

C. 54:10A-19.2 Aggrieved taxpayer.

11. Any aggrieved taxpayer may, within 90 days after any action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

24. Section 18 of P. L. 1973, c. 31 (C. 54:10D–17) is amended to read as follows:

C. 54:10D-17 Appeal.

18. Appeal. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

25. Section 21 of P. L. 1973, c. 170 (C. 54:10E–21) is amended to read as follows:

C. 54:10E-21 Tax court jurisdiction.

21. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

26. Section 14 of P. L. 1966, c. 136 (C. 54:11A–14) is amended to read as follows:

C. 54:11A-14 Uniform procedure.

14. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

27. R. S. 54:15–1 is amended to read as follows:

Corporations.

54:15–1. A corporation which considers a tax levied or assessed under the provisions of chapters 12 to 14 of this title (R. S. 54:12–1 et seq.) to be excessive or otherwise unjust may appeal to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

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

C. 54:29A-24.3 State aid.

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

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

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

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

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

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

(i) Such reduction (and in the case of a request for extended State aid payments for only a portion of the property, such proportionate reduction) shall not become effective until the year 1979, or until such property is sold or conveyed for other than railroad use, whichever comes sooner;

(ii) The municipality shall be obligated to pay to the State Treasurer within 60 days of the receipt thereof any and all

payments made by or on behalf of the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax year 1978 for which extended State aid payments have been requested;

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

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

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

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

(B) The municipality shall be obligated to pay to the State Treasurer within 60 days of the filing of the written request for extended State aid payments, or within 60 days of the receipt thereof, any and all payments made by or on behalf of the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax years for which extended State aid payments were made;

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

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

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

(d) The authorities of any taxing district desiring to contest the validity or amount of the assessment on any such additions or withdrawals may appeal to the tax court in the manner provided in sections 31 and 32 of P. L. 1941, c. 291 (C. 54:29A–31 and C. 54:29A–32).

For the purposes of this section, real property shall be deemed to be in railroad use if such property is used for the transportation of persons or freight by a railroad, regardless of the ownership or possession of the real property.

29. Section 31 of P. L. 1941, c. 291 (C. 54:29A–31) is amended to read as follows:

C. 54:29A-31 Appeal to tax court.

31. Appeal to tax court. Any taxpayer desiring to contest the validity or amount of any assessment or reassessment of property or franchise tax made by the Director of the Division of Taxation under this act may appeal to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

30. Section 35 of P. L. 1941, c. 291 (C. 54:29A–35) is amended to read as follows:

C. 54:29A-35 Certifications.

35. Certifications. Whenever a final determination of the tax court, as certified to the Director of the Division of Taxation, corrects, modifies, or otherwise affects the amount or classification of any assessment of property taxes or amends any assessment of franchise tax made by the Director of the Division of Taxation, he shall forthwith certify to the Director of the Division of Budget and Accounting in the Department of the Treasury all changes and corrections necessary to conform the assessment of tax to the determination of the tax court.

31. Section 1 of P. L. 1950, c. 343 (C. 54:29A–43.1) is amended to read as follows:

C. 54:29A-43.1 Determination of character.

1. If property of a taxpayer has or shall have been, in any year, assessed by the local authorities of the taxing district, and also has or shall have been classified as Class I or Class III property or classified and assessed by the Director of the Division of Taxation of the State Department of the Treasury as Class II property, an appeal may be taken to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., which court shall determine, in a summary manner, the character of the property and whether used for railroad purposes and by whom it has lawfully been assessed. This determination shall be made whether the taxes in question have been paid or not and whether an appeal to review either assessment has been made or not.

32. Section 8 of P. L. 1963, c. 41 (C. 54:30A–18.2) is amended to read as follows:

C. 54:30A-18.2 Deduction or addition.

8. The director, in making the computation of excise taxes due the State under section 3(b) of this act from any taxpayer for any year, shall deduct from or add to the amounts so determined for such year the amount of any deduction or addition to the extent and in the manner which may heretofore have been or may hereafter be ordered or decreed by any judgment of the tax court or any court by reason of any error or omission in connection with the imposition of excise taxes under section 3 (b) of this act upon such taxpayer in any prior year.

33. Section 6 of P. L. 1940, c. 4 (C. 54:30A–21) is amended to read as follows:

C. 54:30A-21 Appeal by municipality.

6. Any municipality aggrieved by any determination or act of the Director of the Division of Taxation in establishing the apportionment valuations under the provisions of this act may appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., and the tax court shall give precedence to such appeal over any other appeal before the tax court.

34. Section 10 of P. L. 1963, c. 42 (C. 54:30A–54.2) is amended to read as follows:

C. 54:30A-54.2 Excise taxes.

10. The director, in making the computation of excise taxes due the State under section 6 (c) of this act from any taxpayer for any year, shall deduct from or add to the amounts so determined for such year the amount of any deduction or addition to the extent and in the manner which may heretofore have been or may hereafter be ordered or decreed by any judgment of the tax court or any court by reason of any error or omission in connection with the imposition of excise taxes under section 6 (c) of this act upon such taxpayer in any prior year.

35. Section 9 of P. L. 1940, c. 5 (C. 54:30A–57) is amended to read as follows:

C. 54:30A-57 Apportionment valuations.

9. Any municipality aggrieved by any determination or act of the Director of the Division of Taxation in establishing the apportionment valuations under the provisions of this act may appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

36. Section 21 of P. L. 1966, c. 30 (C. 54:32B–21) is amended to read as follows:

C. 54:32B-21 Review of director's decision.

21. Review of director's decision. (a) Appeal to tax court. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the Director of Taxation made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

(b) Appeal exclusive remedy of taxpayer. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the

determination of the liability of the taxpayer for the taxes imposed by this act.

37. Section 14 of P. L. 1980, c. 62 (C. 54:32C–14) is amended to read as follows:

C. 54:32C-14 Exclusive remedy.

14. a. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

b. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

38. R. S. 54:34–13 is amended to read as follows:

Assessment appeal.

54:34–13. Any interested person dissatisfied with the appraisement or assessment so made may appeal therefrom to the tax court within 90 days after the making and entering of the assessment, in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

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

Jurisdiction.

54:38–10. The tax court on appeal shall have jurisdiction to hear and determine all questions in relation to any tax imposed under the provisions of this chapter. Any executor, administrator, trustee, person or corporation liable for the payment of any tax imposed by this chapter may appeal to the tax court for a review thereof within 90 days of the date of notice assessing the tax complained of, in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

40. R. S. 54:39–47 is amended to read as follows:

Additional, alternative remedy.

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 judg-

ments 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 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, and all proceedings taken for the collection of such judgment shall be stayed during the time that the appeal shall be pending.

41. R. S. 54:39–49 is amended to read as follows:

Order of director.

54:39–49. Any person who shall be aggrieved by any order of the Director of the Division of Taxation or any assessment fixing the amount of any tax to be paid by such person may appeal from the action of the Director of the Division of Taxation in making such order or assessment to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

42. Section 17 of P. L. 1963, c. 44 (C. 54:39A–17) is amended to read as follows:

C. 54:39A-17 User's appeal.

17. Any aggrieved user may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

43. Section 502 of P. L. 1948, c. 65 (C. 54:40A–21) is amended to read as follows:

C. 54:40A-21 Uniform law applicable.

502. The provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., shall be applicable to the administration of this act.

Every person shall, by the acceptance of a license issued under this act, be deemed to have consented to the procedures set forth in

the said State Tax Uniform Procedure Law and to the jurisdiction of the tax court.

44. R. S. 54:46–1 is amended to read as follows:

Appeal from decision of director.

54:46–1. Any person who shall be aggrieved by any decision of the Director of the Division of Taxation denying any hearing requested hereunder, or by any order, finding or assessment having the effect of fixing, correcting, amending or modifying the amount of any tax to be paid by such person, or by any decision declining so to do, or by any certification of debt to the clerk of a court, may appeal from the action of the director in making any such decision, assessment, finding or order, or issuing any such certificate, to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq., within 90 days after date of such decision, order, finding, or assessment, in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

45. R. S. 54:46–2 is amended to read as follows:

Refund.

54:46–2. If by the decision or order of the tax court, or of any court of competent jurisdiction, the taxpayer shall be adjudged to be entitled to a refund, it shall be paid by the treasurer, upon presentation to him by the taxpayer of a certified copy of such decision or order, out of the tax moneys paid to him pursuant to the provisions of this subtitle.

46. R. S. 54:48–1 is amended to read as follows:

Short title.

54:48–1. This subtitle may be cited as the State Tax Uniform Procedure Law.

47. Section 5 of P. L. 1975, c. 387 (C. 54:53–5) is amended to read as follows:

C. 54:53-5 Closing agreements.

5. A request for a closing agreement which relates to a prior taxable period may be submitted at any time before a case with respect to the tax liability involved is filed with the tax court. All requests for closing agreements shall be submitted on forms prescribed by the Director of the Division of Taxation. The procedure with respect to applications for entering into closing agreements shall be pursuant to such rules as may be promulgated from time

to time by the Director of the Division of Taxation in accordance with the provisions of this act.

48. N. J. S. 54A:9–10 is amended to read as follows:

Review of director's decision.

54A:9–10. Review of director's decision. (a) Appeal to tax court. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the Director of the Division of Taxation made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

(b) Appeal exclusive remedy of taxpayer. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

(c) Credit, refund or abatement after review. If the amount of a deficiency determined by the director is disallowed in whole or in part, the amount so disallowed shall be credited or refunded to the taxpayer, without the making of claim therefor, or, if payment has not been made, shall be abated.

(d) Date of finality of director's decision. A decision of the director shall become final upon the expiration of the period specified in subsection (a) for filing a complaint with the tax court, if no such complaint has been filed within such time, or if such complaint has been duly made, upon expiration of the time for all further appeals, or upon the rendering by the director of a decision in accordance with the mandate of the tax court or the courts on appeal. Notwithstanding the foregoing, for the purpose of forming a complaint, the decision of the director shall be deemed final on the date the notice of decision is sent by mail to the taxpayer.

49. N. J. S. 54A:9–14 is amended to read as follows:

Jeopardy assessment.

54A:9–14. Jeopardy assessment. (a) Authority for making. If the director believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall, notwithstanding the provisions of N. J. S. 54A:9–2 and N. J. S. 54A:9–16, immediately assess such deficiency (together with all interest, penalties and additions to tax provided for by law), and notice and demand shall be made by the director for the payment thereof.

(b) Notice of deficiency. If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under N. J. S. 54A:9–2, then the director shall mail a notice under such section within 60 days after the making of the assessment.

(c) Amount assessable before decision of director. The jeopardy assessment may be made in respect of a deficiency greater or less than of which notice is mailed to the taxpayer and whether or not the taxpayer has theretofore filed a petition with the director. The director may, at any time before rendering his decision, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The director may in his decision redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) Amount assessable after decision of director. If the jeopardy assessment is made after the decision of the director is rendered, such assessment may be made only in respect of the deficiency determined by the director in his decision.

(e) Expiration of right to assess. A jeopardy assessment may not be made after the decision of the director has become final or after the taxpayer has filed a complaint with the tax court for review of the decision of the director.

(f) Collection of unpaid amounts. When a petition has been filed with the director and when the amount which should have been assessed has been determined by a decision of the director which has become final, then any unpaid portion, the collection of which has been stayed by bond, shall be collected as part of the tax upon notice and demand from the director, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in N. J. S. 54A:9–7 without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the director.

(g) Abatement if jeopardy does not exist. The director may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of the director in respect of the deficiency has been rendered or, if no pe-

tition is filed with the director, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and levy or a proceeding for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the day on which such jeopardy assessment is abated.

(h) Bond to stay collection. The collection of the whole or any amount of any jeopardy assessment may be stayed by filing with the director, within such time as may be fixed by regulation, a bond in an amount equal to the amount as to which the stay is desired, conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed at the time at which, but for the making of the jeopardy assessment, such amount would be due. Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, or if a notice of deficiency under N. J. S. 54A:9–2 is mailed to the taxpayer in a lesser amount, the bond shall, at the request of the taxpayer, be proportionately reduced.

(i) Petition to director. If the bond is given before the taxpayer has filed his petition under N. J. S. 54A:9–9, the bond shall contain a further condition that if a petition is not filed within the period provided in such section, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon from the date of the jeopardy notice and demand to the date of notice and demand under this subsection. The bond shall be conditioned upon the payment of so much of such assessment (collection of which is stayed by the bond) as is not abated by a decision of the director which has become final. If the director determines that the amount assessed is greater than the amount which should have been assessed, then the bond shall, at the request of the taxpayer, be proportionately reduced when the decision of the director is rendered.

(j) Stay of sale of seized property pending director's decision.

Where a jeopardy assessment is made, the property seized for the collection of the tax shall not be sold—

(1) If subsection (b) is applicable, prior to the issuance of the notice of deficiency and the expiration of the time provided in N. J. S. 54A:9–9 for filing a petition with the director, and

(2) If a petition is filed with the director (whether before or after the making of such jeopardy assessment), prior to the expiration of the period during which the assessment of the deficiency would be prohibited if subsection (a) were not applicable.

Such property may be sold if the taxpayer consents to the sale, or if the director determines that the expenses of conservation and maintenance will greatly reduce the net proceeds, or if the property is perishable.

(k) Interest. For the purpose of subsection (a) of N. J. S. 54A:9–5, the last date prescribed for payment shall be determined without regard to any notice and demand for payment issued under this section prior to the last date otherwise prescribed for such payment.

(l) Early termination of taxable year. If the director finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the director shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding brought to enforce payment of taxes made due and payable by virtue of the provisions of this subsection, the finding of the director made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(m) Reopening of taxable period. Notwithstanding the termination of the taxable period of the taxpayer by the director, as provided in subsection (l), the director may reopen such taxable period each time the taxpayer is found by the director to have

received income, within the current taxable year, since the termination of such period. A taxable period so terminated by the director may be reopened by the taxpayer if he files with the director a true and accurate return of taxable income and credits allowed under this act for such taxable period, together with such other information as the director may by regulation prescribe.

(n) Furnishing of bond where taxable year is closed by the director. Payment of taxes shall not be enforced by any proceedings under the provisions of subsection (l) prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the director, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income taxes for prior years.

50. Section 13 of P. L. 1979, c. 114 (C. 2A:3A–4.2) is amended to read as follows:

C. 2A:3A-4.2 Filing fee.

13. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the tax court, the plaintiff or any person filing a counterclaim shall pay to the clerk of the court, for use of the State, $75.00 for the first paper filed by him, which shall cover all fees payable therein, except a lesser fee may be provided by rule of court and, except further that a taxing district shall not be required to pay a filing fee upon the filing of a counterclaim or upon the filing of any responsive pleading. Other or additional fees may be established by rules of court. Except where a lesser fee is provided by law or rule of court that fee shall be paid. The foregoing fees shall not be applicable to any proceeding in the small claims division. The fees in the small claims division shall be established pursuant to rules of court.

C. 54:3-26a County board action.

51. (New section) Any action or determination of a county board of taxation may be reviewed by the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

C. 54:3-26b Tax court review.

52. (New section) Any party who is dissatisfied with the judgment of the county board of taxation may seek review of that judgment in the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R. S. 54:48–1 et seq.

Repealer.

53. The following are repealed:

N. J. S. 2A:66-4;

R. S. 54:2-33;

P. L. 1976, c. 114, s. 2 (C. 54:3-26.2);

R. S. 54:15-4;

P. L. 1941, c. 291, ss. 36 to 40 inclusive (C. 54:29A-36 to C. 54:29A-40 inclusive);

P. L. 1944, c. 112, art. 5, s. 1 (C. 52:27B-52):

P. L. 1948, c. 92, s. 26 (C. 52:18A-26);

P. L. 1950, c. 343, ss. 2 to 5 inclusive (C. 54:29A-43.2 to C. 54:29A-43.5 inclusive);

P. L. 1971, c. 424, s. 4 (C. 54:1-35.38).

54. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 37

AN ACT to amend "An act concerning the recording of deeds and other instruments and supplementing chapter 15 of Title 46 of the Revised Statutes," approved February 21, 1969 (P. L. 1968, c. 458).

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

1. Section 1 of P. L. 1968, c. 458 (C. 46:15-13) is amended to read as follows:

C. 46:15-13 Signature of preparer.

1. No deed or instrument of the nature or description set forth in R. S. 46:16-1 shall be recorded in the office of any county recording officer unless it shall contain the words "prepared by" followed by the name and signature of the person who prepared or drafted the instrument or another member of his firm or association. Such words and the name and signature of the person who prepared or drafted the instrument or member of his firm or association shall be entered on the first page of the instrument.

2. This act shall take effect 60 days following enactment.

Approved January 26, 1983.

CHAPTER 38

AN ACT concerning the State and local enforcement of environmental laws, rules, regulations and orders, amending P. L. 1970, c. 33, and the "County Environmental Health Act," approved March 2, 1978 (P. L. 1977, c. 443).

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

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

C. 13:1D-9 Powers of department.

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

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

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

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

d. Enter and inspect any building or place for the purpose of investigating an actual or suspected source of pollution of the environment and ascertaining compliance or noncompliance with any codes, rules and regulations of the department. Any information relating to secret processes concerning methods of manufacture or production, obtained in the course of such inspection, investigation or determination, shall be kept confidential and shall not be admissible in evidence in any court or in any other proceeding except before the department as herein defined. If samples are

taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing pollution of the environment;

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

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

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

h. Administer or supervise programs of conservation and environmental protection, prescribe the minimum qualifications of all persons engaged in official environmental protection work, and encourage and aid in coordinating local environmental protection services;

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

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

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

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

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

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

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

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

q. Contract with any other public agency or corporation in-

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corporated under the laws of this or any other state for the performance of any function under this act;

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

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

t. Keep complete and accurate minutes of all hearings held before the commissioner or any member of the department pursuant to the provisions of this act. All such minutes shall be retained in a permanent record, and shall be available for public inspection at all times during the office hours of the department;

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

2. Section 7 of P. L. 1977, c. 443 (C. 26:3A2–25) is amended to read as follows:

C. 26:3A2-25 Proceedings concerning violations.

7. The county department or certified health agency shall investigate citizen complaints and provide public information and citizen education services in all matters concerning environmental health. The county department or certified health agency shall monitor the various State statutes, rules and regulations concerning environmental health; shall report any violation of said statutes, rules

and regulations to the Department of Environmental Protection; shall gather evidence of said violations as required; and shall provide witnesses for any resultant court action as needed. The county department or certified health agency may maintain an action in a court of competent jurisdiction against any other person to enforce, or to restrain the violation of, any statute, regulation or ordinance, which is designed to prevent or minimize pollution, impairment or destruction of the environment as provided in the "Environmental Rights Act" (P. L. 1974, c. 169; C. 2A:35A–1 et seq.).

The county department or certified health agency may initiate legal proceedings for a violation of any environmental health law, rule, regulation, ordinance or standard, pursuant to section 10 of P. L. 1977, c. 443 (C. 26:3A2–28), including the making and issuing of complaints and summonses by serving the summons upon the violator and filing the complaint promptly with a court having jurisdiction. The county counsel or the prosecutor of the municipality in which any such violation has occurred shall be authorized to act as counsel to the county department or certified health agency for the prosecution of any such violation, and any penalties collected from the prosecution shall accrue to the general revenue fund of the county or municipality prosecuting such violations.

3. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 39

AN ACT concerning death by auto and amending N. J. S. 2C:11–5.

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

1. N. J. S. 2C:11–5 is amended to read as follows:

Death by auto.

2C:11–5. Death by auto. a. Criminal homicide constitutes death by auto when it is caused by driving a vehicle recklessly.

b. Death by auto is a crime of the fourth degree and, notwithstanding the provisions of 2C:43–2, the court may not suspend the imposition of sentence on any defendant convicted under this sec-

tion, who was operating the vehicle under the influence of an intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, and any sentence imposed under this section shall include either a fixed minimum term of 120 days' imprisonment, during which the defendant shall be ineligible for parole, or a requirement that the defendant perform a community related service for a minimum of 120 days.

c. For good cause shown, the court may, in accepting a plea of guilty under this section, order that such plea not be evidential in any civil proceeding.

2. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 40

AN ACT concerning the expiration of municipal dog licenses amending P. L. 1941, c. 151 and P. L. 1982, c. 203.

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

1. Section 3 of P. L. 1941, c. 151 (C. 4:19–15.3) is amended to read as follows:

C. 4:19-15.3 Dog license fees.

3. The person applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section 12 of this act, and the sum of $1.00 for a one-year registration tag or $3.00 for a three-year registration tag for each dog; and for each renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire no later than June 30 in the year stated on the license; except that this expiration date shall not require a municipality to alter its schedule for administering rabies inoculations to any dog to be licensed and registered; nor shall this expiration date require a municipality to alter its schedule for renewing licenses and registration tags, provided that the registration period precedes June 30.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license

and tag shall be accepted by all municipalities as evidence of compliance with this section.

Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, or dogs used to assist deaf persons and commonly known as "hearing ear" dogs, shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

2. Section 4 of P. L. 1982, c. 203 (C. 4:19–15.3a) is amended to read as follows:

C. 4:19-15.3a Expiration dates.

4. Subsequent to the effective date of this act, the provisions of any law to the contrary notwithstanding: a. All annual licenses required pursuant to the provisions of section 2 of P. L. 1941, c. 151 (C. 4:19–15.2), section 3 of P. L. 1941, c. 151 (C. 4:19–15.3) and section 8 of P. L. 1941, c. 151 (C. 4:19–15.8) shall expire no later than June 30 in the calendar year next following issuance; provided that the license and registration tag fee shall be prorated for any license and registration tag which is valid for longer than 12 months.

b. Any three-year registration tag issued pursuant to the provisions of section 2 of P. L. 1941, c. 151 (C. 4:19–15.2) or section 3 of P. L. 1941, c. 151 (C. 4:19-15.3), which is due to expire January 31 of the year of the effective date of this act, shall be valid until June 30 of that year.

Upon renewal of the three-year licenses on June 30 of the calendar year next following issuance, the municipality may assess a fee, in addition to the annual fee, which reflects a prorated portion of the three-year fee for the period January 31 to June 30 preceding renewal.

3. This act shall take effect immediately.

Approved January 26, 1983.

CHAPTER 41

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

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

1. Section 29 of P. L. 1977, c. 110 (C. 5:12–29) is amended to read as follows:

C. 5:12-29 Junket.

29. "Junket"—An arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or willingness to gamble or on any other basis related to his propensity to gamble, to come to a licensed casino hotel for the purpose of gambling and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, entertainment and other services and items of value for said person is directly or indirectly paid by a casino licensee or employee or agent thereof.

C. 5:12-14a Complimentary service or item.

2. (New section) "Complimentary service or item"—A service or item provided at no cost or at a reduced price. The furnishing of a complimentary service or item by a casino licensee shall be deemed to constitute the indirect payment for the service or item by the casino licensee, and shall be valued in an amount based upon the retail price normally charged by the casino licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a casino licensee or provided by a third party on behalf of a casino licensee shall be the cost to the casino licensee of providing the service or item, as determined in accordance with the rules of the commission.

C. 5:12-29.1 Junket enterprise.

3. (New section) "Junket enterprise"—Any person 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.

C. 5:12-29.2 Junket representative.

4. (New section) "Junket representative"—Any natural person who negotiates the terms of, engages in the referral, procurement

or selection of persons who may participate in, or accompanies for purposes of monitoring or evaluating the participants in, any junket to a licensed casino, regardless of whether or not those activities occur within the State of New Jersey; provided, however, that the term shall not include any person who does not receive any direct or indirect compensation from any person for performing those services, other than the same complimentary services and items of value provided by a casino licensee to other participants pursuant to the terms of the particular junket.

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

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

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

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

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

(2) Each applicant for a casino key employee license shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's reputation for good character, honesty and integrity. Such information shall include, without limitation, data pertaining to family, habits, character, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application. Each applicant shall notify the commission of any civil judgments obtained against such applicant pertaining to antitrust or security regulation laws of the Federal Government, of this State or of any other state, jurisdiction, province or country. In addition, each applicant shall, upon request of the commission or the division, produce letters of refer-

ence from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letters of reference shall indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what that information is. If the applicant has been associated with gaming or casino operations in any capacity, position or employment in a jurisdiction which permits such activity, the applicant shall, upon request of the commission or division, produce letters of reference from the gaming or casino enforcement or control agency, which shall specify the experience of such agency with the applicant, his associates and his participation in the gaming operations of that jurisdiction; provided, however, that if no such letters are received from the appropriate law enforcement agencies within 60 days of the applicant's request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency.

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

(4) Each applicant shall be a resident of the State of New Jersey prior to the issuance of a casino key employee license; provided, however, that upon petition by the holder of a casino license, the commission may waive this residency requirement for any applicant whose particular position will require him to be employed outside the State.

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

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

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

e. Upon petition by the holder of a casino license or the holder of a temporary casino permit, the commission may, no earlier than 30 days after the date of the petition, issue a temporary license to an applicant for a casino key employee license, provided that:

(1) The applicant for the casino key employee license has filed a complete application as required by the commission;

(2) The division certifies to the commission that the complete casino key employee license application as specified in paragraph (1) of this subsection has been in the possession of the division for at least 30 days;

(3) The information provided by the applicant indicates that the applicant meets the requirements of subsection b. (3) of this section;

(4) The petition for a temporary casino key employee license certifies, and the commission finds, that an existing casino key employee position of the petitioner is vacant and that the issuance of a temporary key employee license is necessary to fill the said vacancy on an emergency basis to continue the efficient operation of the casino, and that such circumstances are extraordinary and not designed to circumvent the normal licensing procedures of this act;

(5) The division does not object to the issuance of the temporary casino key employee license.

In the event that an applicant for a casino key employee license is the holder of a valid casino employee license issued pursuant to section 90 of this act, and if the provisions of paragraphs (1), (2), (3), and (5) of this subsection are satisfied, the commission may issue a temporary casino key employee license upon petition by the holder of a casino license or the holder of a temporary casino permit, if the commission finds the issuance of a casino key employee license will be delayed by necessary investigations and the said temporary casino key employee license is necessary for the operation of the casino.

Unless otherwise terminated pursuant to this act, any temporary casino key employee license issued pursuant to this subsection shall expire six months from the date of its issuance, and shall be renewable by the commission, in the absence of objection by the

State. Failure to establish or maintain compliance with the requirements of this subsection shall constitute sufficient cause for the denial, suspension or revocation of any license issued pursuant to this section.

e. An applicant for junket representative or junket enterprise licensure may be issued a temporary license by the commission, provided that:

(1) The applicant for licensure has filed a complete application as required by the commission;

(2) The division either certifies to the commission that the complete application for licensure as specified in paragraph (1) of this subsection has been in the possession of the division for at least 45 days or agrees to allow the commission to consider the application in some lesser time; and

(3) The division does not object to the temporary licensure of the applicant; provided, however, that failure of the division to object prior to the temporary licensure of the applicant shall not be construed to reflect in any manner upon the qualifications of the applicant for licensure.

In addition to any other authority granted by this act, the commission shall have the authority, upon receipt of a representation by the division that it possesses information which raises a reasonable possibility that a junket representative or enterprise does not qualify for licensure, to immediately suspend, limit or condition any temporary license issued pursuant to this subsection, pending a hearing on the qualification of the junket representative or enterprise, in accordance with the provisions of this act. Unless otherwise agreed by the commission and the junket representative or enterprise, such a hearing shall be initiated no later than 60 days after commission receipt of a demand for the hearing from the junket representative or enterprise.

Unless otherwise terminated pursuant to this act, any temporary license issued pursuant to this subsection shall expire 12 months from the date of its issuance, and shall be renewable by the commission, in the absence of an objection by the division, as specified in paragraph (3) of this subsection, for one additional six month period.

f. Every agreement concerning junkets entered into by a casino licensee and a junket representative or junket enterprise shall be deemed to include a provision for its termination without liability on the part of the casino licensee, if the commission orders the

termination upon the suspension, limitation, conditioning, denial or revocation of the licensure of the junket representative or junket enterprise, in accordance with the provisions of this act. Failure to expressly include such a condition in the agreement shall not constitute a defense in any action brought to terminate the agreement.

g. A casino licensee shall be responsible for the conduct of any junket representative or junket enterprise associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the fact that the junket may involve persons not employed by such a casino licensee.

h. A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this act, the commission may, after hearings in accordance with this act, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino licensee, junket enterprise or junket representative, and order such further relief as it deems appropriate.

i. The commission shall, by regulation, prescribe methods, procedures and forms for the delivery and retention of information concerning the conduct of junkets by casino licensees. Without limitation of the foregoing, each casino licensee, in accordance with the rules of the commission, shall:

(1) Maintain on file a report describing the operation of any junket engaged in on its premises, which report may include acknowledgments by the participants, signed on the date of arrival, that they understand the terms of the particular junket;

(2) Submit to the commission and division a report on those arrangements which would be junkets but for the fact that those arrangements do not include a selection or approval of participants in accordance with the terms of section 29 of P. L. 1977, c. 110 (C. 5:12–29); and

(3) Submit to the commission and division a list of all its employees who are acting as junket representatives but whose licenses are not endorsed as such.

j. Each casino licensee, junket representative or junket enterprise shall, in accordance with the rules of the commission, file a report with the division with respect to each list of junket patrons or potential junket patrons purchased directly or indirectly by the casino licensee, junket representative or enterprise.

k. The commission shall have the authority to determine, either by regulation or upon petition by the holder of a casino license, that a type of arrangement otherwise included within the defini-

tion of "junket" established by section 29 of P. L. 1977, c. 110 (C. 5:12–29) shall not require compliance with any or all of the requirements of this section. The commission shall seek the opinion of the division prior to granting any exemption. In granting exemptions, the commission shall consider such factors as the nature, volume and significance of the particular type of arrangement, and whether the exemption would be consistent with the public policies established by this act. In applying the provisions of this subsection, the commission may condition, limit, or restrict any exemption as the commission may deem appropriate.

l. No junket enterprise or junket representative or person acting as a junket representative may:

(1) Engage in efforts to collect upon checks that have been returned by banks without full and final payment; or

(2) Exercise approval authority with regard to the authorization or issuance of credit pursuant to section 101 of P. L. 1977, c. 110 (C. 5:12–101).

m. Each casino licensee shall maintain a regulated complimentary service account and shall submit a quarterly report to the commission based upon such account and covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received 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; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional

planner or consultant regularly employed or retained by such planning board or zoning board of adjustment.

No casino applicant or licensee shall provide directly or indirectly to any person any complimentary service or discount which is other than such service or discount that is offered to members of the general public in like circumstance.

o. (1) Any person who, on the effective date of this 1983 amendatory and supplementary act, holds a current and valid junket representative license or a casino service industry license pursuant to subsection a. of section 92 of P. L. 1977, c. 110 (C. 5:12–92) authorizing the conduct of junket activities, shall be considered licensed in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, for the remaining term of their current license.

(2) Any person who, prior to the effective date of this 1983 amendatory and supplementary act, has filed a complete application as required by the commission for a junket representative casino key employee license or a casino service industry license pursuant to subsection a. of section 92 of P. L. 1977, c. 110 (C. 5:12–92) authorizing the conduct of junket activities, may be issued a temporary license in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, if the commission finds that the requirements of paragraphs (1) through (3) of subsection e. of this section have been satisfied.

(3) Any person who, prior to the effective date of this 1983 amendatory and supplementary act, has filed a complete application as required by the commission for a junket representative casino employee license or a junket enterprise license, may be issued a temporary license in accordance with the provisions of this section as a junket representative or junket enterprise, respectively, if the commission finds that the requirements of paragraphs (2) and (3) of subsection e. of this section have been satisfied.

8. This act shall take effect immediately.

Approved January 27, 1983.

CHAPTER 42

AN ACT to amend the title of "An act establishing a New Jersey State Council on the Arts in the Department of Education and making an appropriation therefor," approved July 29, 1966 (P. L. 1966, c. 214) as said title was amended by P. L. 1981, c. 43, so that the same shall read "An act establishing a New Jersey State Council on the Arts in the Department of State and making an appropriation therefor," and to amend and supplement the body of said act, and repealing sections 3, 4 and 5 of P. L. 1981, c. 43.

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

Title amended.

1. The title of P. L. 1966, c. 214 is amended to read as follows:

An act establishing a New Jersey State Council on the Arts in the Department of State and making an appropriation therefor.

2. Section 1 of P. L. 1966, c. 214 (C. 52:16A–25) is amended to read as follows:

C. 52:16A-25 Council on arts established.

1. There is hereby established in the Department of State the New Jersey State Council on the Arts, to be referred to hereinafter as the council.

a. The council shall consist of 17 public members, to be appointed by the Governor with the advice and consent of the Senate from among citizens of New Jersey or persons otherwise associated with the State, who are known for their competence and experience in connection with the performing, visual and creative arts.

b. There shall be three nonvoting, ex officio members of the New Jersey State Council on the Arts, in addition to the 17 public members.

(1) The Secretary of State or his designee shall serve as a nonvoting, ex officio member for a term coextensive with the secretary's term of office or until such time as the Secretary of State appoints another designee, whichever occurs first.

(2) One member of the Senate, appointed by the President of the Senate, and one member of the General Assembly, appointed

by the Speaker of the General Assembly, shall be appointed as nonvoting, ex officio members of the New Jersey State Council on the Arts, not both of the same political party. Both Senate and General Assembly nonvoting, ex officio members shall be designated members to the National Conference of State Legislatures' Committee on the Arts. The legislative members shall serve for terms coextensive with the legislative terms for which they were elected, subject to reappointment after the expiration of the legislative year.

c. The term of office of each member shall be three years, except that the present 15 members of the council shall continue in office for the terms to which they were appointed; provided that the two additional public members first appointed under this amendatory and supplementary act shall be appointed for initial terms ending on December 12, 1984. All vacancies shall be filled for the balance of the unexpired term only, in the same manner as original appointments. The members of the council shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. The nonvoting, ex officio members shall not receive any compensation for services or reimbursement for expenses.

C. 52:16A-25.1 Transferred to Department of State.

3. The New Jersey State Council on the Arts in the Department of Education, together with its functions, powers and duties, is transferred to the Department of State.

C. 52:16A-25.2 "State Agency Transfer Act" controls.

4. The transfer directed by this act shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

Repealer.

5. Sections 3, 4 and 5 of P. L. 1981, c. 43 (C. 18A:73A–1, 2 and 3) are repealed.

6. This act shall take effect immediately.

Approved January 27, 1983.

CHAPTER 43

AN ACT to amend and supplement "An act concerning the health, safety, welfare, civil and human rights of elderly persons, establishing the Office of the Ombudsman for the Institutionalized Elderly, and making an appropriation," approved September 29, 1977 (P. L. 1977, c. 239, C. 52:27G–1 et seq.).

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

1. Section 2 of P. L. 1977, c. 239 (C. 52:27G–2) is amended to read as follows:

C. 52:27G-2 Definitions.

2. As used in this act, unless the context clearly indicates otherwise:

a. "Abuse" means the willful infliction of physical pain, injury or mental anguish; unreasonable confinement; or the willful deprivation of services which are necessary to maintain a person's physical and mental health. However, no person shall be deemed to be abused for the sole reason he is being furnished nonmedical remedial treatment by spiritual means through prayer alone, in accordance with a recognized religious method of healing, in lieu of medical treatment;

b. An "act" of any facility or government agency shall be deemed to include any failure or refusal to act by such facility or government agency;

c. "Administrator" means any person who is charged with the general administration or supervision of a facility, whether or not such person has an ownership interest in such facility, and whether or not such person's functions and duties are shared with one or more other persons;

d. "Caretaker" means a person employed by a facility to provide care or services to an elderly person, and includes, but is not limited to, the administrator of a facility;

e. "Exploitation" means the act or process of using a person or his resources for another person's profit or advantage without legal entitlement to do so;

f. "Facility" means any facility or institution, whether public or private, offering health or health related services for the

institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, residential health care facilities, special hospitals, veterans' hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, mental retardation centers or facilities, day care facilities for the elderly and medical day care centers;

g. "Government agency" means any department, division, office, bureau, board, commission, authority, or any other agency or instrumentality created by the State or to which the State is a party, or by any county or municipality, which is responsible for the regulation, visitation, inspection or supervision of facilities, or which provides services to patients, residents or clients of facilities;

h. "Guardian" means any person with the legal right to manage the financial affairs and protect the rights of any patient, resident or client of a facility, who has been declared a mental incompetent by a court of competent jurisdiction;

i. "Institutionalized elderly," "elderly" or "elderly person" means any person 60 years of age or older, who is a patient, resident or client of any facility;

j. "Office" means the Office of the Ombudsman for the Institutionalized Elderly established herein;

k. "Ombudsman" means the administrator and chief executive officer of the Office of the Ombudsman for the Institutionalized Elderly;

l. "Patient, resident or client" means any elderly person who is receiving treatment or care in any facility in all its aspects, including, but not limited to, admission, retention, confinement, commitment, period of residence, transfer, discharge and any instances directly related to such status.

C. 52:27G-7.1 Report of suspected abuse.

2. (New section) a. Any caretaker, social worker, physician, registered or licensed practical nurse or other professional, who, as a result of information obtained in the course of his employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information in a timely manner to the ombudsman or to the person designated by him to receive such report.

b. Such report shall contain the name and address of the elderly

person, information regarding the nature of the suspected abuse or exploitation and any other information which might be helpful in an investigation of the case and the protection of such elderly person.

c. Any other person having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may report such information to the ombudsman or to the person designated by him to receive such report.

d. The name of any person who reports suspected abuse or exploitation pursuant to this act shall not be disclosed, unless the person who reported the abuse or exploitation specifically requests such disclosure or a judicial proceeding results from such report.

e. Any person who reports suspected abuse or exploitation pursuant to this act or who testifies in any administrative or judicial proceeding arising from such report or testimony shall have immunity from any civil or criminal liability on account of such report or testimony, unless such person has acted in bad faith or with malicious purpose.

f. Any person required to report suspected abuse or exploitation pursuant to this act who fails to make such report shall be fined not more than $500.00. Such penalty shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.).

g. No provision of this act shall be deemed to require the disclosure of, or penalize the failure to disclose, any information which would be privileged pursuant to the provisions of sections 18 through 23 inclusive of P. L. 1960, c. 52 (C. 2A:84A–18 through 2A:84A–23).

C. 52:27G-7.2 Investigation by ombudsman.

3. (New section) a. Upon receiving a report that an elderly person may be or may have been abused or exploited, the ombudsman shall conduct a prompt and thorough investigation pursuant to section 8 of P. L. 1977, c. 239 (C. 52:27G–8). Within 24 hours of receipt of the report, the ombudsman shall notify the Commissioner of Human Services and any other governmental agency which regulates or operates the facility that the report has been received.

b. The investigation shall include a visit with the elderly person and consultation with others who have knowledge of the particular case. When the investigation is completed, findings and recommended action shall be prepared in a written report and submitted to the Commissioner of Human Services.

c. The person who reported the suspected abuse or exploitation shall be promptly notified that action is being taken.

d. If a determination is made that an elderly person may have been criminally abused or exploited, the ombudsman shall refer such findings, in writing, to the county prosecutor.

C. 52:27G-8.1 Central registry.

4. (New section) The ombudsman shall maintain a central registry of all reports of suspected abuse or exploitation and all investigations, findings and recommended action. No information received and compiled in such registries shall be construed as a public record.

5. This act shall take effect immediately.

Approved January 27, 1983.

CHAPTER 44

AN ACT to amend the title of "An act providing for the exemption from taxation of solar energy heating and cooling systems, and supplementing chapter 4 of Title 54 of the Revised Statutes," approved October 11, 1977 (P. L. 1977, c. 256), so that the same shall read "An act providing for the exemption from taxation of solar energy systems, and supplementing chapter 4 of Title 54 of the Revised Statutes," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1977, c. 256 (C. 54:4–3.113 et seq.) is amended to read as follows: An Act providing for the exemption from taxation of solar energy systems, and supplementing chapter 4 of Title 54 of the Revised Statutes.

2. Section 1 of P. L. 1977, c. 256 (C. 54:4–3.113) is amended to read as follows:

C. 54:4-3.113 Definitions.

1. As used in this act:

a. "Solar energy" means energy which has recently originated in the sun, including direct and indirect solar radiation and intermediate solar energy from such as wind and sea thermal gradients;

b. "Solar energy system" means any system which uses solar energy to provide all or a portion of the heating, cooling, or general energy needs of a building through, but not limited to, such means as nocturnal heat radiation, evaporation cooling towers, flat plate or focusing solar collectors, photovoltaic solar cells or windmills;

c. "Commissioner" means the State Commissioner of Community Affairs;

d. "Enforcing agency" means the enforcing agency in any municipality provided for under the State Uniform Construction Code Act, P. L. 1975, c. 217 (C. 52:27D–119 et seq.) and regulations promulgated thereunder;

e. "Board of appeals" means the municipal or county board provided for under the State Uniform Construction Code Act and regulations promulgated thereunder.

3. Section 2 of P. L. 1977, c. 256 (C. 54:4–3.114) is amended to read as follows:

C. 54:4-3.114 Tax exemption.

2. Any solar energy system installed in any building, whether residential, commercial or industrial, which has been certified by the enforcing agency as a solar energy system, shall be exempt from taxation under the chapter to which this act is a supplement.

4. Section 4 of P. L. 1977, c. 256 (C. 54:4–3.116) is amended to read as follows:

C. 54:4-3.116 Certification.

4. The enforcing agency, when requested for any such certification, shall certify a system as being a solar energy system whenever he finds the equipment, facility, device, or system installed was designed primarily as a solar energy system, in accordance with regulations prescribed by the commissioner. Said certificate shall contain information identifying the system and the cost thereof and shall be in such form and detail as the Director of the Division of Taxation shall prescribe and, further, said certificate shall be submitted to the applicant therefor, with a copy retained on file by the enforcing agency, and a copy thereof shall be sent to the assessor of the taxing district in which such facilities are located and have been installed; and the exemption from taxation for such equipment, facility or device shall become effective for the tax year following the year in which certification has been granted and thereafter during its use primarily for such purposes.

5. Section 5 of P. L. 1977, c. 256 (C. 54:4–3.117) is amended to read as follows:

C. 54:4-3.117 Revocation.

5. The enforcing agency, after giving notice to the holder of a solar energy certificate, may revoke such certificate whenever any of the following appears:

a. The certificate was obtained by fraud or misrepresentation;

b. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of a solar energy system;

c. The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of providing solar energy and is being used for a different primary purpose;

d. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the opinion of said enforcing agency, the solar energy system is not suitable and reasonably adequate for the purpose of providing solar energy.

6. Section 7 of P. L. 1977, c. 256 (C. 54:4–3.119) is amended to read as follows:

C. 54:4-3.119 Assessed valuation exemption.

7. The owner of real property which is equipped with a certified solar energy system may have exempted annually from the assessed valuation of the real property a sum equal to the remainder of the assessed valuation of the real property with the solar energy system included, minus the assessed valuation of the real property without the solar energy system.

7. Section 9 of P. L. 1977, c. 256 is amended to read as follows:

9. This act shall take effect January 1, next following enactment, and shall expire on December 31, 1987.

8. This act shall take effect immediately.

Approved January 28, 1983.

CHAPTER 45

AN ACT concerning practice and procedure in the tax court relating to appeals, revising parts of the statutory law and enacting chapter 51A of Title 54 of the Revised Statutes.

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

Section 1.

TITLE 54

CHAPTER 51A

APPEALS TO THE TAX COURT

ARTICLE 1. REAL PROPERTY TAX CASES

54:51A–1. Review of judgment, action or determination of county board of taxation.
54:51A–2. Direct appeal to tax court in certain cases.
54:51A–3. Exemption of Class 3B (Farm Qualified) and Class 15D, E and F (Exempt Property) from provisions of subsection b. of R. S. 54:51A–1.
54:51A–4. Review and revision of equalization tables.
54:51A–5. Service of copies of complaint, copies of judgment, notices and notice of withdrawal or dismissal of complaint.
54:51A–6. Judgment revising taxable value of property; reduction of value; applicability of section.
54:51A–7. Correction of errors.
54:51A–8. Conclusiveness of judgment; changes in value; effect of revaluation program.
54:51A–9. Time for taking real property tax cases to tax court.
54:51A–10. Fees.
54:51A–11. Complaint; contents; form; service; and practice.
54:51A–12. Designation of certain cases.

ARTICLE 2. APPEALS TO THE TAX COURT IN ALL OTHER CASES

54:51A–13. Appeals in general.
54:51A–14. Time.
54:51A–15. Collection; bond; exception.

54:51A–16. Appeal exclusive remedy of taxpayer.
54:51A–17. Special rule for appeals by municipality pursuant to section 6 of P. L. 1940, c. 4 (C. 54:30A–21).
54:51A–18. Complaint; contents; form; service; practice.
54:51A–19. Fees.
54:51A–20. Condition to prosecuting appeal under section 31 of P. L. 1941, c. 291 (C. 54:29A–31).

ARTICLE 3. REPEALER

54:51A–21. Laws repealed.

ARTICLE 1. REAL PROPERTY TAX CASES

54:51A–1. Review of judgment, action or determination of county board of taxation.

a. Any party who is dissatisfied with the judgment, action or determination of the county board of taxation may seek review of that judgment, action or determination in the tax court by filing a complaint in the tax court, pursuant to rules of court.

b. At the time that a complaint has been filed with the tax court seeking review of judgment of county tax boards, all taxes or any installments thereof then due and payable for the year for which review is sought must have been paid. No interest shall be due and payable by the appellant for the period from November 1 of the current tax year to the date of filing the complaint.

c. If the tax court shall determine that the appeal to the county board of taxation has been (1) withdrawn at the hearing, or previously thereto in writing by the appellant or his agent; (2) dismissed because of appellant's failure to prosecute the appeal at a hearing called by the county tax board; (3) settled by mutual consent of the taxpayer and assessor of the taxing district, there shall be no review. This provision shall not preclude a review by the tax court in the event that the appeal was "dismissed without prejudice" by the county board of taxation.

Source: R. S. 54:2–35 as amended and R. S. 54:2–39 amended 1944, c. 240; 1946, c. 161, s. 8; 1954, c. 115; 1960, c. 51, s. 17; 1965, c. 193, s. 1; 1977, c. 357, s. 2; 1979, c. 114, s. 6; 1979, c. 499, s. 16.

54:51A–2. Direct appeal to tax court in certain cases. Where any taxpayer or taxing district shall file a direct appeal to the tax court pursuant to R. S. 54:3–21, a copy of the complaint shall also

be filed with the assessor and the clerk of the taxing district, who shall forthwith notify the collector and all other municipal officials as the governing body shall direct of the content thereof. The tax court may, on or after April 1 next following the filing of the complaint, proceed to hear and determine all issues raised therein.

Source: R. S. 54:3–21 amended 1945, c. 125; 1978, c. 102, s. 2; 1979, c. 113.

54:51A–3. Exemption of Class 3B (Farm Qualified) and Class 15D, E and F (Exempt Property) from provisions of subsection b. of R. S. 54:51A–1.

Class 3B (Farm Qualified) and Class 15D, E and F (Exempt Property) in appeal where a statutory qualification is the subject of the appeal are exempt from those provisions contained in subsection b. of R. S. 54:51A–1.

Source: C. 54:3–27.3 (1977, c. 357, s. 4).

54:51A–4. Review and revision of equalization tables. a. A county equalization table may be reviewed by the tax court on complaint of any taxing district or taxpayer in the county, or on its own motion, but the review shall not suspend the apportionment of moneys or collection of taxes. No change shall be made in the table except after a hearing in the county, of which 5 days' notice shall be given by mail to the governing body of each taxing district. If, after the hearing, the tax court shall determine that the aggregate valuation of any district or districts as fixed by the county board was erroneous, it shall revise and correct the equalization table, and ascertain the difference between the amount of State and county taxes actually charged against each district in the county or distributed to it and the amount which should have been charged or distributed according to the corrected table and enter judgment accordingly. The difference shall be debited or credited, as the case may be, to each taxing district on account of its share of State and county taxes next due or distributable, as the case may be. The tax court may make all orders necessary to carry out the provisions of this section, but the review shall be completed before September 10, annually. A certified copy of the revised and corrected table shall be transmitted to each official or board to whom the original table was required to be transmitted and also to the Director of the Division of Taxation in the Department of the Treasury.

Source: R. S. 54:2–37 amended 1951, c. 113; 1979, c. 114, ss. 4, 16.

b. The State equalization table, other than the equalization table promulgated pursuant to section 1 of P. L. 1954, c. 86 (C. 54:1–35.1), may be reviewed by the tax court on complaint of any county, filed with it within 45 days after the table has been filed with it, or on its own motion, but the review shall not suspend the apportionment of moneys or collection of taxes. No change shall be made in the table except after a hearing, of which 5 days' notice shall be given by mail to the county board of taxation and the governing body of each county. If after the hearing the tax court shall determine that the aggregate valuation of any county as fixed by the Director of the Division of Taxation was erroneous, the tax court shall revise and correct the State equalization table, and then ascertain the difference between the amount of State taxes actually charged against each district in the county, and the State moneys paid the county, or district, and the amount which should have been charged or paid according to the corrected table. The difference shall be debited or credited, as the case may be, to each county or district on account of its share of State taxes or State moneys next due, and the tax court shall have the power to make all orders necessary to carry out the provisions of this section, but the review shall be completed before November 1, annually. A certified copy of the revised and corrected table shall be transmitted to each official or board to whom the original table was required to be transmitted and also to the director.

Source: R. S. 54:2–38 amended 1979, c. 114, s. 5.

c. The State equalization table promulgated pursuant to section 1 of P. L. 1954, c. 86 (C. 54:1–35.1) may be reviewed by the tax court on complaint of any taxing district made within 45 days after its promulgation, or on its own motion, but such review shall not suspend the apportionment of school aid moneys. No change shall be made in the table except after hearing, of which five days' notice shall be given by mail to the governing body of the taxing district. If, after the hearing, the tax court shall determine that the equalized valuation of any district or districts as fixed by the director was erroneous, it shall revise and correct the equalization table. Such hearings, review and revisions shall be completed by January 30 next following the promulgation of the table. A certified copy of the revised and corrected table shall be transmitted to each official or board to whom the original table was required to be transmitted and also to the Director of the Division of Taxation. In any such proceeding, the director shall be entitled to be heard, and the assessment ratios as promulgated shall be

presumed to be correct, and shall not be revised or modified by the tax court unless the complainant district shall present proof that upon all the evidence available such ratio or ratios could not reasonably be justified.

Source: C. 54:1–35.4 (1954, c. 86, s. 4).

54:51A–5. Service of copies of complaint, copies of judgment, notices and notice of withdrawal or dismissal of complaint. a. Except as provided in R. S. 54:51A–1, a copy of the complaint shall be served by the plaintiff upon the county board of taxation whose judgment is the subject of the review, or its county tax administrator, and upon the assessor and the clerk of the taxing district, who shall forthwith notify the collector and such other municipal officials as the governing body shall direct of the content thereof. Service of the copies shall be evidenced by affidavit upon the original complaint filed with the tax court or service thereon acknowledged. A copy of each judgment of the tax court, whether of affirmance, reversal, modification or otherwise, shall be sent to the taxpayer and, at the same time, to the assessor and the clerk of the taxing district, who shall forthwith notify the collector and the county tax administrator of the county in which said taxing district is situated. The tax court shall also give prompt notice to the taxpayer and, at the same time, to the assessor and the clerk of the taxing district, who shall forthwith notify the collector and the county tax administrator of the county in which the taxing district is situated, of the withdrawal or dismissal of the complaint filed with the tax court.

Source: R. S. 54:2–40 amended 1945, c. 95; 1946, c. 161, s. 9; 1947, c. 246; 1978, c. 102, s. 1; 1979, c. 114, s. 7.

b. A copy of a complaint seeking review of a county equalization table pursuant to R. S. 54:51A–4a. shall be served upon the County Board of Taxation and upon the Chief Executive Officer and the Clerk of the Board of Chosen Freeholders of the county and upon the clerk of every taxing district in the county for which an equalization table is sought to be reviewed and upon the Attorney General.

c. Copies of complaints seeking review of State equalization tables pursuant to R. S. 54:51A–4b. and c. shall be served upon the Director of the Division of Taxation and upon the Attorney General.

54:51A–6. Judgment revising taxable value of property; reduction of value; applicability of section. a. Whenever the tax court

is satisfied by the proofs that the ratio of the assessed valuation of the subject property to its true value exceeds the upper limit or falls below the lower limit of the common level range, it shall enter judgment revising the taxable value of the property by applying the average ratio to the true value of the property except as hereinafter provided.

b. If the average ratio is below the county percentage level and the ratio of the assessed value of the subject property to its true value exceeds the county percentage level, the tax court shall enter judgment revising the taxable value of the property by applying the average ratio to the true value of the property.

c. If both the average ratio and the ratio of the assessed value of the subject property to its true value exceed the county percentage level, the tax court shall enter judgment revising the taxable value of the property by applying the county percentage level to the true value of the property.

d. The provisions of this section shall not apply to any proceeding to review an assessment of real property taken with respect to the tax year in which the taxing district shall have completed and put into operation a district-wide revaluation program approved by the Director of the Division of Taxation pursuant to P. L. 1971, c. 424 (C. 54:1–35.35 et seq.), or a reassessment program approved by the county board of taxation.

Source: C. 54:2–40.4 (1946, c. 161, s. 15 amended 1973, c. 123, s. 2; 1979, c. 114, s. 10).

54:51A–7. Correction of errors. The tax court may, upon the filing of a complaint at any time during the tax year or within the next 3 tax years thereafter, by a property owner, a municipality or a county board of taxation, enter judgment to correct typographical errors, errors in transposing, and mistakes in tax assessments, provided that such complaint shall set forth the facts causing and constituting the error or errors and mistake or mistakes, or either thereof sought to be corrected and that such facts be verified by affidavits submitted by the plaintiff. The tax court shall not consider under this section any complaint relating to matters of valuation involving an assessor's opinion or judgment. Any complaint so submitted shall contain a certification that a copy of the complaint and all exhibits thereto have been filed with the county board, and served upon the property owner or the municipality, or both, as may be appropriate in the case of each plaintiff. Any party required to receive a copy of the complaint pursuant to this section may file an

answer to the complaint with the tax court pursuant to rules of court. The tax court may require further proof and grant or deny the complaint as it may deem necessary or proper.

Source: R. S. 54:2–41 amended 1946, c. 161, s. 10; 1979, c. 44; 1979, c. 114, s. 8.

54:51A–8. Conclusiveness of judgment; changes in value; effect of revaluation program. Where a final judgment has been rendered by the tax court involving real property, the judgment shall be conclusive and binding upon the municipal assessor and the taxing district, parties to the proceeding, for the assessment year and for the 2 assessment years succeeding the assessment year covered by the final judgment, except as to changes in the value of the property occurring after the assessment date. Where those changes are alleged, the complaint shall specifically set forth the nature of the changes relied upon as the basis for the appeal. However, the conclusive and binding effect of the judgment shall terminate with the tax year immediately preceding the year in which a program for a complete revaluation of all real property within the district has been put into effect.

Source: C. 54:2–43 (1946, c. 161, s. 14 amended 1957, c. 36, s. 2; 1979, c. 114, s. 9).

54:51A–9. Time for taking real property tax cases to tax court.

a. Except as otherwise provided in this section, a complaint seeking review of adjudication or judgment of the county board of taxation shall be filed within 45 days of the service of the judgment.

b. Direct appeals to the tax court of assessed valuation of property in excess of $750,000.00 as provided in R. S. 54:3–21 shall be filed on or before August 15 of the tax year.

c. All real property tax cases not provided for herein shall be taken in the manner and time prescribed for such appeals by the rules of the tax court.

Source: New.

54:51A–10. Fees. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the tax court hereunder, the plaintiff or any person filing a counterclaim shall pay to the clerk of the court, for use of the State, $75.00 for the first paper filed by him, which shall cover all fees payable therein, except a lesser fee may be provided by rule of court, and except further that a taxing district shall not be required to pay a filing fee upon the filing of a counterclaim or upon the filing of any responsive pleading. Other

or additional fees may be established by rules of court, except where a lesser fee is provided by law or rule of court, that fee shall be paid. The foregoing fees shall not be applicable to any proceeding in the small claims division. The fees in the small claims division shall be established pursuant to rules of court.

Source: New.

54:51A–11. Complaint; contents; form; service; and practice. Except as may be otherwise specifically provided by law, the form, contents, service, and all other matters with respect to the complaint and the practice in the tax court shall be as prescribed by rules of court.

54:51A–12. Designation of certain cases. The following matters shall be subject to article 2 of this chapter and shall not be subject to the provisions of article 1 of this chapter:

a. Any appeal with respect to property tax of railroads.

b. Except with respect to review and revision of equalization tables, any complaint seeking review of any proceeding, ruling, decision or determination of the Director of the Division of Taxation.

c. Any complaint seeking review of any proceeding, ruling, decision or determination of any other State agency or officer with respect to any tax matter, or of a county recording officer with respect to the realty transfer tax.

ARTICLE 2. APPEALS TO THE TAX COURT IN ALL OTHER CASES

54:51A–13. Appeals in general. Except with respect to review of equalization tables, all complaints seeking review of actions of the Director of the Division of Taxation or any other State agency or officer with respect to any tax matter or of a county recording officer with respect to the realty transfer tax or any appeal with respect to property tax of railroads shall be prosecuted in accordance with the provisions of article 2 of this chapter.

Source: New.

54:51A–14. Time. a. Except as otherwise provided in this section, all complaints shall be filed within 90 days after the date of the action sought to be reviewed.

b. The complaint of a municipality filed pursuant to section 6 of P. L. 1940, c. 4 (C. 54:30A–21) shall be filed on or before the first Monday in March of the affected tax year.

Source: New.

54:51A–15. Collection; bond; exception. a. Except as may otherwise be specifically provided, no complaint filed shall stay the collection of any tax or the enforcement thereof by entry of a judgment, unless by order of the tax court and then, unless the tax court shall otherwise so direct, only after security approved by the Director of the Division of Taxation has been furnished to the Director of the Division of Taxation. This subsection shall not apply to appeals with respect to the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B–1 et seq.) and the "Alcoholic Beverage Wholesale Sales Tax Act," P. L. 1980, c. 62 (C. 54:32C–1 et seq.).

b. Irrespective of any restrictions on the assessment and collection of deficiencies, with respect to the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B–1 et seq.) and the "Alcoholic Beverage Wholesale Sales Tax Act," P. L. 1980, c. 62 (C. 54:32C–1 et seq.), the Director of the Division of Taxation may assess a deficiency after the time provided for filing a complaint in the tax court has run, notwithstanding that a complaint in respect of the deficiency has been duly made by the taxpayer, unless the taxpayer, at or before the time his complaint is made, has paid the deficiency, has deposited with the director the amount of the deficiency, or has filed with the director a bond, which may be a jeopardy bond, in the amount of the portion of the deficiency, including interest and other amounts, in respect of which the complaint is made and all costs and charges which may accrue against him in the prosecution of the proceeding, including costs of all appeals, and with surety approved by the tax court, conditioned upon the payment of the deficiency, including interest and other amounts, as finally determined, and the costs and charges. If as a result of a waiver of the restrictions on the assessment and collection of a deficiency any part of the amount determined by the director is paid after the filing of the appeal bond, the bond shall, at the request of the taxpayer, be proportionately reduced.

c. If an appeal is brought pursuant to section 31 of P. L. 1941, c. 291 (C. 54:29A–31), by a taxpayer, the taxpayer shall only be required to pay to the State Treasurer the amount of the taxes then not in substantial controversy. If the taxpayer and the Attorney General are unable to agree on the amount of taxes then not in substantial controversy, the amount shall be determined by the tax court. Upon the payment of the amount of taxes then not in substantial controversy, the payment or collection of the remainder of the taxes shall be stayed until the final determination by the tax court.

Source: New.

54:51A–16. Appeal exclusive remedy of taxpayer. The appeal provided by this article shall be the exclusive remedy available to any taxpayer for review of an action of the Director of the Division of Taxation or any other State agency or officer with respect to any tax matter or of a county recording officer with respect to the realty transfer tax.

Source: New.

54:51A–17. Special rule for appeals by municipality pursuant to section 6 of P. L. 1940, c. 4 (C. 54:30A–21). Notwithstanding any provision of law or in the court rules to the contrary, any municipality bringing an action pursuant to section 6 of P. L. 1940, c. 4 (C. 54:30A–21), shall file a verified complaint, which shall be served within 10 days thereafter on the Attorney General and on the clerk or officer having like duties of each municipality entitled to any portion of the excise taxes imposed by law upon the taxpayer. The tax court shall give precedence to those appeals over any other appeals before the court.

Source: New.

54:51A–18. Complaint; contents; form; service; practice. Except as otherwise specifically provided by law, the form, content, service and all other matters with respect to the complaint and practice in the tax court shall be as prescribed by rules of court.

Source: New.

54:51A–19. Fees. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the tax court, the plaintiff or any person filing a counterclaim shall pay to the clerk of the court, for use of the State, $75.00 for the first paper filed by him, which shall cover all fees payable therein, except a lesser fee may be provided by rule of court, and except further, that no filing fee shall be required upon the filing of a responsive pleading by a taxing district.

54:51A–20. Condition to prosecuting appeal under section 31 of P. L. 1941, c. 291 (C. 54:29A–31). If an appeal is brought pursuant to section 31 of P. L. 1941, c. 291 (C. 54:29A–31) by a taxpayer, the taxpayer shall pay to the State Treasurer, as a condition for prosecuting the proceeding, the amount of the taxes then not in substantial controversy. If the taxpayer and the Attorney General are unable to agree on the amount of taxes then not in substantial controversy, the amount shall be determined by the tax court. Upon the payment of the amount of taxes then not in substantial contro-

versy, the payment or collection of the remainder of the taxes shall be stayed until the final determination by the tax court, notwithstanding any law to the contrary.

Source: New.

ARTICLE 3. REPEALER

54:51A–21. Laws repealed. The following are repealed:

R. S. 54:2–34;

R. S. 54:2–35;

R. S. 54:2–37 to R. S. 54:2–41 inclusive;

R. S. 54:51–1 to R. S. 54:51–3 inclusive;

P. L. 1946, c. 161, ss. 14 and 15 (C. 54:2–40.4 and C. 54:2-43);

P. L. 1977, c. 357, s. 4 (C. 54:3–27.3).

Section 2.

Effective date.

This act shall take effect immediately.

Approved January 28, 1983.

CHAPTER 46

AN ACT providing for an interstate compact regarding compliance with motor vehicle laws, ordinances, and rules and regulations by nonresident violators, between this State and other states.

WHEREAS, It is appropriate that this State and other states take measures to ensure fair treatment of motorists in the various jurisdictions and to encourage uniform compliance with the motor vehicle laws of this State and various other jurisdictions, and

WHEREAS, This State desires to adopt the following compact, entitled the "Nonresident Violator Compact," which shall be entered into with all other jurisdictions legally joining therein, now, therefore,

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

ARTICLE I

C. 39:5F-1 Findings.

1. The party jurisdictions find that:

a. In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

(1) Must post collateral or bond to secure appearance for trial at a later date; or

(2) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or

(3) Is taken directly to court for his trial to be held.

b. In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

c. The purpose of the practices described in subsections 1a. and b. above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

d. A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

e. The practice described in subsection a. above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

f. The deposit of a driver's license as a bail bond, as described in subsection 1b. above, is viewed with disfavor.

g. The practices described herein consume an undue amount of law enforcement time.

C. 39:5F-2 Policy.

2. It is the policy of the party jurisdictions to:

a. Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

b. Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay, whether or not the

motorist is a resident of the jurisdiction in which the citation was issued.

c. Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

d. Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

C. 39:5F-3 Purpose.

3. The purpose of this compact is to:

a. Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in section 2 above in a uniform and orderly manner.

b. Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II

C. 39:5F-4 Definitions.

4. As used in this compact:

a. "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation, containing an order which requires the motorist to respond;

b. "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation;

c. "Compliance" means the act of answering a citation, summons or subpena through appearance at court, or payment of fines and costs, or both;

d. "Court" means a court of law or traffic tribunal;

e. "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction;

f. "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator;

g. "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist;

h. "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries;

i. "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction;

j. "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation;

k. "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation;

l. "Terms of the citation" means those options expressly stated upon the citation.

ARTICLE III

C. 39:5F-5 Personal recognizance.

5. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in section 6 of this act, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he will comply with the terms of the citation.

C. 39:5F-6 If not prohibited.

6. Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it shall take place immediately following issuance of the citation.

C. 39:5F-7 Failure to comply.

7. Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

C. 39:5F-8 To home jurisdiction.

8. Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

C. 39:5F-9 Suspension not mandatory.

9. The licensing authority of the issuing jurisdiction need not suspend the driving privilege of a motorist for whom a report has been transmitted.

C. 39:5F-10 6-month period.

10. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is

more than 6 months after the date on which the traffic citation was issued.

C. 39:5F-11 No transmittal.

11. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

ARTICLE IV

C. 39:5F-12 Suspension.

12. Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

C. 39:5F-13 Record, reports.

13. The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

ARTICLE V

C. 39:5F-14 Other rights unaffected.

14. Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to license to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangements between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI

C. 39:5F-15 Board of Compact Administrators.

15. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction, to be known as the compact administrator. The compact administrator shall be appointed by the chief executive of the jurisdiction and shall serve

and be subject to removal in accordance with the laws of his jurisdiction. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not serve on the board unless written notification of his identity has been given to the board.

C. 39:5F-16 Majority required.

16. Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

C. 39:5F-17 Officers.

17. The board shall elect annually, from its membership, a chairman and vice-chairman.

C. 39:5F-18 Bylaws.

18. The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

C. 39:5F-19 Donations, grants.

19. The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

C. 39:5F-20 Contracts.

20. The board may contract with, or accept services or personnel from any governmental or intergovernmental agency, persons, firm or corporation, or any private, nonprofit organization or institution.

C. 39:5F-21 Procedures, forms.

21. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

ARTICLE VII

C. 39:5F-22 At least 2.

22. This compact shall become effective when it has been adopted by at least two jurisdictions.

C. 39:5F-23 Resolution of ratification.

23. a. Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

b. The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(1) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(2) Agreement to comply with the terms and provisions of the compact.

(3) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

c. The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

C. 39:5F-24 Withdrawal.

24. A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

ARTICLE VIII

C. 39:5F-25 Exclusions.

25. The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

ARTICLE IX

C. 39:5F-26 Amendment.

26. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

C. 39:5F-27 Adoption.

27. Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

C. 39:5F-28 Failure to respond.

28. Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X

C. 39:5F-29 Severability.

29. This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

ARTICLE XI

C. 39:5F-30 Short title.

30. This compact shall be known and may be cited as the "Nonresident Violator Compact".

31. This act shall take effect immediately.

Approved January 28, 1983.

CHAPTER 47

AN ACT to amend the "Temporary Disability Benefits Law," approved June 1, 1948 (P. L. 1948, c. 110).

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

1. Section 15 of P. L. 1948, c. 110 (C. 43:21–39) is amended to read as follows:

schedules of charges made, charged and exacted, filed with said board;

(8) The printing of bonds and documents necessary to the issuance and sale thereof by a board of education;

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services;

(10) Insurance, including the purchase of insurance coverage and consultant services;

(11) Publishing of legal notices in newspapers as required by law;

(12) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;

(13) Election expenses, including advertising expenses incidental thereto;

(14) Electronic data processing service obtained from another board of education.

b. It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority or any other state or subdivision thereof.

c. The board of education has advertised for bids pursuant to N. J. S. 18A:18A–4 on two occasions and has received no bids in response to its advertisement and, after reasonable inquiry, it is determined that no board, body, officer, agency or authority of the United States, or of the State of New Jersey or of any county or municipality in which the board of education is located is willing and able to perform any work or furnish or hire any materials or supplies in conformity with the specifications of the board of education. Any such contract or agreement entered into pursuant to this subsection c. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement. Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of the competitive bidding pursuant to N. J. S. 18A:18A–4 shall be stated in the resolution awarding the contract.

d. The board of education has advertised for bids pursuant to N. J. S. 18A:18A–4 on two occasions and has rejected such bids on each occasion because the board of education has determined that they are not reasonable as to price on the basis of cost estimates

prepared for the board of education prior to the advertising therefor or have not been independently arrived at in open competition, but no such contract or agreement may be entered into after such rejection of bids, unless:

(1) Notification of the intention to negotiate and a reasonable opportunity to negotiate shall have been given by the board of education to each responsible bidder;

(2) The negotiated price is lower than the lowest rejected bid price of a responsible bidder who bid thereon and is the lowest negotiated price offered by any responsible supplier and is a reasonable price for such work, materials, supplies or services;

(3) Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N. J. S. 18A:18A–4 shall be stated in the resolution awarding the contract; and

(4) The negotiated price is lower than the price of the same or equivalent materials or supplies available from the State, county or municipality in which the board of education is located.

Whenever a board of education shall determine that a bid was not arrived at independently in open competition pursuant to this subsection d. of N. J. S. 18A:18A–5, it shall thereupon notify the county prosecutor of the county in which the board of education is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

e. The board of education has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to N. J. S. 18A:18A–10, and the lowest responsible quotation is at least 10% less than the price the board would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract.

Any such contract or agreement entered into pursuant to subsection d. or subsection e. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement.

2. This act shall take effect immediately.

Approved January 31, 1983.

CHAPTER 49

AN ACT concerning limitations imposed upon increases in municipal final appropriations and county tax levies, and amending and supplementing P. L. 1976, c. 68.

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

C. 40A:4-45.12 Variable limitation.

1. (New section) The Legislature finds that the constraints placed upon local government by P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.) are successfully accomplishing their purpose of controlling the growth in the cost of local government.

The Legislature finds, however, that a uniform fixed percentage limitation on increases in expenditures has not adequately reflected either national economic trends or the differing needs of the various local governments of the State. As a result, local governments have been unevenly affected in their ability to provide necessary services to their residents.

The Legislature, therefore, determines that P. L. 1976, c. 68 requires adjustment to provide for an annually variable percentage limitation which more accurately reflects annual nationwide increases in the basic costs of governmental operations, to provide a mechanism whereby local officials and taxpayers can examine the particular needs of their community and determine whether or not the use of this limitation more nearly addresses those needs, and to modify several features of the law which have proven to be arbitrary or to result in unintended effects on the structure of local government.

2. Section 2 of P. L. 1976, c. 68 (C. 40A:4–45.2) is amended to read as follows:

C. 40A:4-45.2 5% limit.

2. Beginning with the tax year 1977 municipalities, other than those having a municipal purposes tax rate of $0.10 or less per $100.00, and counties shall be prohibited from increasing their final appropriations by more than 5% or the index rate, whichever is less, over the previous year, except within the provisions set forth hereunder.

For the purpose of this section, in computing its final appropriations for the previous year, a municipality or county shall include, as part of its final appropriations:

a. Amounts of revenue generated by an increase in its valuations based solely on applying the preceding year's local purposes tax rate of the municipality to the assessed value of new construction or improvements, or on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements, as may be appropriate;

b. Revenues derived in the previous year from new service fees, or from any increase in any previously imposed service fees imposed by ordinance;

c. Amounts approved by referendum, pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3) and section 1 of P. L. 1979, c. 268 (C. 40A:4–45.3a);

d. Increased revenue received in the preceding year from payments in lieu of taxes on any property owned by a tax-exempt public entity, to the extent that the payment is excepted pursuant to subsection n. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3).

In each budget year subsequent to 1981, and in the case of a county, in each budget year subsequent to 1982, whenever any municipality or county shall have transferred to any local public utility, any local public authority or any special purposes district, during the immediately preceding budget year, or at any time during the current budget year prior to the final adoption of the budget, any service or function funded during the immediately preceding budget year, either partially or wholly, from appropriations in the municipal or county budget, the municipality or county shall deduct from its final appropriations upon which its permissible expenditures are calculated, or upon which its permissible county tax levy is calculated, pursuant to this section the amount which the municipality or county expended for that service or function during the last full budget year throughout which the service or function so transferred was funded from appropriations in the municipal or county budget.

C. 40A:4-45.13 Assumption of service, function.

3. (New section) a. In any budget year subsequent to 1982, whenever a county or municipality shall have lawfully assumed, during the immediately preceding budget year, or at any time during the current budget year prior to the final adoption of the budget, the provision of any service or function funded during the

immediately preceding budget year wholly by a local public utility, a local public authority or a special purposes district, and where the provision of that service or function by the county or municipality is the result of the lawful dissolution of the public utility, public authority, or special services district previously providing the service or function, the county or municipality shall add to the final appropriations for the current budget year upon which its permissible expenditures are calculated, or upon which its permissible county tax levy is calculated, the amount certified by the Local Finance Board for appropriation by the county or municipality to fund that service or function in the current budget year.

b. In any budget year subsequent to 1982, whenever a county shall have lawfully assumed, during the immediately preceding budget year, or at any time during the current budget year prior to the final adoption of the budget, the provision of any service or function funded during the immediately preceding budget year wholly or partially by one or more municipalities within the county from appropriations in the municipal budget, the county shall add to the final appropriations for the current year upon which its permissible county tax levy is calculated the amount certified by the Local Finance Board for appropriation by the county to fund that service or function in the current budget year.

c. The Local Finance Board shall approve the assumption of any service or function for the purpose of its eligibility under the provisions of this section. The board shall approve the assumption if it finds: that the assumption was lawfully made; that the assumption does not deleteriously affect the health, safety or welfare of the residents of a county or municipality; and that the assumption represents an efficient and feasible means of providing the service or function. The board shall, in approving the assumption, certify to the county or municipality assuming the service or function the amount of appropriation to fund the service or function which shall be eligible for the provisions of this section.

C. 40A:4-45.1a Index rate.

4. (New section) As used in this amendatory and supplementary act, "index rate" means the rate of annual percentage increase, rounded to the nearest half-percent, in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, computed and published quarterly by the United States Department of Commerce, Bureau of Economic Analysis, calculating the annual increase therein at the second quarter which occurred in the next preceding local budget year. The Director of the Division of Local

Government Services shall promulgate annually, on or before October 1, the index rate to apply in the next following local budget year.

5. Section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3) is amended to read as follows:

C. 40A:4-45.3 Municipal exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in its valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N. J. S. 40A:2-21 and 40A:2-22;

c. An increase based upon: (1) emergency temporary appropriations made pursuant to N. J. S. 40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan; (2) emergency appropriations made pursuant to N. J. S. 40A:4-46 and special emergency appropriations made pursuant to N. J. S. 40A:4-53; or (3) special emergency appropriations made pursuant to N. J. S. 40A:4-54, section 1 of P. L. 1961, c. 22 (C. 40A:4-55.1) or section 1 of P. L. 1968, c. 194 (C. 40A:4-55.13). Emergency temporary appropriations, special emergency appropriations and emergency appropriations under (1) and (2) above shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Special emergency appropriations under (3) above shall be approved by at least two-thirds of the governing body, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Neither procedure shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

h. Expenditure of amounts derived from new or increased service fees imposed by ordinance, or derived from the sale of municipal assets;

i. When approved by referendum;

j. Amounts required to be paid pursuant to any contract with respect to use, service or provision of any project, facility or public improvement for water, sewer, solid waste, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State. With respect to the amounts required to be paid for senior citizen housing in the above cited political subdivisions or bodies, the exceptions shall be subject to the review and approval of the Local Finance Board;

k. Amounts required to be paid by any constituent municipality of the Hackensack Meadowlands District established pursuant to article 2 of the "Hackensack Meadowlands Reclamation and Development Act" (P. L. 1968, c. 404; C. 13:17–4), to the inter-municipal account established pursuant to article 9 of said act (C. 13:17–60 through 13:17–76);

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures;

m. Amounts appropriated to fund any increase in public utility, fuel oil, gasoline or heating oil charges which exceeds by more than 10% the amount produced by subtracting from the amount appropriated in the previous year for these purposes that amount which was excepted pursuant to this subsection in that previous year;

n. Increased revenue from payments in lieu of taxes on any property owned by a tax-exempt public entity, to the extent that the payment received for any single property exceeds the amount of real property taxes received on that property in the year immediately prior to acquisition by the public entity, or, in the case of State property subject to P. L. 1977, c. 272 (C. 54:4–2.2a et seq.), to the extent that the total State payment exceeds the amount of the payment received in the 1982 budget year;

o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid; or

p. Amounts expended for the conduct of a special election required by law to be held at a time other than the time of the general election or the time of a regular municipal election.

6. Section 4 of P. L. 1976, c. 68 (C. 40A:4-45.4) is amended to read as follows:

C. 40A:4-45.4 County exceptions.

4. In the preparation of its budget, a county may not increase the county tax levy to be apportioned among its constituent municipalities in excess of 5% or the index rate, whichever is less, of the previous year's county tax levy, subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditures would be otherwise bondable under the requirements of N. J. S. 40A:2-21 and 40A:2-22;

c. An increase based upon: (1) emergency temporary appropriations made pursuant to N. J. S. 40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the county, and over which the governing body had no control and for which it could not plan; (2) emergency appropriations made pursuant to N. J. S. 40A:4-46 and special emergency appropriations made pursuant to N. J. S. 40A:4-53; or (3) special emergency appropriations made pursuant to N. J. S. 40A:4-54, section 1 of P. L. 1961, c. 22 (C. 40A:4-55.1), or section 1 of P. L. 1968, c. 194 (C. 40A:4-55.13). Emergency temporary appropriations, special emergency appropriations and emergency appropriations under (1) and (2) above shall be approved by at least two-thirds of the governing body and, where appropriate, approved by the chief executive officer of the county, and further approved by the Director of the Division of Local

Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Special emergency appropriations under (3) above shall be approved by at least two-thirds of the governing body, and, where appropriate, approved by the chief executive officer of the county, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Neither procedure shall apply to appropriations adopted for a purpose referred to in subsection d. or f. below;

d. All debt service;

e. Expenditures mandated after the effective date of this act pursuant to State or federal law;

f. Amounts required to be paid pursuant to any contract with respect to use, service or provision of any project, facility or public improvement for water, sewer, solid waste, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a county, and any other county, municipality, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State. With respect to the amounts required to be paid for senior citizen housing in the above cited political subdivisions or bodies, the exceptions shall be subject to the review and approval of the Local Finance Board;

g. That portion of the county tax levy which represents funding to participate in any federal or State aid program and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures;

h. Amounts appropriated to fund any increase in public utility, fuel oil, gasoline or heating oil charges which exceeds by more than 10% the amount produced by subtracting from the amount appropriated in the previous year for these purposes that amount which was excepted pursuant to this subsection in that previous year;

i. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid; or

j. Amounts expended for the conduct of any special election required by law to be held at a time other than the time of the general election.

C. 40A:4-45.14 If index rate exceeds 5%.

7. (New section) Notwithstanding the provisions of section 2, 3 or 4 of P. L. 1976, c. 68 (C. 40A:4-45.2, 40A:4-45.3 and 40A:4-45.4) to the contrary, in any year for which the index rate exceeds 5%, a municipality may, by ordinance, or a county may, by ordinance or resolution, as appropriate, provide that in the local budget year to which the ordinance or resolution applies, the final appropriations of the municipality, or the tax levy of the county, shall be increased by a percentage rate greater than 5%, but not to exceed the index rate, over the previous year's final appropriations, or county tax levy, as the case may be.

The ordinance or resolution, as appropriate, shall be introduced after January 1 of the local budget year to which it applies and prior to the date provided by law for the introduction and approval of the annual budget of the municipality or county. The ordinance or resolution shall state the greater percentage rate to be adopted and the additional amount of increased final appropriations or tax levy which that greater percentage rate represents over that which the 5% rate represents, and the individual appropriations items to which the additional amount applies, setting forth for each applicable appropriations item the amount to be appropriated: a. if the greater percentage rate is adopted; and b. if the greater percentage rate is not adopted. The ordinance or resolution may, thereafter, be adopted, after publication and a public hearing separately afforded upon 10 days' notice duly published, by a majority vote of the authorized membership of the governing body. Any procedures provided in a form of local government for the exercise of veto powers by a mayor or county executive with respect to ordinances generally shall pertain. An ordinance or resolution so adopted shall, notwithstanding any other provision of law, take effect immediately upon adoption.

Upon adoption of the ordinance or resolution, the permissible final appropriations of the municipality, or permissible county tax levy of the county, shall be calculated for the year as provided in section 3 or 4 of P. L. 1976, c. 68 (C. 40A:4-45.3 or 40A:4-45.4), except that the percentage rate so adopted shall be used. The final appropriations or county tax levy so calculated shall be used in the immediately following year for the purposes of section 2 of P. L. 1976, c. 68 (C. 40A:4-45.2).

A copy of any ordinance or resolution introduced pursuant to this section shall be filed with the Director of the Division of Local

Government Services within five days of introduction, and a copy of the ordinance or resolution adopted shall be filed with the director within five days of adoption.

In any year for which an ordinance is adopted by a municipality pursuant to this section, no referendum shall be held in that municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3i).

No municipality adopting an ordinance pursuant to this section shall, in the year for which that ordinance is adopted, be entitled to the exception authorized pursuant to subsection m. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3).

No county adopting an ordinance or resolution, as appropriate, pursuant to this section shall, in the year for which that ordinance or resolution is adopted, be entitled to the exception authorized pursuant to subsection h. of section 4 of P. L. 1976, c. 68 (C. 40A:4–45.4).

C. 40A:4-45.15 2-year exception.

8. (New section) Notwithstanding any provisions of P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.) to the contrary, a municipality or county, which, in any year subsequent to 1982 for which the index rate is greater than 5%, increases its final appropriations or county tax levy in an amount less than that permitted under the 5% percentage rate, shall be permitted to appropriate the difference between the amount of its actual final appropriations or county tax levy and the amount of its permitted final appropriations or county tax levy under the 5% percentage rate, as an exception to its final appropriations or county tax levy in either of the next two succeeding years. In the year immediately following the year in which the amount of difference is so appropriated, the amount of difference shall be added to the final appropriations or county tax levy of the preceding year for the purposes of section 2 of P. L. 1976, c. 68 (C. 40A:4–45.2).

C. 40A:4-45.16 Referendum.

9. (New section) In any public referendum conducted by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3i.), the public question to be submitted to the voters at the referendum election shall state only the amount by which the final appropriations of the municipality shall be increased by more than the permissible level over the previous year's final appropriations if the question is approved by the voters, and the percentage rate of increase which that amount represents over the permissible

rate. There shall be set forth in an accompanying explanatory statement a list of the appropriations line items to which the increased amount shall apply and such other relevant information as the governing body may wish to include therein.

A resolution adopted by a municipality to authorize the conduct of such a referendum shall set forth, in addition to the above, the amount to be appropriated for each applicable appropriations item: a. if the referendum question is approved by the voters; and b. if the referendum question is disapproved by the voters.

C. 40A:4-45.17 Local Expenditure Limitations Advisory Commission.

10. (New section) a. There is established a commission to be known as the Local Expenditure Limitations Advisory Commission. The commission shall consist of 10 members, three of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, three of whom shall be appointed by the Speaker of the General Assembly, and one of whom shall be the Director of the Division of Local Government Services, who shall serve ex officio. Each member so appointed shall possess expertise in local government, local finance or economic analysis, and no member shall be a nominee for, or hold, an elective office during his period of service on the commission.

b. Members of the commission shall serve for a term of four years. Vacancies in the membership of the commission shall be filled in the same manner as the original appointment, but for the unexpired term. Members of the commission shall serve without compensation, but shall be reimbursed for traveling and other expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the commission.

c. The commission shall select from among its members a chairman and a vice chairman, and shall select a secretary, who need not be a member of the commission.

d. It shall be the duty of the commission to conduct a continuing review of the provisions of P. L. 1976, c. 68 (C. 40A: 4–45.1 et seq.), and to collect and assemble information and data on the effects of that law upon counties, municipalities and property taxpayers of this State. In the course of its review, the commission shall give particular attention: to the role which that law plays in controlling the relative balance between property taxes and other sources of local revenue; to any economic developments, and any executive or legislative or judicial actions, which may affect that relative balance or the efficacy of the law; and to any unforeseen effects of the law on the financial stability or efficiency of local governments.

e. The commission shall report annually, on or before October 1, to the Governor and the Legislature on the above matters, and shall include in that report information and data with respect to at least the following matters:

(1) The utilization by counties and municipalities of the local ordinance option and referendum option provided by the law for the purpose of permitting local governments to exceed the limitations on increases in final appropriations or county tax levies, including data for each instance of utilization, and data on current and cumulative increases in categories of appropriations items taken under each of these options;

(2) A list of instances of services or functions for which eligibility was extended under section 3 of this amendatory and supplementary act, and information and cumulative data on categories of services or functions assumed in various service or function areas, and on transfers of services or functions between types of local public entities;

(3) The utilization by counties and municipalities of the provisions of section 8 of this amendatory and supplementary act; and

(4) A statement of the index rate to apply in the next following local budget year, and any alterations which have occurred in the method of calculation of that index rate since enactment, including any recommendations for legislation to compensate for any effects of those alterations.

f. The commission shall be entitled to call to its assistance such personnel of any State agency, county, municipality or political subdivision as it may require in order to perform its duties under this act. The commission may make use of existing studies, surveys, plans, data and other materials in the possession of any State agency, or 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. The commission may meet and hold hearings at such places and times as it shall designate.

11. Section 7 of P. L. 1976, c. 68 is amended to read as follows:

7. This act shall take effect immediately and be applicable to the tax years beginning in 1977 and shall expire December 31, 1986.

12. This act shall take effect immediately.

Approved January 31, 1983.

CHAPTER 50

AN ACT providing for the inclusion in group and individual health insurance contracts of benefits for expenses incurred in connection with a mastectomy, and supplementing P. L. 1938, c. 366 (C. 17:48–1 et seq.).

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

C. 17:48-6b Chemotherapy benefits.

1. Every subscription certificate and group and individual contract providing hospital service benefits delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, shall provide benefits for reconstructive breast surgery, including but not limited to the cost of prostheses and, under any contract providing outpatient x-ray or radiation therapy, benefits for outpatient chemotherapy following surgical procedures in connection with the treatment of breast cancer shall be included as a part of the outpatient x-ray or radiation therapy benefit. The provisions of this section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium. Such benefits shall be provided to the same extent as for any other sickness under the contract.

2. The Commissioner of Insurance may promulgate such regulations as he deems necessary to effectuate the purposes of this act.

3. This act shall take effect on the ninetieth day following enactment.

Approved February 2, 1983.

CHAPTER 51

AN ACT providing for the inclusion in group and individual health insurance contracts of benefits for expenses incurred in connection with a mastectomy, and supplementing P. L. 1940, c. 74 (C. 17:48A–1 et seq.).

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

C. 17:48A-7b Benefits for breast cancer patients.

1. Every subscription certificate and group and individual contract providing medical service benefits delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, shall provide benefits for reconstructive breast surgery, including but not limited to the costs of prostheses and, under any contract providing out-of-hospital x-ray or radiation therapy, benefits for out-of-hospital chemotherapy following surgical procedures in connection with the treatment of breast cancer shall be included as a part of the out-of-hospital x-ray or radiation therapy benefit. The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium. Such benefits shall be provided to the same extent as for any other sickness under the contract.

2. The Commissioner of Insurance may promulgate such regulations as he deems necessary to effectuate the purposes of this act.

3. This act shall take effect on the ninetieth day following enactment.

Approved February 2, 1983.

CHAPTER 52

AN ACT providing for the inclusion in group health insurance policies of benefits for expenses incurred in connection with a mastectomy, and supplementing chapter 27 of Title 17B of the New Jersey Statutes.

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

C. 17B:27-46.1a Group health policies.

1. Every group health insurance policy providing hospital or medical expense benefits delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of

this act, shall provide benefits for reconstructive breast surgery, including but not limited to the costs of prostheses and, under any policy providing outpatient x-ray or radiation therapy, the costs of outpatient chemotherapy following surgical procedures in connection with the treatment of breast cancer shall be included as a part of the outpatient x-ray or radiation therapy coverage. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium. Such benefits shall be provided to the same extent as for any other sickness under the policy.

2. The Commissioner of Insurance may promulgate such regulations as he deems necessary to effectuate the purposes of this act.

3. This act shall take effect on the ninetieth day following enactment.

Approved February 2, 1983.

CHAPTER 53

AN ACT providing for the inclusion in certain health insurance policies of benefits for expenses incurred in connection with a mastectomy, and supplementing chapter 26 of Title 17B of the New Jersey Statutes.

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

C. 17B:26-2.1a Prostheses, outpatient chemotherapy covered.

1. Every health insurance policy providing hospital or medical expense benefits delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, shall provide benefits for reconstructive breast surgery, including but not limited to the costs of prostheses and, under any policy providing outpatient x-ray or radiation therapy, the costs of outpatient chemotherapy following surgical procedures in connection with the treatment of breast cancer shall be included as a part of the outpatient x-ray or radiation therapy coverage. The provisions of this section shall apply to all policies in which the insurer has

reserved the right to change the premium. Such benefits shall be provided to the same extent as for any other sickness under the policy.

2. The Commissioner of Insurance may promulgate such regulations as he deems necessary to effectuate the purposes of this act.

3. This act shall take effect on the ninetieth day following enactment.

Approved February 2, 1983.

CHAPTER 54

AN ACT concerning condominium properties and amending P. L. 1979, c. 157.

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

1. Section 3 of P. L. 1979, c. 157 (C. 46:8B–12.2) is amended to read as follows:

C. 46:8B-12.2 Contracts limited to 2 years.

3. Any management, employment, service or maintenance contract or contract for the supply of equipment or material which is directly or indirectly made by or on behalf of the association, prior to the unit owners having elected at least 75% of the members of the governing board or other form of administration of the association, shall not be entered into for a period in excess of two years. Any such contract or lease may not be renewed or extended for periods in excess of two years and at the end of any two-year period, the association may terminate any further renewals or extensions thereof.

Notwithstanding the above, any management contract or agreement entered into after the effective date of this amendatory act shall terminate 90 days after the first meeting of a governing board or other form of administration in which the unit owners constitute a majority of the members, unless the board or other form of administration ratifies the contract or agreement.

2. This act shall take effect immediately.

Approved February 4, 1983.

CHAPTER 55

AN ACT concerning the appointment of special policemen and their powers and duties in certain cases, and amending N. J. S. 40A:14–146.

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

1. N. J. S. 40A:14–146 is amended to read as follows:

Appointment of special policemen.

40A:14–146. The governing body of any municipality, whenever they shall deem it necessary, may appoint special policemen for terms not exceeding 1 year and revoke such appointments without cause or hearing. They shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. They may be furnished with badges upon the deposit of sums to be fixed by the governing body, which may be refunded on the return of the badges. A fee to be fixed by the governing body may be charged for issuing to any such special policeman a certificate of appointment.

No person shall be appointed as a special policeman unless he:

(1) Is a citizen of the United States;

(2) Is able to read, write and speak the English language well and intelligently and possesses a high school diploma or its equivalent, or has at least three years' experience as a special policeman, or has at least three years' combined experience as a special policeman and violations officer;

(3) Is sound in body and mind and of good health;

(4) Is of good moral character; and

(5) Has not been convicted of any criminal offense involving moral turpitude.

No person who is appointed a special policeman under this section shall be permitted to carry a firearm unless he or she is capable of obtaining a passing grade in a course of study on firearms, powers of arrest, and criminal law and procedure, given by the appointing authority under the supervision and control of the local police department.

Any person who at any time prior to his appointment had served as a duly qualified, fully trained, full-time police officer in any municipality of this State shall be eligible to serve as a special policeman pursuant to this act.

No such special policeman shall carry a revolver or other similar weapon when off duty; provided, however, that if any such special policeman appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special policeman at least 35 hours per week, or less at the discretion of the director of the municipal police force and mayor, shall, at the direction of the director of the municipal police force, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B–66 et seq.) and has successfully completed within 3 years of the effective date of this act all other training courses required of the permanent police officers in that municipality, said special policeman shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where he is employed. Specific authorization shall be in the form of a permit, which is subject to renewal annually and may be revoked at any time by the director. The permit shall be on the person of the special policeman whenever a revolver or other similar weapon is carried off duty. No such permit shall be issued until the special police officer has successfully completed all training courses required under this section.

Every such special policeman shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the chief of police of the municipality wherein he is appointed and shall perform his duties only in such municipality unless in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular policemen of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility, character, integrity, psychological fitness and qualifications of the applicant for the position and make a report thereon to the governing body.

2. This act shall take effect immediately.

Approved February 4, 1983.

CHAPTER 56

AN ACT concerning special motor vehicle registration plates for former prisoners of war, amending P. L. 1981, c. 236 and repealing section 3 thereof.

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

1. Section 1 of P. L. 1981, c. 236 (C. 39:3–27.24) is amended to read as follows:

C. 39:3-27.24 P.O.W. plates.

1. Upon the application of any person who served in the armed forces of the United States and who was held as a prisoner of war by an enemy of the United States during any armed conflict, as certified by the Division of Veterans' Programs and Special Services, State Department of Human Services, the Director of the Division of Motor Vehicles shall issue for the motor vehicle owned by such person special plates bearing the letters "P.O.W.," in addition to the registration number and other markings or identification otherwise prescribed by law. There shall be no cost to the applicant for these special plates. The applicant is required to pay the fees otherwise prescribed by law for the registration of motor vehicles.

Repealer.

2. Section 3 of P. L. 1981, c. 236 (C. 39:3–27.26) is repealed.

3. This act shall take effect immediately.

Approved February 4, 1983.

CHAPTER 57

AN ACT providing immunity from liability to respond in damages to persons who provide certain services in response to certain emergencies 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:62A-5 Civil immunity.

1. Notwithstanding any provisions of law to the contrary, no person who provides assistance, free of charge except for reimbursement of expenses, upon request of any police agency, fire company, first aid, rescue or emergency squad or other agency or unit of government in the event of an accident or other emergency situation involving the use, handling, transportation, transmission or storage of liquefied petroleum gas or liquefied natural gas shall be liable in any civil action for damages as a result of his acts of commission or omission arising out of and in the course of his rendering assistance in good faith. Nothing herein shall be deemed to grant immunity to any person causing such accidents or emergency situations or any damage resulting therefrom in the course of his business activities or to persons who by a willful, wanton or grossly negligent act of commission or omission cause damage in responding to such accidents and emergency situations.

As used in this act, "person" means an individual, firm or corporation with knowledge and training in the storage, handling, transportation, operation and utilization of liquefied petroleum gas or liquefied natural gas.

2. This act shall take effect immediately.

Approved February 7, 1983.

CHAPTER 58

AN ACT prohibiting the manufacture, sale or possession of certain bullet cartridges and amending N. J. S. 2C:39–3 and N. J. S. 2C:39–9.

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

1. N. J. S. 2C:39–3 is amended to read as follows:

Prohibited weapons and devices.

2C:39–3. Prohibited Weapons and Devices. a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to 2C:39–6f., who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, Section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, by any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders, or to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from

whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

(3) Nothing in paragraph (2) of subsection f. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

2. N. J. S. 2C:39–9 is amended to read as follows:

Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.

2C:39–9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon, including gravity knives, switchblade knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings, or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of N. J. S. 2C:39–5d., which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm, is guilty of a crime of the fourth degree.

f. (1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any bullet, which is primarily designed for use in a handgun, and which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and is therefore capable of breaching or penetrating body armor and which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in N. J. S. 2C:39–3 f. (2) from transporting the bullets defined in paragraph (1) of

this subsection from (a) any licensed retail or wholesale firearms dealer's place of business to the collector's dwelling, premises, or other land owned or possessed by him, or (b) to or from the collector's dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or (c) to or from the collector's dwelling, premises or other land owned or possessed by him to any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice; provided that the club has filed a copy of its charter with the superintendent of the State Police and annually submits a list of its members to the superintendent, and provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gunbox, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

3. This act shall take effect immediately.

Approved February 7, 1983.

CHAPTER 59

AN ACT to amend "An act concerning motor vehicles, amending, supplementing and repealing parts of Title 39 of the Revised Statutes and supplements thereto," approved July 4, 1964 (P. L. 1964, c. 136).

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

1. Section 7 of P. L. 1964, c. 136 (C. 39.3–61.1) is amended to read as follows:

C. 39:3-61.1 Mounting of lamps, reflectors.

7. Lamps and reflectors required by section 39:3–61 shall be mounted on a vehicle as follows:

(a) Every lamp and every reflector shall be permanently and securely mounted in a workmanlike manner on a permanent part of the vehicle.

(b) When two lamps or two reflectors of the same type are required on the front or on the rear of a vehicle, they shall be mounted at the same level and spaced as widely laterally as practicable.

(c) The mounted height of a lamp or reflector shall be measured from the center thereof to the level surface upon which the vehicle stands.

(d) Headlamps shall be so mounted that their beams are readily adjustable, both vertically and horizontally, and their aim is not readily disturbed by ordinary conditions of service.

(e) The mounted height of tail lamps shall be not more than 72 inches nor less than 15 inches; eye-level tail lamps may be mounted outside the passenger vehicle; provided their height does not exceed 72 inches. Rear lamps may be mounted higher than 72 inches on any vehicle designed for carrying flammable liquids as a cargo.

(f) Clearance lamps shall be mounted to indicate the extreme width and height of the vehicle so far as is practicable, except that on a truck tractor, they shall be mounted to indicate the extreme width of the cab. On flatbed vehicles and vehicles designed for carrying flammable liquids, rear clearance lamps may be located on the chassis, and front clearance lamps may be located on the cab of trucks or truck tractors or the vehicle's chassis, provided the lamps are clearly visible from a distance of 500 feet in the direction set forth therefor.

(g) Side-marker lamps may be mounted at optional height on the side of a vehicle.

(h) Turn signals required on the rear of a truck tractor not equipped with double-faced turn signals on or near the front shall be mounted on the rear in a manner to be visible to passing drivers.

(i) Identification lamps shall be mounted on the front and rear of the vehicle as close as practicable to the vertical center line of the vehicle, and shall be grouped in a horizontal row, with lamp centers spaced not less than 6 nor more than 12 inches apart; provided, however, that where the cab is not more than 42 inches wide at the front roof line, a single identification lamp at the center line of the cab shall be deemed to comply with the requirements for front identification lamps. No part of front identification lamps or their mountings may extend below the top of the vehicle windshield. Rear identification lamps on a truck, trailer, or semi-trailer need not be lighted if they are obscured by another vehicle towed by the truck or in the same combination of vehicles.

(j) The mounted height of reflectors shall be not less than 20 inches nor more than 60 inches. Every reflector shall be so installed in a workmanlike manner as to perform its function adequately, and to provide maximum stability and minimum likelihood of damage. Any reflector otherwise properly mounted may be securely installed on flexible strapping or belting; provided that under conditions of normal operation it reflects light in the required direction.

(k) The director in his discretion may prescribe additional requirements for mounting lamps or reflectors on vehicles, provided they are not inconsistent with the provisions of this article.

2. This act shall take effect immediately.

Approved February 7, 1983.

CHAPTER 60

AN ACT to amend the "State Lottery Law," approved February 16, 1970 (P. L. 1970, c. 13).

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

1. Section 5 of P. L. 1970, c. 13 (C. 5:9–5) is amended to read as follows:

C. 5:9-5 Commission members.

5. The commission shall consist of the State Treasurer and six public members, all of whom shall be citizens and residents of this State and all of whom shall be appointed by the Governor by and with the advice and consent of the Senate. No more than three of the six public members shall be members of the same political party. The public members shall be appointed for terms of five years, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, commencing as of the date of their appointment by the Governor. The term of each of the members first appointed shall be designated by the Governor. The term of the additional public member appointed pursuant to this 1983 amendatory act shall be five years. The members shall annually elect one of the public members as chairman of the commission

and shall also annually elect one of the public members as vice chairman of the commission.

Any vacancy in the commission occurring for any reason other than the expiration of term shall be filled for the unexpired term in the same manner as the original appointment.

Any public member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard at a public hearing.

The public members of the commission shall receive no salaries but shall be allowed reasonable expenses incurred in the performance of their official duties in an amount not exceeding $5,000.00 per annum in the case of the chairman, and $3,500.00 in the case of each of the other commissioners.

The State Treasurer may designate an officer or employee of his department to represent him at meetings of the commission, who may lawfully vote and otherwise act on behalf of the Treasurer. Any designation shall be in writing, delivered to the commission and filed with the Secretary of State and shall continue in effect, unless by its terms it is made for a fixed period, until revoked or amended in the same manner as provided for the designation.

2. Section 8 of P. L. 1970, c. 13 (C. 5:9-8) is amended to read as follows:

C. 5:9-8 Powers and duties.

8. The director shall have the power, and it shall be his duty to:

a. Supervise and administer the operation of the lottery in accordance with the provisions of this act and with the rules and regulations of the commission.

b. Subject to the approval of the commission, appoint such deputy directors as may be required to carry out the functions and duties of the division, which deputy directors shall be in the unclassified service of the civil service.

c. Subject to the approval of the commission and Title 11 of the Revised Statutes, Civil Service, appoint such professional, technical and clerical assistants and employees as may be necessary to perform the duties imposed upon the division by this act.

d. Act as secretary and executive officer of the commission.

e. In accordance with the provisions of this act and the rules and regulations of the commission, to license as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such

amount as provided in the rules and regulations of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission.

f. Shall confer regularly as necessary or desirable and not less than once every month with the commission on the operation and administration of the lottery; shall make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the division; shall advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

g. Suspend or revoke any license issued pursuant to this act or the rules and regulations promulgated thereunder.

h. Subject to the approval of the commission and the applicable laws relating to public contracts, to act on behalf of the commission as using agency with respect to purchases made by the Division of Purchase and Property of goods and services required in the operation of the lottery.

i. To certify monthly to the State Treasurer and the commission a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.

3. Section 9 of P. L. 1970, c. 13 (C. 5:9–9) is amended to read as follows:

C. 5:9-9 Gubernatorial veto power.

9. No action of the commission shall be binding unless taken at a meeting at which at least four of the seven members are present and shall vote in favor thereof. The minutes of every meeting of the commission, including any rules and regulations promulgated by the commission or any amendments, revisions, supplements or repeal thereof, shall be forthwith transmitted, by and under the certification of the secretary thereof, to the Governor at the Executive Chamber, State House, Trenton. The Governor shall, within 10 days after said minutes shall have been so delivered, cause the same to be returned to the commission, either with or without his veto of any action therein recited as having been taken by the commission. If the Governor shall not return the minutes within said 10 days, any action recited therein shall have force and effect according to the wording thereof.

4. This act shall take effect immediately.

Approved February 7, 1983.

CHAPTER 61

AN ACT establishing a Council on Armed Forces and Veterans Affairs in the Department of Commerce and Economic Development, providing for appointment of its members and prescribing the powers, functions and duties of the council and repealing P. L. 1977, c. 257 (C. 34:1A–57 et seq.).

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

C. 52:27H-45 Findings.

1. The Legislature finds that:

a. The existing military and naval installations in the State make a major contribution to the total defense posture of the nation.

b. The continued operation of these installations is highly desirable because of the available employment opportunities which they provide, as well as for other economic benefits accruing to the areas in which these facilities are located.

c. There has been an alarming tendency in recent years to close many military and naval installations located in this State, and to transfer major units from this State to other states.

d. The Permanent Council on Armed Forces Liaison was established in the Department of Labor and Industry in 1977 and the Department of Commerce and Economic Development has been established under P. L. 1981, c. 122 (C. 52:27H–1 et al.), devoted exclusively to monitoring the interests and concerns of business and industry.

The Legislature determines that the functions exercised previously by the Permanent Council would be better carried out in the Department of Commerce and Economic Development and that council shall be replaced by a new council.

C. 52:27H-46 Replacement council established.

2. A council to be known as the "Council on Armed Forces and Veterans' Affairs" is established in the Department of Commerce and Economic Development. The council shall consist of nine members, two to be appointed by the President of the Senate from the members thereof, no more than one of whom shall be from the same political party, two to be appointed by the Speaker of the General Assembly from the members thereof, no more than one

b. At its organization meeting the board shall annually elect a chairman, vice-chairman, a secretary and a treasurer, who shall hold office until February 1 next ensuing, and until their respective successors have been elected and qualify. The treasurer may be an ex officio member of the board. The treasurer shall file a bond of indemnity with the board in an amount sufficient to cover the moneys from time to time under his custody and control. Such moneys shall be deposited to the account of the hospital in a separate bank account or accounts.

c. The board or its members shall incur no expense or obligation in excess of the amount appropriated by the governing body for expenditure by them and of hospital funds subject to their disposition. Moneys borrowed under subsection f. for the purposes of the board under subsection e. shall be deemed hospital funds for the purposes of this subsection.

d. The governing body may remove a member for cause after public hearing, which removal shall be in accordance with the civil service and tenure of office laws in municipalities operating under such laws. Such removal shall be reviewable in the Superior Court by a proceeding in lieu of prerogative writ.

e. The board shall have the following powers:

(1) To exercise full and exclusive control over the hospital or hospitals owned by the municipality, but subject to State health and licensing laws;

(2) To have a common seal and to alter the same in its discretion;

(3) To sue and be sued as a public body, politic and corporate;

(4) To enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the hospital, or to carry out any powers expressly granted in this section;

(5) To do and perform any acts and things authorized by this act, through or by means of its own officers, agents and employees, or by contracts with any persons;

(6) To make and enforce bylaws or rules and regulations for the business and affairs of the hospital and for the use, maintenance and operation of the hospital;

(7) To fix the salaries of all employees and to create and establish such positions as may be necessary for the efficient operation of the hospital, and except as otherwise provided by section 30:9–13 of this Title and applicable law. All salaries shall be fixed

as nearly as practicable in accordance with the schedule, if any, of the municipality for corresponding positions. Receipts and revenues of the hospital shall be retained and applied by the board for the purposes of the hospital. Prior to November 15 of each year, the board shall certify to the governing body any additional sums that may be necessary for the proper conduct of its work during the ensuing fiscal year, which shall include the following items:

(a) Payment of wages and salaries of employees;

(b) Purchase of materials and supplies;

(c) Purchase of necessary equipment and services.

f. The governing body shall annually appropriate such sums as it may deem necessary for said purposes within the amounts available therefor in accordance with applicable law. The board shall have the power to borrow money for any of its purposes.

g. (1) Notwithstanding anything to the contrary in any of the statutes or any provisions thereof, whenever the Commissioner of the Department of Health makes a determination pursuant to subsection a. (6) of section 5 of P. L. 1977, c. 289 (C. 30:9–12.33), the Governor shall reconstitute the board of managers of the hospital by the appointment, with the advice and consent of the Senate; provided, however, that if no action has been taken within 45 days after the nominations for appointment have been submitted to the Senate, the nominations shall be deemed confirmed, of a board consisting of not less than five or more than nine members, who shall receive reasonable compensation, as set by the Governor, and reimbursement of their expenses and who shall be appointed for terms not to exceed five years. The appointments of the reconstituted board shall be effective as of July 1, 1981. The existing board members shall continue to serve until the reconstituted board is appointed.

(2) The reconstituted board shall have all the powers enumerated in subsection e. of this section and shall have power to appoint, retain and employ attorneys, with the approval of the Governor and the Attorney General.

(3) Notwithstanding the provisions of Title 11 (Civil Service) or any other Title of the Revised Statutes, the board may appoint, remove, promote and transfer employees in the following positions, which shall be in the unclassified service: executive director, associate executive director, assistant executive director.

(4) In addition, the board shall be responsible for conducting a study of the management, finances and governance structure of

the hospital and of the most feasible means of restoring the hospital to an efficient and financially solvent operation. The recommendations of the reconstituted board concerning the future governance of the hospital and the borrowing of money, sale of property and investment of assets for the current or future management and operation of the hospital, including the reestablishment of the original board of managers, if the hospital no longer meets the condition described in subsection a. (6) of section 5 of P. L. 1977, c. 289 (C. 30:9–12.33), shall be submitted to the governing body and the Governor. The governing body shall take all necessary and proper action to effectuate such recommendations.

(5) Prior to November 15 of each year, the board shall certify to the governing body any additional sums that may be necessary for the proper conduct of its work during the ensuing fiscal year. The governing body shall appropriate such sums as the board has certified to be necessary within the amounts available in accordance with applicable law.

(6) Upon the appointment of the reconstituted board, no action or proceeding in the nature of an attachment, garnishment or execution shall be commenced or maintained in the courts of this State against the hospital or its assets for a period of one year from the date of appointment of the board by the Governor.

2. This act shall take effect immediately.

Approved February 8, 1983.

CHAPTER 63

AN ACT concerning annual school elections and supplementing Title 18A of the New Jersey Statutes.

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

1. Notwithstanding the provision of any law to the contrary, for the 1982-1983 school year, the annual school election shall be held on April 12, 1983.

2. The Commissioner of Education is authorized to make any necessary adjustments to the school budget and election calendar affected by section 1 of this act.

C. 18A:14-2.1 Future adjustments.

3. In any school year after the 1982-83 school year the Commissioner of Education shall make any adjustments to the school budget and election calendar which may be necessary to change the annual school election date provided pursuant to law, if that date coincides with a period of religious observance. The commissioner shall inform local school boards of these adjustments no later than the first working day in January of the year in which the adjustments are to occur.

4. This act shall take effect immediately.

Approved February 9, 1983.

CHAPTER 64

AN ACT to amend the "Safe and Clean Neighborhoods Act of 1979," approved June 28, 1979 (P. L. 1979, c. 118).

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

1. Section 3 of P. L. 1979, c. 118 (C. 52:27D–118.3) is amended to read as follows:

C. 52:27D-118.3 Additional police, firemen.

3. The funds appropriated pursuant to this act shall be apportioned among the qualifying municipalities for the purpose of enabling such municipalities to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods, by providing for additional policemen regularly assigned uniformed patrol duties, additional firemen, their related expenses, supervisors and other neighborhood improvements, in the following manner:

a. In order to receive aid under this act, each qualifying municipality shall apply to the director for matching funds equal in value to $1.00 for each dollar appropriated for an approved municipal program designed to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods;

b. Each qualifying municipality shall be limited in applying for matching funds equal in value to such amount as the qualifying municipality was entitled to receive pursuant to the provisions of

P. L. 1978, c. 56, as certified by the Director of the Division of Local Government Services;

c. A qualifying municipality that did not receive State aid pursuant to P. L. 1978, c. 56, and that is eligible for such aid is entitled to participate in this act in an amount not to exceed an amount equal to that which the qualifying municipality would have received pursuant to P. L. 1973, c. 46, as supplemented, if it had been eligible at that time, as certified by the Director of the Division of Local Government Services;

d. If additional funds are appropriated, a qualifying municipality may apply to the director for an increase in matching funds equal in value to a sum in proportion to that received pursuant to the provisions of subsection b. of this section;

e. If funds remain unapportioned, as certified by the director, after a qualifying municipality has had an opportunity to apply, there shall be established a discretionary fund, and participating municipalities may make application for such funds as still remain unapportioned, as determined by the director;

f. The number of policemen employed in 1982 with funds appropriated pursuant to this act shall not be reduced in any subsequent year in order to employ additional firemen pursuant to this amendatory act.

2. This act shall take effect immediately.

Approved February 9, 1983.

CHAPTER 65

AN ACT to revise and reform the law with respect to automobile insurance and the administration of the law with respect to property and casualty insurance, amending P. L. 1944, c. 27, P. L. 1968, c. 385, and supplementing Title 17 of the Revised Statutes.

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

C. 17:29A-33 Short title, ss. 1-12.

1. Sections 1 to 12 of this act shall be known and may be cited as the "New Jersey Automobile Insurance Reform Act of 1982."

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

2. (New section) It is the intent and purpose of this act:

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

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

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

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

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

f. To provide a modified prior approval system for private passenger automobile insurance rates as set forth in this act.

g. To establish a time guideline to assist in speeding the rate review process for all property and casualty lines, including automobile insurance, and to provide that a filing shall be deemed approved unless disapproved by the commissioner within the specified time.

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

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

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

3. Section 1 of P. L. 1944, c. 27 (C. 17:29A–1) is amended to read as follows:

C. 17:29A-1 Reform act definitions.

1. As used in this act,

(a) "Rate" means the unit charge by which the measure of exposure or the amount of insurance specified in a policy of insurance or covered thereunder is multiplied to determine the premium.

(b) "Premium" means the consideration paid or to be paid to an insurer for the issuance and delivery of any binder or policy of insurance.

(c) "Rate-making" means the examination and analysis of every factor and influence related to and bearing upon the hazard and risk made the subject of insurance; the collection and collation of such factors and influences into rating-systems; and the application of such rating-systems to individual risks.

(d) "Rating-system" means every schedule, class, classification, rule, guide, standard, manual, table, rating plan, or compilation, by whatever name described, containing the rates used by any rating organization or by any insurer, or used by any insurer or by any rating organization in determining or ascertaining a rate.

(e) "Policy of insurance," without otherwise limiting its meaning, shall include guaranty and surety bonds.

(f) "Rating organization" means every person or persons, corporation, partnership, company, society, or association engaged in the business of rate-making for two or more insurers.

(g) "Insurer" means any person or persons, corporation, association, partnership or company authorized by the laws of this State to transact the business of insurance in this State.

(h) "Commissioner" means the Commissioner of Insurance of New Jersey.

(i) "Risk," as the context may require, means, (1) as to fire insurance or any other kind of insurance which, by law, may be embraced in a policy of fire insurance, as part thereof or as supplemental thereto, any property, real or personal, described in a policy, exposed to any hazard or peril named in such policy; and (2) as to all other kinds of insurance not specifically included in subsection (i) (1) of this section, the hazard or peril named in a policy of insurance.

(j) "Filer" means a rating organization or any insurer making its own rates.

(k) "Commission" means the commission paid by the insurer to the producer or, for those insurers whose sales compensation, as

reported on the insurer's expense exhibits, is not classified as a commission, such compensation shall be treated as a commission.

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

C. 17:29A-14 Filing of alterations, supplements, amendments.

14. a. With regard to all property and casualty lines, a filer may, from time to time, alter, supplement, or amend its rates, rating-systems, or any part thereof, by filing with the commissioner copies of such alterations, supplements, or amendments, together with a statement of the reason or reasons for such alteration, supplement, or amendment, in a manner and with such information as may be required by the commissioner. If such alteration, supplement or amendment shall have the effect of increasing or decreasing rates, the commissioner shall determine whether the rates as altered thereby are reasonable, adequate, and not unfairly discriminatory. If the commissioner shall determine that the rates as so altered are not unreasonably high, or inadequate, or unfairly discriminatory, he shall make an order approving them. If he shall find that the rates as altered are unreasonable, inadequate, or unfairly discriminatory, he shall issue an order disapproving such alteration, supplement or amendment. With regard to private passenger automobile insurance, in addition to or concurrently with the procedure prescribed for all other property and casualty lines, a filer may, from time to time, alter, supplement or amend its rates, rating systems or any part thereof by making an informational filing with the commissioner of alterations, supplements or amendments, together with a statement of the reason or reasons therefor, including but not limited to the claim and expense experience of the individual filer, in accordance with the provisions of subsection c. of this section.

b. If an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may, or upon the request of the filer or the Public Advocate shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself or by the Office of Administrative Law, created by P. L. 1978, c. 67 (C. 52:14F–1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held. The hearing

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

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

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

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

c. (1) With regard to private passenger automobile insurance, the commissioner shall annually promulgate, on or before February 1, separately for each coverage, a maximum annualized percentage change in rate level which a filer may implement, in whole or in part, in a single or multiple filings, in connection with the informational filing procedure of subsection a. of this section. The maximum annualized percentage change in rate level shall be based on rates promulgated by the rating bureau which files rates for the greatest number of insurers in the voluntary private passenger automobile insurance market in the State, exclusive of the residual market equalization charge, as defined in subsection o. of section 15 of the "New Jersey Automobile Full Insurance Availability Act" (P. L. 1983, c. 65; C. 17:30E–3).

(2) The maximum annualized percentage change which a filer may implement pursuant to subsection a. of this section shall be equal to the arithmetic average of the full annualized percentage changes implemented during the preceding three calendar years in which a rate increase was implemented by the rating bureau which

files rates for the greatest number of insurers in the voluntary private passenger automobile insurance market in the State. For purposes of this paragraph, the full annualized rate level percentage change implemented in any one calendar year shall be equal to the sum of all full annualized rate level percentage changes implemented during the same calendar year.

(3) Rates filed under this subsection should take effect on the date of the informational filing with the commissioner.

5. Section 2 of P. L. 1968, c. 385 (C. 17:28–1.1) is amended to read as follows:

C. 17:28-1.1 Uninsured, underinsured motorist coverage.

2. a. No automobile liability policy or renewal of such policy of insurance, insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be issued in this State with respect to any motor vehicle registered or principally garaged in this State unless it includes coverage, in limits for bodily injury or death as follows:

(1) an amount or limit of $15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and

(2) an amount or limit, subject to such limit for any one person so injured or killed, of $30,000.00, exclusive of interest and costs, on account of injury to or death of more than one person, in any one accident,

under provisions approved by the Commissioner of Insurance, for payment of all or part of the sums which the insured or his legal representative shall be legally entitled to recover as damages from the operator or owner of an uninsured automobile, or hit and run automobile as defined in section 18 of chapter 174 of the laws of 1952 (C. 39:6–78), because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, maintenance or use of such uninsured or hit and run automobile anywhere within the United States or Canada. All such automobile liability policies shall also include coverage for the payment of all or part of the sums which persons insured thereunder shall be legally entitled to recover as damages from owners or operators of uninsured automobiles, other than hit and run automobiles, because of injury to or destruction to the personal property of such insured, with a limit in the aggregate for all insureds involved

in any one accident of $5,000.00, and subject, for each insured, to an exclusion of the first $100.00 of such damages.

b. Uninsured and underinsured motorist coverage in excess of that provided for in subsection a. of this section shall be provided as an option by an insurer to the named insured up to at least the following limits: $250,000.00 each person and $500,000.00 each accident for bodily injury; $100,000.00 each accident for property damage or $500,000.00 single limit, subject to an exclusion of the first $100.00 of such damage to property for each accident, except that the limits for uninsured and underinsured motorist coverage shall not exceed the insured's automobile liability policy limits for bodily injury and property damage, respectively.

Rates for uninsured and underinsured motorist coverage for the same limits shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

For the purpose of this section, "underinsured motorist coverage" means insurance for damages because of bodily injury and property damage resulting from an accident arising out of the ownership, maintenance or use of an underinsured automobile. An automobile is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits of liability afforded under the automobile insurance policy held by the person seeking such recovery.

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

6. a. (New section) A merit rating accident surcharge system for private passenger automobiles may be used both in the voluntary market and by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P. L. 1983, c. 65 (C. 17:30E-4). No surcharges for damage to any property shall be imposed on or after the operative date of this act, unless there is an accident within a three year period immediately preceding the effective date of coverage which results in payment by the insurer of at least a $300.00 property damage liability claim or any payment by the insurer of a bodily injury claim arising out of a collision of a private passenger automobile with a pedestrian. All moneys collected under this subsection shall be retained by the insurer assessing the surcharge. Accident surcharges shall be

imposed for a three year period and shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

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

(1) (a) Plan surcharges shall be levied by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three year period, beginning on or after the effective date of this act, six or more motor vehicle points as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions pursuant to R. S. 39:4–50; except that the allowance for a reduction of points in Title 39 of the Revised Statutes shall not apply for the purpose of determining surcharges under this paragraph. Surcharges shall be levied for each year in which the driver possesses six or more points. Surcharges assessed pursuant to this paragraph shall be not less than $100.00 for six points, and not less than $25.00 for each additional point. The commissioner may increase the amount of surcharges as he deems necessary.

(b) For a three year period following the effective date of this act, any driver who has accumulated on or after that date three or more motor vehicle points, other than for a conviction pursuant to R. S. 39:4–50, shall be annually subject to a surcharge in the amount of $55.00 for the first three points and $15.00 for each additional point up to six. For six or more points, the surcharges provided in paragraph (1) (a) shall apply. The allowance for a reduction of points as provided in Title 39 of the Revised Statutes shall not apply for the purpose of determining surcharges under this paragraph. The provisions of this paragraph shall expire three years following the effective date of this act.

(2) Plan surcharges shall be levied for convictions under R. S. 39:4–50 for a violation occurring on or after the effective date of this act. Surcharges levied under this paragraph shall be for a three year period, and shall be not less than $1,000.00 for each of the first two convictions, and not less than $1,500.00 for the third conviction occurring within a three year period. The commissioner may increase the amount of surcharges as he deems necessary.

If, upon receipt of written notification by certified mail, return receipt requested, from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the

Division of Motor Vehicles; except that upon satisfactory showing of indigency, the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed six months.

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

c. Any motor vehicle conviction points accumulated within a three year period prior to the operative date of this act by a driver insured under the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1), shall be carried over into the New Jersey Automobile Full Insurance Underwriting Association, if such driver is insured by the association, and shall be used to determine any surcharges for motor vehicle convictions to which the driver may be subject pursuant to subsection b. of this section. Surcharges shall be levied in accordance with subsection b., except that the New Jersey Automobile Full Insurance Underwriting Association shall bill and collect the surcharges. Of the moneys collected, the association shall retain 80% and 20% shall be remitted to the Division of Motor Vehicles and turned over to the State Treasury for deposit in a special account for use as provided in subsection b. Moneys shall be appropriated annually to the special account.

The provisions of this subsection shall expire three years from the operative date of this act.

d. The dollar amount of all motor vehicle conviction surcharges shall be at least equivalent to the differential between the rates charged to insureds as promulgated by the rating bureau which files rates for the greatest number of insurers in the voluntary private passenger automobile insurance market in this State and the Supplement I rates in use as of December 31, 1982 by the

automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1), and the amount collectible under the motor vehicle conviction surcharge system in use by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1 et seq.) prior to the implementation of this act.

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

C. 17:29A-36 Automobile insurance rates.

7. (New section) Any filing made for the purpose of automobile insurance rate making shall indicate the actual rate needs of the filer; provided, however, that (a) each filer's rate classification definitions, as used by that filer, shall be uniform Statewide; (b) the automobile insurance rate charged an insured shall not exceed two and one-half times the filer's territorial base rate for each coverage, exclusive of driving record surcharges and discounts; and (c) the automobile insurance rate for the base class in any territory for any filer shall not exceed 1.35 times the filer's Statewide average base rate for each coverage, exclusive of driving record surcharges and discounts. The automobile insurance rate of an automobile whose principal operator is 65 years of age or older shall not exceed one and one-quarter times the Statewide average rate for principal operators 65 years of age or older for each coverage, exclusive of driving record surcharges and discounts; provided, however, that no filer shall increase rates for principal operators 65 years of age or older as a result of the implementation of this section unless more than 50% of its insureds are principal operators 65 years of age or older.

As used in this section, base rate means the automobile insurance rate charged for an automobile that is not used in business and not used in going to and from work, except for the going to and from work distance included in the pleasure use classification of the filer, and where there is no youthful operator, as defined in the filer's classification system. The base rate class shall not include automobiles to which discounts apply under the filer's classification system, including, but not limited to, farmers' and senior citizens' automobiles.

The provisions of this section shall be implemented after the implementation of the provisions of subsection a. of section 8 of this act.

C. 17:29A-37 Flat, uniform fee basis.

8. (New section) a. Every filer making automobile rates in this State shall apply on a flat and uniform fee basis per insured automobile Statewide those miscellaneous taxes, licenses, and fees, as defined in the most recent rate filing of an automobile filer, and at least 90% of its general expenses and acquisition, field supervision, and collection expenses, excluding commissions, as such expenses are defined in the filer's most recent rate filing with the commissioner.

b. The commissioner and the State Treasurer shall issue a regulation no later than 90 days after the effective date of this act to require automobile filers to calculate and collect taxes for their insureds paid pursuant to P. L. 1945, c. 132 (C. 54:18A–1 et seq.) and any assessments to be made pursuant to sections 4, 6 and 7 of P. L. 1952, c. 174 (C. 39:6–64, 39:6–66 and 39:6–67), exclusive of assessments made to reimburse a filer for medical benefits payable under section 4 of P. L. 1972, c. 70 (C. 39:6A–4) in excess of $75,000.00, on a flat and uniform fee basis per insured automobile Statewide, which shall take effect on January 1, 1984.

C. 17:29A-38 Reduction for older operators.

9. (New section) Within 60 days following the effective date of this act, every filer shall reduce by at least 5% the rates of all principal operators 65 years of age or older from the rates in effect as of the effective date of this act. On or before the effective date of this reduction, every filer shall make an informational filing with the commissioner reflecting the change.

C. 17:29A-39 Deductibles.

10. (New section) The commissioner shall promulgate rules and regulations requiring insurers to offer a range of deductibles up to at least $1,000.00 for private passenger automobile collision and comprehensive coverages.

C. 17:29A-40 No commission.

11. (New section) No producer commission shall be paid on the additional premium generated by an inexperienced operator classification.

C. 17:29A-41 Joint committee.

12. (New section) The Banking and Insurance Committee of the General Assembly, and the Labor, Industry and Professions Committee of the Senate, or their respective successors, are constituted as a joint committee for the purposes of monitoring and evaluating the effectiveness of the implementation of sections 4 to 11 of this

act, and said joint committee shall, as it may deem appropriate, issue recommendations for administrative or legislative changes affecting the implementation of this act.

C. 17:30E-1 Short title, ss. 13-34.

13. (New section) Sections 13 to 34 of this act shall be known and may be cited as the "New Jersey Automobile Full Insurance Availability Act."

C. 17:30E-2 Purpose.

14. (New section) The purpose of this act is to assure to the New Jersey insurance consumer full access to automobile insurance through normal market outlets at standard market rates, to encourage the use of available market facilities, to provide automobile insurance for qualified applicants who cannot otherwise obtain such insurance, through a full automobile insurance underwriting association, and to require that companies be made whole for losses in excess of regulated rates on all risks not voluntarily written, by providing procedures for the spreading and recoupment of losses based on actual experience.

C. 17:30E-3 Availability act definitions.

15. (New section) As used in sections 13 to 34 of this act:

a. "Association" means the New Jersey Automobile Full Insurance Underwriting Association.

b. "Automobile" means a private passenger automobile of a private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; a motor vehicle with a pickup body, a delivery sedan or a panel truck or a camper type vehicle used for recreational purposes, owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than farming or ranching; and, solely for the purposes of this act, a motorcycle, as defined in R. S. 39:1–1. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definitions contained in this section, shall be considered a private passenger automobile owned by two or more relatives resident in the same household.

c. "Automobile insurance" means direct insurance against injury or damage, including the legal liability therefor, arising out of the ownership, operation, maintenance or use of automobiles, including, but not limited to, personal injury protection insurance,

bodily injury liability insurance, property damage liability insurance, physical damage insurance and uninsured and underinsured motorist insurance.

d. "Board" or "board of directors" means the board of directors of the association.

e. "Company" or "member" means an insurer member of the association.

f. "Commissioner" means the Commissioner of Insurance.

g. "Director" means a member of the board of directors of the New Jersey Automobile Full Insurance Underwriting Association.

h. "Net direct car years of liability exposure" means direct bodily injury liability car years of exposure, after deducting returns for cancellations, but without adding reinsurance assumed or deducting reinsurance ceded, as determined by the board and approved by the commissioner.

i. "Net direct car years of physical damage exposure" means direct physical damage car years of exposure, after deducting returns for cancellations, but without adding reinsurance assumed or deducting reinsurance ceded, as determined by the board and approved by the commissioner.

j. "Person" means every natural person.

k. "Plan of operation" means the plan of operation of the association created pursuant to section 18 of this act.

l. "Producer" means an agent or broker licensed to transact the business of automobile insurance in this State.

m. "Qualified applicant" means a person domiciled in New Jersey, who is an owner of an automobile registered and principally garaged in this State, except that nonresidents who are members of the United States military forces shall be eligible with respect to automobiles registered in other states, if such military nonresidents are stationed in this State and their vehicles are garaged in this State at the time the application is made and if they are otherwise eligible for insurance coverage issued by the association. No person shall, however, be deemed a qualified applicant, if the principal operator of the automobile to be insured does not hold a driver's license which is valid in this State; or if a regular operator of the automobile other than the principal operator does not hold such a license; or if timely payment of premium is not tendered; or if the principal operator of the automobile does not furnish the information necessary to effect insurance; or if such person rents or leases automobiles to others or automobiles which are used for commercial purposes.

n. "Underinsured motorist coverage" means insurance for damages because of bodily injury and property damage caused by accident and arising out of the ownership, maintenance or use of an underinsured automobile. An automobile is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits of liability afforded under the automobile insurance policy held by the person seeking such recovery.

o. "Residual market equalization charge" means the amount which, when added to all other sources of association income, will cause the association to operate on a no profit, no loss basis.

C. 17:30E-4 Underwriting association created.

16. (New section) There is created in the State of New Jersey an unincorporated, nonprofit association to be known as the New Jersey Automobile Full Insurance Underwriting Association, consisting of all insurers licensed to transact automobile insurance in this State, with its headquarters located in a place within the State of New Jersey, to be determined by the board of directors, with the approval of the commissioner. Every such insurer shall be a member of the association and shall be bound by the association's plan of operation as conditions of authority to transact automobile insurance in this State. Any insurer which has ceased to transact automobile insurance in this State shall nevertheless remain liable for income, as provided in the plan of operation, with respect to business transacted prior to the effective date of its cessation of business in the State, and the commissioner may require such an insurer to deposit with the association an amount sufficient to meet such insurer's obligations.

C. 17:30E-5 Board of directors.

17. (New section) a. Within 45 days after the effective date of this act, the Governor shall appoint a board of directors, and within 30 days after the appointment of the board, the commissioner shall call the first, or organizational, meeting of the association, which shall seat the board of directors. The board shall consist of 14 persons to be appointed by the Governor, of which eight shall represent member companies, three shall represent producers, and three shall be public members. Members of the board shall be compensated from the moneys of the association for their services, pursuant to standards and procedures set forth in the plan of opera-

tion. In appointing the representatives of the member companies, the Governor shall select two persons from a list of not fewer than three persons nominated by the American Insurance Association, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not fewer than three persons nominated by the Alliance of American Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not less than three persons nominated by the National Association of Independent Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; and two persons from the officers or employees of any insurers which are licensed in this State and are not members or subscribers of any of the above mentioned organizations. All nominations made by the associations shall include at least one representative of an insurer which does not intend to be a servicing carrier. In appointing the producer representatives, the Governor shall select one person from a list of not fewer than three nominated by the Professional Insurance Agents Association or its successor organization; one person from a list of not fewer than three nominated by the Independent Insurance Agents Association or its successor organization; and one person from a list of not fewer than three nominated by the Insurance Brokers Association or its successor organization. The Governor shall name two surrogates for each director on the board from a list submitted to him by each appointee. The Governor shall, with the advice and consent of the Senate, also appoint three public members to the board. The commissioner or his designated representative shall be entitled to attend and participate in all meetings of the board or any of its committees.

Each trade association and producer association shall have 15 days from the effective date of this act to submit its prescribed list of board of director candidates to the Governor. The Governor shall have 30 days from receipt of each list to select permanent board members from it. If any of the associations named in this section fails to submit the lists from which the Governor is to select members of the board of directors within time, the Governor shall appoint temporary board members to represent each

association that has failed to submit its list. In selecting temporary board members, the Governor shall be guided by the selection criteria set forth herein. Upon subsequent receipt of the list from the association, the Governor shall select permanent board members to replace the temporary board members within 30 days. Such replacement shall become effective immediately.

The initial appointment of four insurer directors, one producer-group director, and one public member shall be for a term of one year. The initial appointments of all other directors shall be for terms of two years. After the initial appointments all directors shall be appointed for terms of two years and shall serve until their successors are appointed and qualified. The Governor shall fill all appointive vacancies on the board consistent with the above-mentioned procedures and classifications. Appointments to fill vacancies shall be for the unexpired term of the director to be replaced. Directors may be reimbursed from the moneys of the association for reasonable expenses incurred by them as members.

b. After the board has been appointed, it shall elect from its membership a chairman and shall then meet thereafter at least annually, and as often as the chairman or the plan of operation shall require, or at the request of any five members of the board or the commissioner. Each member of the board shall be entitled to one vote. The commissioner, or his designated representative, shall have no right to vote. Eight voting members of the board shall constitute a quorum. A majority of the voting members shall determine any action of the board. No member may serve as chairman for more than two consecutive years.

c. The board shall have and exercise all powers of the association not reserved to the members by the plan of operation or as otherwise provided in this act.

C. 17:30E-6 Proposed plan of operation.

18. (New section) a. Within 90 days after the organizational meeting, unless after the sixtieth day, but not later than the seventieth day, following the organizational meeting, the commissioner for good cause grants an additional period not to exceed 30 days, the board shall file with the commissioner for his approval a proposed plan of operation, consistent with the provisions of this act, which shall provide for the prompt and efficient provision of automobile insurance to qualified applicants. The plan of operation shall provide for, among other matters, methods and means for the collection, investment and disbursement of funds;

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

b. The plan of operation adopted by the board shall be submitted to the commissioner for his review and approval. If the commissioner approves the proposed plan, he shall certify such approval to the directors and said plan shall take effect on the date certified by the commissioner. If the commissioner disapproves all or any part of the proposed plan of operation, he shall return same to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors may accept the commissioner's recommendations or may propose a new plan, which recommendations or plan shall be submitted to the commissioner within 30 days after the return of a disapproved plan to the directors. If the directors do not submit a proposed plan of operation or if the directors do not submit a new plan which is acceptable to the commissioner, or accept the recommendations of the commissioner within 30 days after the disapproval of a proposed plan, the commissioner shall promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect on the date certified by the commissioner.

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

d. The commissioner shall review the plan of operation at least once a year, and may propose amendments to the board. If the board does not adopt amendments acceptable to the commissioner within 30 days, the commissioner may certify amendments and their effective date to the board.

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

C. 17:30E-7 Powers and duties.

19. (New section) Pursuant to the plan of operation, the association shall have the power and duty to:

a. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act;

b. Sue or be sued in the name of the association, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against members. A judgment against the association shall not create any direct liability against the servicing carrier, board of directors or the individual members, or the individual participating members of the association;

c. Indemnify its directors and employees for any and all claims, suits, costs of investigations, costs of defense, settlements or judgments against them on account of an act or omission in the scope of a director's duties or employee's employment. The association shall refuse to indemnify if it determines that the act or failure to act was because of actual fraud, willful misconduct or actual malice;

d. Take such action as is necessary to prevent and avoid the payment of improper claims against the association or the coverage provided by or through the association;

e. Arrange for the issuance of automobile insurance to any qualified applicant through servicing carriers. Each servicing carrier shall issue policies in the name of the servicing carrier, on behalf of the association, to the extent the plan of operation provides. Servicing carriers, as agents of the association, shall have no individual liability for claims or policies written by the association;

f. Appoint from among its members appropriate legal, actuarial, claims, investment and other committees as necessary to provide technical assistance in the operation of the association, policy and other contract design, and any other function within the authority of the association;

g. Establish standards for, and review operating practices of, servicing carriers and producers to determine whether such prac-

tices are adequate to properly service association business, and to take appropriate action to eliminate inadequate operating practices and develop adequate operating practices, and to appoint an audit committee to review operating practices. The audit committee shall be composed of servicing carriers, producers, and member companies who are not servicing carriers;

h. Develop criteria and establish a monitoring system to ensure that: (1) servicing carriers do not obtain an unfair advantage, because of their servicing carrier relationship with producers, over other member companies which are not servicing carriers; and (2) member companies do not obtain an unfair advantage over producers of record without a contractual relationship with a voluntary market company, as a result of an offer of voluntary market coverage to an insured of the association;

i. Order the reporting of such statistics by the members of the association as it deems necessary;

j. Reimburse servicing carriers from association funds;

k. Adopt bylaws for the regulation of its internal affairs;

l. Employ a general manager, who shall serve at its pleasure and be responsible for the conduct of the administrative affairs of the association. The board may employ other necessary personnel and may delegate to the general manager and other personnel such authority as it deems necessary to assure proper administration and operation of the association consistent with the plan of operation. The board shall arrange and contract if necessary for suitable quarters within the State of New Jersey for operations of the association; for such equipment, goods and services; and insure such expenses as it deems necessary to assure efficient administration of the association consistent with the plan of operation. If required by the plan of operation, the board may establish service centers in underserviced areas, which service centers shall provide for the dissemination of full information on the coverages available under this act and for referrals to appropriate outlets for the acquisition of such coverage;

m. Hear and determine complaints of any member or producer concerning the operation of the association, in accordance with procedures prescribed in section 28 of this act;

n. Annually report to the commissioner on the operation of the association;

o. Record and investigate complaints involving the conduct of producers and to take appropriate corrective action or to recommend to the commissioner appropriate disciplinary action, includ-

ing suspension or revocation of authority to write association business;

p. Review servicing practices of servicing carriers to determine whether such practices are adequate to properly service the risks written by the association; and upon finding that the practices of any servicing carrier are inadequate, establish a program for that member which will assist the servicing carrier in the performance of its duties and charge that servicing carrier a reasonable fee for establishing and operating such a program;

q. Audit the operations of members for the purpose of determining compliance with this act;

r. Develop methods and standards for the establishment of adequate, actuarially sound reserves for unpaid losses, including provision for incurred but not reported losses; and

s. Take such other action as is necessary to effectuate the purposes of this act.

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

20. (New section) a. The association shall derive income from the following sources for the payment of expenses, losses, and the provision of adequate, actuarially sound reserves for unpaid losses, including incurred but not reported losses, in connection with association business: (1) net premiums earned; (2) income generated from any association accident surcharge system permitted or required by law; (3) that percentage of surcharges collected by the Division of Motor Vehicles and deposited with the association pursuant to subsection b. of section 6 of the "New Jersey Automobile Insurance Reform Act of 1982" (P. L. 1983, c. 65 (C. 17:29A–35)), and that collected and retained by the association pursuant to subsection c. of said section 6; (4) income collected by members of the association and by the association pursuant to subsection b. of this section; and (5) income from investment of moneys collected pursuant to subsections (1), (2), and (3) of this subsection. Premiums received as a residual market equalization charge on behalf of the association, net of commissions paid, and all premium taxes, shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation. All premiums received by servicing carriers on behalf of the association, net of commissions paid, all premium taxes, and servicing carrier compensation, shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation.

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

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

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

be a ground for disapproving all or part of the filing. If the commissioner disapproves all or part of the filing, he shall state the reasons for such disapproval, and indicate such portion of the filing he approves. Such disapproval shall be subject to review by the Appellate Division of the Superior Court.

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

d. The residual market equalization charge per insured vehicle shall be collected following the effective date of such approval, by the insurer from its policyholders, exclusive of principal operators 65 years of age or older, on a uniform net direct car year of liability exposure basis and a net direct car year of physical damage exposure basis. Any insurer or rating organization making a residual market equalization charge pursuant to this subsection shall, 15 days prior to the date of the implementation of the proposed rate adjustment, make an informational filing with the commissioner, documenting compliance with the established method of distributing such residual market equalization charge.

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

C. 17:30E-9 Qualified applicants.

21. (New section) a. Any qualified applicant shall be entitled to apply to the association for insurance coverage available pursuant to section 27 of this act. Subject to procedures established in the plan of operation, producers shall have authority to issue binders to qualified applicants.

b. If the servicing carrier determines that the applicant is a qualified applicant, the carrier, as an agent of the association, upon receipt of the appropriate premium, or such portion thereof as is prescribed in the plan of operation, shall issue or cause to be issued a policy of automobile insurance which shall include coverages and limits requested by the applicant and available under section 27 of this act.

c. No licensed insurance producer regularly engaged in selling or placing automobile insurance in this State shall refuse to furnish to any applicant quotations of premiums for association automobile

insurance or shall fail to submit the application of a qualified applicant to the association when requested to do so by a qualified applicant.

d. No company shall terminate any agent or restrict the authority of any agent, directly or indirectly, or in any manner whatsoever, solely by reason of the volume of such agent's business written on behalf of the association or the experience produced by such business.

e. The association shall accept applications for coverage 90 days after the plan of operation has been approved.

C. 17:30E-10 Allocation.

22. (New section) Producers who are exclusive representatives of a company which is a servicing carrier shall be assigned to that carrier for the servicing of association policies. Producers who are not exclusive representatives of a servicing carrier may, at the election of the producer and with the consent of the servicing carrier, contract with the association to do business through any servicing carrier. Producers who are not exclusive representatives of a company which is a servicing carrier or who have not otherwise established a contractual relationship with a servicing carrier pursuant to this section, shall be assigned to all servicing carriers on an equitable basis by the association, pursuant to the plan of operation. The assignments shall be in proportion to the percentage of association business which each servicing carrier has contracted with the association to accept and shall be balanced among territories. The assignments shall be reviewed at least annually and upon the request of a servicing carrier or producer. Pursuant to the plan of operation, the assignments shall be reallocated if it is found that the allocations are demonstrably inequitable. Reallocations shall be made in a manner to minimize the shifting of producers.

Every producer shall be assigned two alternate servicing carriers, pursuant to the plan of operation. In the event that any servicing carrier normally assigned to any producer ceases, as may be provided in the plan of operation, to accept applications temporarily, such applications shall be redistributed by the association to each producer's alternate servicing carrier.

C. 17:30E-11 Schedule of commissions.

23. (New section) The producer shall receive commissions on association business in accordance with a schedule of commissions promulgated in the plan of operation. The schedule of commissions

so promulgated shall be designed to serve and reconcile the following objectives: a. to encourage equal treatment of policyholders in the association and the voluntary market; b. to minimize disincentives to the placement of applicants in the voluntary market; c. to stimulate marketing efforts in underserviced areas; d. to provide reasonable compensation for services performed by producers; e. to provide protection to the producer of record without a voluntary market company, upon the offer of voluntary market coverage to an association insured; f. to provide for an equitable rate of commission for producers during a transition period, as the term of such period is determined by the board. No rate of commission shall be less than that provided pursuant to the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1), as payable as of December 31, 1981.

C. 17:30E-12 Servicing carrier.

24. (New section) a. Pursuant to the procedures and standards established in the plan of operation, the board may permit any qualified member to act as a servicing carrier upon application by the member. Insurers under common management or ownership may elect to submit an application to act as a servicing carrier in the name of any company in the group which is licensed and authorized to transact automobile insurance in this State. The commissioner may disapprove the action by the board, if he finds that the action is not in the best interests of the association, the insurer, or the purposes of this act, within 20 days of final approval by the board. The disapproval shall be made in writing and shall set forth the reasons for disapproval.

b. After notice and hearing, the commissioner may require one or more members of the association or member of a group as provided in subsection a. of this section to act as servicing carriers, if he determines that the action is necessary to effectuate the purposes of this act, except that no company having less than 1% of the private passenger automobile insurance market in this State based on its net written car years of exposure shall be subject to the provisions of this subsection.

c. Pursuant to procedures established by the commissioner, any member of the association which is acting as a servicing carrier may apply to the commissioner for permission to discontinue acting as a servicing carrier. After notice and a hearing, the commissioner may permit such insurer to discontinue acting as a servicing carrier, on terms to be imposed by the commissioner, if the commis-

sioner finds that such action is in the best interests of the insurer, the association and the purposes of this act.

d. Any order of the commissioner pursuant to this section shall be subject to review by the Appellate Division of the Superior Court.

C. 17:30E-13 Association rates.

25. (New section) The rates used by the association shall be the same as those used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State.

C. 17:30E-14 Voluntary coverage.

26. (New section) The association shall, in the plan of operation, establish procedures to encourage the voluntary writing of qualified applicants without the utilization of the association. These procedures shall include provisions for appropriate incentives to encourage companies to voluntarily write those applicants who are qualified for insurance by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D–1).

Any voluntary coverage offered in accordance with established procedures of this section shall be offered through the producer of record, if such producer is the voluntary market producer of the company offering to provide this coverage; if the producer of record does not have a contractual relationship with any voluntary market company, he shall be entitled to the payment of a producer's commission for three years following the providing of voluntary coverage. Renewals of this policy shall be written through the voluntary market producer of record, unless written notice to the contrary is given by the insured not less than 30 days prior to such renewal.

C. 17:30E-15 Minimum limits.

27. (New section) A qualified applicant who is eligible for coverage through the association shall be offered and entitled to coverage up to at least the following limits: a. bodily injury liability: $250,000.00 each person, $500,000.00 each accident; b. property damage liability: $100,000.00; c. bodily injury and property damage: $500,000.00 single limit each accident; d. comprehensive and collision coverage; e. uninsured motorist and underinsured motorist coverage: $250,000.00 each person and $500,000.00 each accident for bodily injury; $100,000.00 each accident for property damage or $500,000.00 single limit, subject to an exclusion of the first $100.00 of the damage to property for each accident,

except that the limits for uninsured and underinsured motorist coverages on association coverage shall not exceed the insured's policy limits for bodily injury and property damage, respectively; f. personal injury protection coverage as required by law; g. additional personal injury protection coverage required to be offered by law; and h. any other automobile insurance required to be offered by law and subject to the limits stated in the law. Motorcycles shall not be written for the coverages required or required to be offered pursuant to P. L. 1972, c. 70 (C. 39:6A–1 et seq.).

C. 17:30E-16 Hearing; appeal; review.

28. (New section) a. A member insurer or producer aggrieved by a ruling of the association or by its alleged violation of or failure to comply with the plan of operation or the provisions of this act shall be entitled to a hearing upon a request made within 30 days after the date of the alleged violation or improper act or ruling, provided the commissioner may extend the time for requesting a hearing in extraordinary situations. The hearing shall be held within 15 days after the receipt of the request, by a panel of the board, consisting of not less than three member company representatives, one producer representative and one public member, at a time and place designated by the board. The ruling of a majority of the panel shall be deemed to be the formal ruling of the board unless the full board, on its own motion, shall modify or rescind the action of the panel.

b. Within 30 days after the conclusion of any hearing held pursuant to this section, the board shall issue a written ruling setting forth the determination of the issues presented and the facts and reasons on which such determination is based. This ruling may be appealed to the commissioner by the filing of a written notice of appeal with the board and commissioner within 30 days after issuance of the ruling.

c. The commissioner shall issue a written order approving, disapproving or modifying the action or decision of the board or directing it to reconsider its ruling.

d. Any order of the commissioner pursuant to this section shall be subject to review by the Appellate Division of the Superior Court.

C. 17:30E-17 Suspension, revocation; penalties.

29. (New section) a. The commissioner may suspend or revoke, after notice and a hearing, the certificate of authority of any member insurer or the license of any agent or broker who willfully

be available to it, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, and as may be within the limits of funds appropriated or otherwise made available for the commission's purposes.

The commission shall have the power to compel the attendance and testimony of any witnesses and the production of any books or papers that it may deem necessary or appropriate to the conduct of its study.

The study commission shall evaluate market conditions resulting from the implementation of the aforesaid two acts with respect, but not limited to: market availability, affordability and equity of automobile insurance coverage; the operation and effectiveness of the modified two tier rating system, including the effectiveness and adequacy of merit rating plans and surcharge systems; the fairness of, and statistical basis for territory and classification systems in use; the effectiveness of the prior approval system; the effectiveness and fairness of the New Jersey Automobile Full Insurance Underwriting Association, including the adequacy and fairness of its funding system; and the creation of genuinely competitive market conditions.

The commission shall report its findings and recommendations on how to further improve the equity, availability and affordability of automobile insurance coverage, to the Governor and Legislature not later than three years following the operative date of this act.

C. 17:30E-24 Severability.

36. (New section) Severability. The provisions of this act shall be severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act, except that the provisions of section 25 shall not be severable from the provisions of sections 13 to 31, and if any of the provisions of section 25 shall be held to be unconstitutional, the commissioner shall establish a plan for the providing of automobile insurance pursuant to P. L. 1970, c. 215 (C. 17:29D–1).

37. Sections 1 through 36 shall take effect on January 1, 1983, but shall, except as otherwise specifically provided, remain inoperative until January 1, 1984 in order to permit the taking of such measures as may be necessary for the implementation thereof.

Approved February 10, 1983.

CHAPTER 66

AN ACT concerning municipal budgets for the 1983 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of municipal budgets for 1983 shall be as follows:

a. The governing body shall introduce and approve the annual budget of the municipality not later than March 17 of the fiscal year.

b. The municipal budget shall be adopted not later than April 25 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1983 shall be as follows:

a. The clerk of the municipality shall transmit a certified copy of the budget, as adopted, to the county board not later than May 9 of the fiscal year.

b. Where the county board has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 9 of the fiscal year, the board shall immediately notify the director of the failure.

c. Immediately upon receipt of the director's certificate and on or before May 16 of the fiscal year, the county board shall fill out the table of aggregates required by R. S. 54:4–52 and shall determine the amount of "other local taxes" for the year, based upon the certificate of the director.

If the municipality has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 16, the board may substitute the adopted budget in

the place of the amount certified by the director, but no substitution shall be made after May 16 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1983 shall be extended from April 10 to May 17.

In the event a county board is unable to prepare the table of aggregates on or before May 17 due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within 3 days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk and tax collector of the affected municipality.

4. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1983 budget, shall, by resolution adopted prior to March 1, 1983, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4–19, to provide for the period between March 20 and the adoption of the 1983 budget. The total of the appropriations so made shall not exceed 1/12 of the total of the appropriations made for all purposes in the budget for the 1982 fiscal year, excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

5. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4–45.3a) to the contrary, any referendum conducted during the 1983 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3i.), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 22; Tuesday, March 1; or Tuesday, March 29, 1983, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4–5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4–6 at least 12 days prior to the referendum date.

6. Notwithstanding the provisions of N. J. S. 40A:4–27 or of any other law to the contrary, any municipality may anticipate as a miscellaneous revenue in its 1983 budget the total amount of all payments due and payable to the municipality during the fiscal year, directly or indirectly, as a result of the sale of property by the municipality, when the obligation to make payment is entered into prior to March 17, 1983.

7. Notwithstanding the provisions of section 3–16 of P. L. 1950, c. 210 (C. 40:69A–46), the mayor shall submit to the council his recommended 1983 budget on or before February 23, 1983.

8. Notwithstanding the provisions of section 9–17 of P. L. 1950, c. 210 (C. 40:69A–97), the municipal manager shall submit to the council his recommended 1983 budget on or before February 23, 1983.

9. This act shall take effect immediately and shall expire December 31, 1983.

Approved February 16, 1983

CHAPTER 67

AN ACT concerning county celleges and amending section 25 of P. L. 1982, c. 189.

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

1. Section 25 of P. L. 1982, c. 189 (C. 18A:64A–25.25) is amended to read as follows:

C. 18A:64A-25.25 County college bidding procedure.

25. In the preparation of plans and specifications for the construction, alteration or repair of any building by a county college, when the entire cost of the work and materials will exceed $4,500.00, separate plans and specifications may be prepared for each of the following to include all work and materials related thereto or to be performed or furnished in connection therewith:

(a) The plumbing and gas fitting work;

(b) The heating and ventilating systems and equipment;

(c) The electrical work, including any electrical power plants;

(d) The structural steel and ornamental iron work;

(e) All other work and materials required for the completion of the project.

The contracting agent shall advertise for and receive in the manner provided by law (1) separate bids for each of the foregoing categories (a) through (e), or (2) bids for all work and materials required to complete the entire project, if awarded as a single contract, or (3) both. All bids submitted shall set forth the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (a) through (e).

Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised in accordance with (3) above, the contract shall be awarded in the following manner: if the sum total of the amounts bid by the lowest responsible bidder for each category (a) through (e) is less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award separate contracts for each of such categories to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each category is not less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award a single contract to the lowest responsible bidder for all of such work and materials. In every case in which a contract is awarded under (2) above, all payments required to be made under the contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

2. This act shall take effect immediately.

Approved February 16, 1983

CHAPTER 68

AN ACT concerning the enforcement of certain codes, rules and regulations of the Department of Environmental Protection by local boards of health and county health departments and amending P. L. 1970, c. 39.

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

1. Section 9 of P. L. 1970, c. 39 (C. 13:1E–9) is amended to read as follows:

C. 13:1E-9 Enforcement of environmental codes, rules, regulations.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and by every local board of health, or county health department, as the case may be.

The department and the local board of health, or the county health department, as the case may be, shall have the right to enter a solid waste facility at any time in order to determine compliance with the registration statement and engineering design, and with the provisions of all applicable laws or rules and regulations adopted pursuant thereto.

The municipal attorney or an attorney retained by a municipality in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to a local board of health.

The county counsel or an attorney retained by a county in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to the county health department.

Any county health department may charge and collect from the owner or operator of any sanitary landfill facility within its jurisdiction such fees for enforcement activities as may be established by ordinance or resolution adopted by the governing body of any such county. Such fees shall be established in accordance with a fee schedule regulation to be adopted by the department, pursuant to law, within 60 days of the effective date of this amendatory act and shall be utilized exclusively to fund such enforcement activities.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P. L. 1977, c. 443 (C. 26:3A2–28).

b. The commissioner, a local board of health or county health department may institute an action or proceeding in the Superior

Court for injunctive and other relief, including the appointment of a receiver for any solid waste collection or disposal facility or operation, which is established or operated in violation of this act, or of any code, rule or regulation promulgated pursuant to this act and said court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief, notwithstanding the provisions of R. S. 48:2–24.

Such relief may include, singly or in combination:

(1) A temporary or permanent injunction;

(2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;

(3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality resulting from any violation of any provision of this act or any rule, regulation or condition of approval for which the action under this subsection may have been brought;

(4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by any violation of this act or any rule, regulation or condition of approval established pursuant to this act for which the action under this subsection may have been brought. Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

If a proceeding is instituted by a local board of health or county health department, notice thereof shall be served upon the commissioner in the same manner as if the commissioner were a named party to the action or proceeding. The department may intervene as a matter of right in any proceeding brought by a local board of health or county health department.

c. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than $25,000.00 per day, to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.) in the Superior Court, county district court, or a municipal court, all of

which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

d. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including a rebate of any such penalty paid up to 90% thereof, where such person satisfies the department within 1 year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be.

e. Any person who knowingly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N. J. S. 2C:43–3, shall be subject to a fine of not more than $25,000.00 for the first offense and not more than $50,000.00 for the second and each subsequent offense and restitution of not more than $100,000.00 for the first and each subsequent offense, in addition to any other appropriate disposition authorized by subsection b. of N. J. S. 2C:43–2.

f. Any person who recklessly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department, shall, upon conviction, be guilty of a crime of the fourth degree.

g. Any person who, regardless of intent, generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of this act or any rule or regulation adopted pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved February 17, 1983.

CHAPTER 69

AN ACT concerning certain municipal referenda and supplementing Title 19 of the Revised Statutes.

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

C. 40A:4-45.3al Conduct of referenda.

1. Notwithstanding the provisions of Title 19 of the Revised Statutes to the contrary, referenda conducted by any municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4–45.3i.), for the purpose of increasing the municipal budget by more than 5% over the previous year's final appropriations, may be conducted with respect to the provision of polling places and the compensation of election workers in the same manner

as is provided for school elections under Title 18A of the New Jersey Statutes.

2. This act shall take effect immediately.

Approved February 17, 1983.

CHAPTER 70

AN ACT concerning free public libraries and supplementing chapter 54 of Title 40 of the Revised Statutes.

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

C. 40:54-17.1 Photocopy machine money.

1. The board of trustees of a free public library may use and expend for library purposes all moneys received from the operation of photocopy machines within the library and shall account for the receipts and expenditures in the same manner as is required for funds appropriated to the board of trustees by the governing body of the municipality.

2. This act shall take effect immediately.

Approved February 17, 1983.

CHAPTER 71

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

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

1. All proceedings heretofore had or taken by any school district at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued pursuant to a proposal adopted by the legal voters at such election, are hereby ratified,

validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57–1 et seq.), and notwithstanding that notices relating to such election were not published as required by the provisions of N. J. S. 18A:14–19; provided, however, that notices of such election were posted in accordance with N. J. S. 18A:14–19; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court or, when such time has not theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 72

AN ACT concerning exemptions or abatements from taxation for conversions of certain buildings to multiple unit dwellings in certain cases and amending P. L. 1979, c. 233.

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

1. Section 3 of P. L. 1979, c. 233 (C. 54:4–3.123) is amended to read as follows:

C. 54:4-3.123 Conversion to multiple dwellings.

3. The governing body of any municipality may determine that areas within such municipality are in need of rehabilitation, and that one or more multiple dwellings located within such areas are in need of rehabilitation, or that one or more other buildings and structures located within such areas are in need of such rehabilitation and could advantageously be converted to multiple dwellings, or both. Any such determination shall be made in keeping with regulations which shall be promulgated by the Commissioner of the Department of Community Affairs pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), which may take into consideration the following: existence of

blighted areas in the municipality; deterioration of housing stock; age of housing stock; supply of and demand for housing in the municipality; and arrearage in real property taxes due on residential properties. The governing body may also permit the conversion of industrial properties, or unutilized public school buildings, to residential use to further the purpose of this act.

2. Section 4 of P. L. 1979, c. 233 (C. 54:4–3.124) is amended to read as follows:

C. 54:4-3.124 Exemptions from taxation.

4. a. Any municipality making a determination as set forth in section 3 of this act may enact an ordinance providing for exemptions from taxation of improvements to multiple dwellings or for other buildings or structures, including unutilized public school buildings, converted to multiple dwelling use, or both. In granting such exemptions, the municipality may, in determining the value of real property for the purposes of taxation, regard up to the assessor's full and true value of such improvements or conversion alterations as not increasing the value of such property for a period of 5 years, notwithstanding that the value of the property to which such improvements or conversion alterations are made is increased thereby; provided, however, that during said period, the assessment on such property shall in no case, except that of an abatement as provided in subsection b. of this section, or damage through action of the elements sufficient to warrant a reduction, be less than the assessment thereon existing immediately prior to such improvements or conversion alterations.

b. Any such ordinance granting such exemptions may also provide for the abatement of some portion of the assessed value of property receiving such an exemption as it existed immediately prior to the improvement or conversion alteration. Any such abatement for any single such property may be granted with respect to any such property for a total of up to 5 years, but the total amount of abatements granted to any single such property shall not exceed the total cost of the improvement or conversion alteration. The amount of abatement to be granted in each year of the abatement period shall be specified in the adopting ordinance and shall not exceed the following:

(1) For the first year for which an abatement is granted, up to 30% of the cost of the improvement or conversion alteration;

(2) For the second year for which an abatement is granted, up to 25% of the cost of the improvement or conversion alteration;

New Jersey State Library

(3) For the third year for which an abatement is granted, up to 20% of the cost of the improvement or conversion alteration;

(4) For the fourth year for which an abatement is granted, up to 15% of the cost of the improvement or conversion alteration; and

(5) For the fifth year for which an abatement is granted, up to 10% of the cost of the improvement or conversion alteration.

3. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 73

AN ACT concerning the disposition of forfeitures of bail in municipal courts and amending P. L. 1979, c. 396.

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

1. Section 3 of P. L. 1979, c. 396 (C. 2C:46–4) is amended to read as follows:

C. 2C:46-4 Collection of fines.

3. a. All fines and restitution shall be collected as follows:

(1) All fines and restitution imposed by the Superior Court or county district court, or otherwise imposed at the county level, shall be collected by the county probation department, except when such fine or restitution is imposed in conjunction with a custodial sentence to a State correctional facility, in which event such fine or restitution shall be collected by the Department of Corrections.

(2) All fines and restitution imposed by a municipal court shall be collected by the municipal court clerk, except if such fine or restitution is ordered as a condition of probation, in which event it shall be collected by the county probation department.

All fines so collected shall be distributed to the appropriate governmental treasury as provided herein.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts, all fines imposed by the Superior Court, county district court, or otherwise imposed at the county level, shall be paid over by the officer entitled to collect same to:

(1) The county treasurer, with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse or penitentiary, except where such county sentence is served concurrently with a sentence to a State institution; or

(2) The State Treasurer, with respect to all other fines.

c. All fines imposed by municipal courts on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following convictions on appeals therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends, according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

2. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 74

AN ACT concerning motor vehicles and amending P. L. 1977, c. 369.

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

1. Section 1 of P. L. 1977, c. 369 (C. 39:3–27.8) is amended to read as follows:

C. 39:3-27.8 F. D. plates.

1. Upon the application of any person who is a compensated, partially compensated or volunteer member of any fire department in this State, the director may issue for a motor vehicle owned or leased by such person, or owned by the spouse or parent thereof, or owned by a business firm of which such person is the principal owner or stockholder a license plate bearing a Maltese Cross and the letters "F. D." The design and color for such plate shall be approved by the director.

Upon the application of any person who is a compensated, partially compensated or volunteer member of any first aid or rescue squad in this State, the director may issue for a motor vehicle owned or leased by such person, or owned by the spouse or parent thereof, or owned by a business firm of which such person is the principal owner or stockholder a special license plate. The design for such plate shall be approved by the director.

2. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 75

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 5 of P. L. 1945, c. 162 (C. 54:10A–5) is amended to read as follows:

C. 54:10A-5 Franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the sum of the amount computed under subsection (a) hereof, or in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6, multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 4/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00; provided, however, that with respect to reports covering accounting or privilege periods set forth below, the rate shall be that percentage of the rate set forth in this subsection for the appropriate year:

Accounting or Privilege Periods Beginning on or After:	The Percentage of the Rate to be Imposed Shall Be:
April 1, 1983	75%
July 1, 1984	50%
July 1, 1985	25%
July 1, 1986	0

(b) (Deleted by amendment, P. L. 1968, c. 250, s. 2.)

(c) 3¼% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6; provided, however, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4¼%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1971, the rate shall be 5½%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1974, the rate shall be 7½%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1979, the rate shall be 9%.

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or real estate investment trust, which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 25% of its entire net income and 25% of its entire net worth, and in the case of a real estate investment trust, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250.00, and further provided, however, that the franchise tax to be annually assessed to and paid by a regulated investment company which for a period covered by its report satisfies the requirements of Chapter 1, Subchapter M, Part I, Section 852(a) of the Federal Internal Revenue Code shall be $250.00.

(e) The tax assessed to any taxpayer pursuant to this section shall not be less than $25.00 in the case of a domestic corporation, $50.00 in the case of a foreign corporation, or $250.00 in the case of an investment company or regulated investment company.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer,

the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000.00, may elect to pay the tax shown in a table which shall be promulgated by the director.

2. This act shall take effect immediately and shall be applicable to taxpayers whose accounting periods end on or after December 31, 1982.

Approved February 24, 1983.

CHAPTER 76

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. There is appropriated the following sum for the purpose specified:

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

Legislative Commissions

09-0039 County and Municipal Government Study Commission $150,000*

Special Purpose:
Expenses of Commission ..... ($150,000*)
The unexpended balance as of June 30, 1982 in this account is appropriated.

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved February 24, 1983.

* Reduced to $65,000 by line item veto of the Governor. See statement following.

STATEMENT TO SENATE BILL No. 1649

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1649 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill provides a supplemental appropriation to the County and Municipal Government Study Commission in the amount of $150,000. I note that the sum of $150,000 is the projected amount which the Commission needs to operate for a full fiscal year. At this time, since much of the '83 fiscal year has passed, the Commission does not need the full appropriation. I am advised that the sum of $65,000 will be sufficient for the Commission to meet its FY '83 obligations. For this reason, I am reducing the supplemental appropriation to the Commission to $65,000.

"Legislative Branch"

"Legislative Commissions"

On Page 1:

Lines 3-4 "09-0039 County and Municipal Government Study Commission ..... $150,000"

This item is reduced to $65,000.

On Page 1:

Lines 5-6 "Special Purpose: Expenses of Commission ..... ($150,000)"

This item is reduced to $65,000.

Respectfully,

/s/ THOMAS H. KEAN,
Governor

[SEAL]
Attest:
/s/ W. CARY EDWARDS,
Chief Counsel

CHAPTER 77

AN ACT concerning the recording of aircraft liens and amending N. J. S. 2A:44–2, R. S. 46:16–1 and R. S. 46:19–1.

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

1. N. J. S. 2A:44–2 is amended to read as follows:

Aircraft liens.

2A:44–2. a. Any person, engaged in the business of operating an airport, a hangar or place for the storage, maintenance, keeping or repairing of aircraft who, in connection therewith, permits landings or take-offs or stores, maintains, keeps or repairs any aircraft or furnishes gasoline, accessories, materials or other supplies therefor at the request or with the consent of the owner or his representative, agent or lessee, whether such owner be a conditional vendee or a mortgagor remaining in possession or otherwise, shall have a lien upon such aircraft or any part thereof for the sum due as the fees for such landings or take-offs, or for such storing, maintaining, keeping or repairing of such aircraft or for furnishing gasoline, accessories, materials or other supplies therefor, and may, without process of law, detain such aircraft at any time it is lawfully in his possession until such sum is paid.

The lien shall be superior to all other liens, except liens for taxes, and the operator of such aircraft shall be deemed the agent of any owner, mortgagee, conditional vendor or other lienor thereof for the creation of such superior lien.

b. Any person entitled to a lien pursuant to subsection a. shall, within 90 days after the date upon which work was last performed or material last furnished in performing such work or making such repairs or improvements, or fees were last incurred for landings or take-offs, file in the office of the county recording officer of the county in which the aircraft is based, or where the work was performed or material supplied, or landing and take-off fees incurred, a statement verified by oath. The statement shall include the name of the person entitled to the lien, the name of the owner of the aircraft, a description of the aircraft, the amount for which a lien is claimed, and the date upon which the work was completed, materials supplied or fees incurred.

2. R. S. 46:16–1 is amended to read as follows:

Recording of deeds, instruments.

46:16–1. All deeds or instruments of the nature or description hereinafter in this section enumerated, of or affecting the title to real estate in this State, may be acknowledged or proved and then recorded in the office of the county recording officer of the county wherein the real estate is situate:

a. Conveyances, releases, declarations of trust; letters of attorney for any sale, conveyance, assurance, acquittance or release; leases for life or any term not less than two years, or any assignment thereof absolute, or by way of mortgage or security; agreements for the sale of real estate; written consents of any person to the execution by an executor, administrator with the will annexed or trustee of a power to sell, convey, acquit or release; writings which declare or direct any use or trust of real estate, or which, though made for some other purpose, are yet, by the terms of any recordable deed or will which refers to such writing, made to operate as such declaration or direction;

b. Mortgages, defeasible deeds or other conveyances in the nature of a mortgage;

c. Releases or deeds, in which the intention to operate as releases from the lien and effect of any mortgage or judgment is plainly manifested; deeds, releases or postponements in which the intention to operate as a postponement or waiver of priority of the lien of a judgment or judgments, mechanic's lien or liens or recorded mortgage or mortgages to the lien and operation of a mortgage or mortgages recorded, or to be recorded, subsequent thereto, is plainly manifested;

d. Assignments of mortgages;

e. Discharges or satisfaction pieces of mortgages;

f. All other instruments that may have been or may be directed by any statute to be acknowledged or proved and recorded.

Deeds and instruments, not of or affecting the title to real estate, but of or affecting goods, chattels and personal property in this State, hereinafter enumerated, may, when acknowledged or proved, be recorded in the office of the county recording officer of the county in which the goods, chattels and personal property lie, unless otherwise directed by this Title or any other law:

a. Chattel mortgages, which shall be recorded as prescribed by sections 46:28–4 to 46:28–12 of this Title;

b. Assignments, releases and discharges of chattel mortgages;

c. Deeds of personal property to literary, benevolent, religious

or charitable institutions upon particular trusts therein specified or otherwise;

d. Letters or powers of attorney authorizing the execution and delivery of statements of satisfaction of conditional sale contracts and revocations of such letters or powers of attorney;

e. Aircraft liens authorized by N. J. S. 2A:44–2 and in the form prescribed by subsection b. thereof.

3. R. S. 46:19–1 is amended to read as follows:

Recording officer's books.

46:19–1. The county recording officer of each of the several counties of this State shall record, when delivered to him for that purpose, and duly acknowledged or proved or certified, when acknowledgment, proof or certification is required, in large, well-bound books of good paper to be provided for that purpose and carefully preserved, and to be called by and backed with the different names and intended to contain the different types of conveyances and instruments authorized by this Title or any other law to be recorded, which books shall include, among others, the following:

a. "Deeds"—for the various instruments set forth in section 46:16–1 of this Title, and therein described as conveyances, releases, declarations of trust; letters of attorney for sales, conveyances, assurances, acquittances or releases; leases for life or any term not less than two years, or assignments thereof absolute; agreements for sales; consents to the execution of powers to sell, convey, acquit or release; writings to declare or direct uses or trusts, and also all other instruments heretofore or hereafter directed by law to be acknowledged or proved and recorded, and not by such law expressly directed to be recorded in some other class of books;

b. "Ancient deeds"—for all ancient deeds of the description set forth in section 46:16–7 of this Title;

c. "Releases"—for all releases or deeds in which the intention to operate as releases from the lien and effect of any mortgage or judgment is plainly manifested, and all deeds, releases or postponements in which the intention to operate as a postponement or waiver of priority of the lien of a judgment or judgments, mechanic's lien or liens or recorded mortgage or mortgages to the lien and operation of a mortgage or mortgages, recorded, or to be recorded, subsequent thereto, is plainly manifested;

d. "Mortgages"—for all mortgages, defeasible deeds or other

conveyances in the nature of a mortgage and assignments of such leases by way of mortgage or security;

e. "Assignment of mortgages"—for all assignments of mortgages, whether absolute or by way of mortgage or security;

f. "Discharge of mortgages"—for all discharges or satisfaction pieces of mortgages;

g. Such other books, not herein enumerated, but which may be required by the provisions of this Title or by some other law for the recording of such deeds or other instruments as are not expressly directed by law to be recorded in some specifically named book.

In like books the county recording officer shall record such deeds or other instruments of or affecting goods and chattels and personal property, to be called and backed as follows:

a. "Chattel mortgages"—for all chattel mortgages, and assignments, releases and discharges thereof;

b. "Conditional sales contracts"—for the entries required by section 46:32–15 of this Title;

c. "Conditional sales contracts affecting goods attached to realty"—for the entries required by section 46:32–14 of this Title;

d. "Deeds of trust of personalty"—for all deeds of personal property to literary, benevolent, religious and charitable institutions;

e. "Letters or powers of attorney—conditional sale contracts" —for all letters or powers of attorney authorizing the execution and delivery of statements of satisfaction of conditional sale contracts and all revocations of such letters or powers of attorney;

f. "Aircraft liens"—for the entries required by N. J. S. 2A:44–2.

To the various books herein enumerated every person shall have access, at proper seasons, and be entitled to transcripts therefrom on paying the fees allowed by law.

4. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 78

AN ACT limiting the jurisdiction of the Board of Public Utilities over certain electric cooperatives and supplementing Title 48 of the Revised Statutes.

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

C. 48:2-13.1 Jurisdiction limited.

1. Notwithstanding the provisions of any other law, rule or regulation to the contrary, with respect to a rural, electric cooperative which is exclusively owned and controlled by the consumers it serves, the Board of Public Utilities shall not exercise any jurisdiction or control over the rates, charges or operation of the cooperative nor shall the approval of the board be required to authorize or validate any mortgage or encumbrance of real property of or the issuance or execution of any evidence of indebtedness by the cooperative, except that the board shall retain its jurisdiction to determine disputes concerning the territory served or to be served by an electric cooperative.

2. This act shall take effect immediately and shall apply to any matter presently pending before the board.

Approved February 24, 1983.

CHAPTER 79

AN ACT requiring nonprofit corporations to file certain information with the Secretary of State, amending R. S. 15:1–2 and R. S. 15:1–5.

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

1. R. S. 15:1–2 is amended to read as follows:

Contents of certificate of incorporation.

15:1–2. The certificate of incorporation shall set forth:

a. The name or title by which the corporation is to be known in law;

b. The purpose for which it is formed;

c. The place where it is to be located, or its activities conducted;

d. The number of trustees, which shall not be less than three, and the names and post-office addresses of the trustees selected for the first year of its existence; and

e. The name and address, including the actual location as well as postal designation, if different, of the resident agent of said corporation upon whom process against the corporation may be served.

The certificate of incorporation may prescribe the qualifications of officers and members. It may require them to be members in good standing of a fraternal, religious or beneficial order or society or of a fire or police force or to have other prescribed qualifications, which provisions shall be binding on the officers and members. The certificate may contain other provisions for the regulation of the business and conduct of the affairs of the corporation, and any limitation or regulation of the powers of the corporation and of its officers and members not inconsistent with law or the provisions of this Title.

2. R. S. 15:1–5 is amended to read as follows:

Office, resident agent.

15:1–5. The corporation shall maintain an office in this State, with a resident agent in charge thereof during business hours, upon whom process against it may be served.

Whenever any change of office in this State or the resident agent is made, the secretary or other similar officer of the corporation shall file a certificate under the seal of the corporation, giving in the case of a change of a resident agent, the name, address, including the actual location, as well as postal designation, if different, and length of term, if any, of said resident agent and in the case of a change of office, the old and new address, including the actual location, as well as postal designation, if different, with the clerk of the county in which the certificate of incorporation was filed and forward a copy thereof to the Secretary of State, within 60 days following the change of resident agent or change of office. There shall be paid to the county clerk a fee of $1.00 for filing and indexing each such certificate and to the Secretary of State a fee of $2.00 for filing the copy of each such certificate.

In the event a certificate is filed indicating both a change of resident agent and a change of office, the fee paid to the county clerk shall be $2.00 and to the Secretary of State, $4.00.

3. This act shall take effect immediately.

Approved February 24, 1983.

CHAPTER 80

AN ACT concerning lottery games and supplementing P. L. 1970, c. 13 (C. 5:9–1 et seq.).

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

C. 5:9-7.1 No video lottery.

1. Notwithstanding any other provision of law to the contrary, no lottery or type of lottery or lottery game shall be authorized or conducted which uses any video mechanical, electrical or other video device, contrivance or machine which, upon the insertion by the participant of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, tokens to be exchanged for cash, or any other prize, whether the payoff is made automatically from the machine or in any other manner whatsoever.

2. This act shall take effect immediately.

Approved March 1, 1983.

CHAPTER 81

AN ACT concerning investments by certain insurance companies, and amending R. S. 17:24–1 and R. S. 17.24–12.

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

1. R. S. 17:24–1 is amended to read as follows:

Permitted investments by insurance companies.

17:24–1. Any insurance company of this State for the purpose of investing its capital, surplus and other funds, or any part thereof, may:

a. Purchase or hold as collateral security or otherwise and sell and transfer any bonds or public stock issued, created or guaranteed by the United States, or any territory or insular possession thereof, or the Commonwealth of Puerto Rico, or by this State, or by any of the other states of the United States or the District of Columbia, or by Canada or any of the provinces thereof, or by any of the incorporated cities, counties, parishes, townships or other municipal corporations situated in any of the places hereinabove mentioned; or bonds authorized to be issued by any commission appointed by the Supreme Court of this State as the said court was constituted prior to September 15, 1948.

b. Purchase or hold real estate for business or residential purposes (other than as provided for in sections 17:19–8 to 17:19–12, inclusive, of this Title) as an investment for the production of income, and improve or otherwise develop such real estate; provided, that if the commissioner shall determine, after due hearing upon notice to any such insurance company, that the interests of such insurance company's policyholders require that any specified real estate so purchased or held be disposed of, then such insurance company shall dispose of such real estate within such reasonable time as the commissioner shall direct; and provided further, the aggregate amount of such investments for the production of income, but excluding real estate held as provided for in said sections 17:19–8 to 17:19–12, inclusive, shall not exceed 5% of the total admitted assets of such insurance company as of December 31 next preceding. The term "real estate for business or residential purposes" as used in this subsection b. shall include any real property used or operated as a part of or in connection with a business or a residential development, and shall also include a leasehold of such real estate having an unexpired term of not less than 20 years, inclusive of the term or terms which may be provided by any enforceable option or options of extension or of renewal. Income produced by investment in any such leasehold shall be applied by such insurance company in a manner calculated to amortize the amount invested for acquisition and improvement thereof within a period not exceeding $\frac{9}{10}$ of such unexpired term of the leasehold following such acquisition or

improvement, or within a period of 40 years thereafter, whichever is less.

c. Invest in bonds or notes secured by mortgages or trust deeds on unencumbered fee simple or leasehold real estate, which shall include areas above the surface of the ground but not contiguous thereto, or any interest therein, located within the United States, any territory or insular possession thereof, the Commonwealth of Puerto Rico, or Canada, worth at least ⅓ more than the sum so invested. No loan may be made on leasehold real estate unless the terms of such loan provide for amortization payments to be made by the borrower on the principal thereof in amounts sufficient to completely amortize the loan within a period not exceeding 9/10 of the term of the leasehold, inclusive of the term or terms which may be provided by any enforceable option or options of extension or of renewal, which is unexpired at the time the loan is made. For the purpose of this subsection c., fee simple or leasehold real estate or any interest therein shall not be deemed to be encumbered within the meaning of this subsection c. by reason of the existence of taxes or assessments that are not delinquent, easements, profits or licenses, nor by reason of building restrictions or other restrictive covenants, nor when such real estate or interest therein is subject to lease in whole or in part whereby rents or profits are reserved to the owner; provided, that the security created by the mortgage or trust deed on such real estate or interest therein securing such bond or note is a first lien upon such real estate or interest therein. No insurance company shall, pursuant to this subsection c., invest in or loan upon the security of any one property more than $30,000.00 or more than 2% of its total admitted assets, whichever is the greater. The total investments of any insurance company made pursuant to this subsection c. shall not exceed 40% of its total admitted assets.

d. Invest in bonds or notes evidencing loans to veterans if the full amount of any such loan is guaranteed by the government of the United States or by the Administrator of Veterans' Affairs pursuant to the Servicemen's Readjustment Act of 1944, as heretofore or hereafter amended; and in the case of loans so guaranteed for less than the full amount thereof, the maximum amount which may be loaned or invested by any such insurance company pursuant to the provisions of any law of this State shall be increased by the amount so guaranteed.

e. Lend on or purchase mortgage or collateral trust bonds of railroad companies organized under the laws of said states, or the

District of Columbia, or the Commonwealth of Puerto Rico, or Canada or any province thereof, or operated wholly or partly therein; or equipment trust certificates or obligations which are adequately secured or other adequately secured instruments evidencing an interest in transportation or municipal sanitation equipment wholly or in part within the United States or any territory or insular possession thereof, the Commonwealth of Puerto Rico or Canada and a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such equipment; or certificates of receivers of any corporation where such purchase is necessary to protect an investment in the securities of such corporation theretofore made under authority of chapters 17 to 33 of this Title; or the bonds or other evidences of indebtedness of public utility companies organized under the laws of Canada or any province thereof; or the capital stock, bonds, securities or evidences of indebtedness created by any corporation of the United States or of any state, or of the District of Columbia, or of the Commonwealth of Puerto Rico or of Canada or of any province thereof; provided, that no purchase of any bond or evidence of indebtedness which is in default as to interest shall be made by such company unless such purchase is necessary to protect an investment theretofore made under authority of said chapters 17 to 33 in the securities of the corporation which issued, assumed or guaranteed such bond or evidence of indebtedness in default; provided further, that no purchase of the stock of any company of a class on which dividends have not been paid during each of the past 5 years preceding the time of purchase shall be made unless the stock so purchased shall represent a majority in control of all the stock then outstanding; and provided further, that in the case of the stock of a corporation resulting from or formed by merger or consolidation less than 5 years prior to such purchase, each consecutive year next preceding the effective date of such merger or consolidation during which dividends shall have been paid by any one or more of its constituent corporations on any or all classes of its or their stock in an aggregate amount sufficient to have paid dividends on that class of stock of the existing corporation whose stock is to be purchased, had such corporation then been in existence, shall be deemed a year during which dividends have been paid on such class of stock; provided, however, that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; and

provided further, that no purchase of its own stock shall be made by any insurance company except for the purpose of the retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to insurance companies.

f. Invest in bonds or notes evidencing loans if the full amount of any such loan is insured by the government of the United States, or by the Administrator of the Farmers' Home Administration pursuant to the Bankhead-Jones Farm Tenant Act of 1937, as heretofore or hereafter amended.

g. Make loans or investments not qualifying or permitted under the preceding subsections of this section to an amount, not including the amount of investments otherwise expressly authorized by law, not exceeding in the aggregate at any one time 5% of the total admitted assets of such insurance company as of December 31 next preceding.

2. R. S. 17:24–12 is amended to read as follows:

Holding of securities within State; exceptions.

17:24–12. All securities acquired pursuant to the provisions of this chapter by any insurance company, except:

a. Those securities which are issued or guaranteed by the United States, or by any department or instrumentality thereof; and

b. Stock and other securities representing stock or convertible into stock, and options, warrants, or rights to acquire stock shall be held for safekeeping within the geographical limits of the State of New Jersey; provided, that any insurance company may make and maintain such deposits of securities with public officials of other states, the United States government, and foreign countries to such extent as may be required by the laws of such jurisdictions as a condition for authority to transact business therein. This section shall not prohibit the deposit of such securities under agreements as provided in section 17:24–3 of this Title, or the transmission of such securities outside the State for the purpose of securing or recording title to such securities or to property, or for the purpose of the sale, exchange or alteration of the provisions of such securities, or for the collection of any payment due thereon, nor shall this section prohibit the deposit of such securities as collateral for loans or as security for the performance of contracts.

3. This act shall take effect immediately.

Approved March 2, 1983.

CHAPTER 82

AN ACT concerning arson investigation units and amending P. L. 1981, c. 409.

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

1. Section 1 of P. L. 1981, c. 409 (C. 40A:14–7.1) is amended to read as follows:

C. 40A:14-7.1 Arson investigation units.

1. a. The governing body of any municipality which has established a paid or part-paid fire department or force may, by ordinance, create an arson investigation unit within the fire department or force and provide for the maintenance, regulation and control thereof. The arson investigation unit shall be responsible for conducting investigations of arson, suspicious fires or explosions within the municipality.

b. Only paid members of a paid or part-paid fire department or force may be assigned to an arson investigation unit created pursuant to this section. Before any member shall be assigned to an arson investigation unit, he shall have successfully completed an appropriate course of training approved by the Police Training Commission and an arson investigation training course approved by the Department of Law and Public Safety.

c. Any member of a fire department or force who is assigned to an arson investigation unit pursuant to this section shall attend and successfully complete in-service training programs as required by the Division of Criminal Justice.

d. Any member of a fire department or force who is assigned full-time to an arson investigation unit pursuant to this section shall have the same powers and authority of police officers within the municipality while engaged in the actual performance of arson investigation duties.

2. This act shall take effect immediately.

Approved March 2, 1983.

CHAPTER 83

AN ACT to amend the "State Uniform Construction Code Act," approved October 7, 1975 (P. L. 1975, c. 217).

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

1. Section 20 of P. L. 1975, c. 217 (C. 52:27D–138) is amended to read as follows:

C. 52:27D-138 Penalties.

20. Penalties.

a. Any person or corporation, including an officer, director or employee of a corporation, who:

(1) Violates any of the provisions of this act or rules promulgated hereunder;

(2) Constructs a structure or building in violation of a condition of a building permit;

(3) Fails to comply with any order issued by an enforcing agency or the department;

(4) Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department;

(5) Knowingly sells or offers for retail sale any item, device or material, the regular and intended use of which would violate any provision of the State Uniform Construction Code;

Shall be subject to a penalty of not more than $500.00.

Paragraph (5) above does not prohibit the retail sale or offering for retail sale of any item, device or material which has more than one regular and intended use, if one of those uses does not violate the code, provided that the item, device or material is not publicly advertised or otherwise promoted by the seller or manufacturer as suitable for a use that would violate any provisions of the code.

b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this act or who unreasonably interferes with such an inspection shall be subject to a fine of not more than $250.00.

c. With respect to subsection a. (3) of this section, a person shall be guilty of a separate offense for each day that he fails to comply

with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to subsections a. (1) and a. (4) of this section, a person shall be guilty of a separate offense for each violation of any provision of this act or rules promulgated hereunder and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the department. With respect to subsection a. (2) of the section, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.

d. The penalties pursuant to this section may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the municipal court, in addition to the courts specified by N. J. S. 2A:58–2. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted, in the case of a suit brought by a municipality, to the municipal treasurer and in the case of a suit brought by the State of New Jersey, to the State Treasurer.

2. This act shall take effect six months from the date of enactment.

Approved March 2, 1983.

CHAPTER 84

AN ACT concerning notification of the closing of public roads and highways and supplementing subtitle 2 of Title 27 of the Revised Statutes.

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

C. 27:3A-1 Public road defined.

1. For the purposes of this act, "State, county or municipal highway or road" means any public street, thoroughfare, roadway, bridge, traffic circle, tunnel, overpass, interchange, and way in

this State open to the use of the public as a matter of right for the purpose of vehicular travel, which has been constructed, taken over, or is owned, controlled, or maintained by the State or a county or municipality thereof.

C. 27:3A-2 Signs on closed roads.

2. Whenever a State, county or municipal highway or road shall be closed for any reason, either continuously or during certain hours, to vehicular traffic over a period of 48 hours or longer, necessitating the interruption of the flow of any or all traffic by detour, rerouting or diversion, the governing body or agency closing the highway or road shall cause the erection and maintenance of signs at such points at or near the affected area as it deems advisable, at least 72 hours in advance of the closing. The signs shall name the highway or road to be closed and the anticipated dates and times of closing. This information shall also be sent in writing by the governing body or agency at least 1 week prior to the closing to the municipality wherein the affected highway or road is located.

C. 27:3A-3 Emergency closings.

3. Should the governing body or agency closing the highway or road determine that an emergency condition exists requiring the immediate closing of a State, county or municipal highway or road for a period of 48 hours or longer, the notice requirements of this act need not be given within the prescribed time periods, but every effort shall be made to notify the public as soon as possible of the closing.

4. This act shall take effect 90 days following enactment.

Approved March 2, 1983.

CHAPTER 85

AN ACT to require the issuance of photo-identification cards to adult recipients of aid to families with dependent children.

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

C. 44:10-3.1 Issuance of photo-identification cards.

1. Each county welfare agency shall issue a photo-identification card to each adult recipient of aid to families with dependent children as a condition of receiving such aid.

C. 44:10-3.2 Form, content.

2. The Department of Human Services shall establish the form and content of the photo-identification card, which shall include, but not be limited to, the name, case number, color photograph and signature of the recipient.

3. This act shall take effect on July 1 next following enactment.

Approved March 2, 1983.

CHAPTER 86

AN ACT to amend the "Criminal Injuries Compensation Act of 1971," approved October 4, 1971 (P. L. 1971, c. 317).

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

1. Section 18 of P. L. 1971, c. 317 (C. 52:4B–18) is amended to read as follows:

C. 52:4B-18 Compensation for criminal injuries.

18. No order for the payment of compensation shall be made under section 10 of this act unless the application has been made within 2 years after the date of the personal injury or death or after that date upon determination by the board that good cause exists for the delayed filing, and the personal injury or death was the result of an offense listed in section 11 of this act which had been reported to the police within three months after its occurrence. The board will make its determination regarding the application within six months of acknowledgment by the board of receipt of the completed application and any and all necessary supplemental information.

In determining the amount of an award, the board shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board shall reduce the amount of the award or reject the application altogether, in accordance with such determination; provided, however, that the board shall not consider any conduct of the victim contributory toward his injury, if the record indicates such conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in his presence or had in fact committed a crime.

No compensation shall be awarded if the victim:

a. Is a relative of the offender and the victim and offender presently live in the same household or the victim did not cooperate in the prosecution of the offender,

b. Was at the time of the personal injury of the victim living with the offender as a member of his family relationship group and the victim and offender presently live in the same household or the victim did not cooperate in the prosecution of the offender,

c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to his injuries,

d. Was injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to run the victim down.

No award shall be made on an application unless the applicant has incurred a minimum out-of-pocket loss of $100.00 or has lost at least two continuous weeks' earnings or support; except that the requirement of a minimum out-of-pocket loss shall not apply to any applicant 60 years of age or older or any applicant who is disabled as defined pursuant to the federal Social Security Act (42 U. S. C. Section 416 (i)). Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such application is based.

No compensation shall be awarded under this act in an amount in excess of $25,000.00, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

2. This act shall take effect immediately and shall apply only to the claims received after the effective date of this act for injuries which occurred after the effective date of this act.

Approved March 3, 1983.

CHAPTER 87

AN ACT concerning the unlawful entry of weapons into institutions or detention facilities and amending N. J. S. 2C:29–6.

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

1. N. J. S. 2C:29–6 is amended to read as follows:

Implements for escape; other contraband.

2C:29–6. Implements for Escape; Other Contraband. a. Escape implements. (1) A person commits an offense if he knowingly and unlawfully introduces within an institution for commitment of persons under N. J. S. 2C:4–8 or a detention facility, or knowingly and unlawfully provides an inmate with any weapon, tool, instrument, document or other thing which may be useful for escape. The offense is a crime of the second degree and shall be punished by a minimum term of imprisonment, which shall be fixed at no less than three years if the item is a weapon as defined by N. J. S. 2C:39–1 (r). Otherwise it is a crime of the third degree.

(2) An inmate of an institution or facility defined by paragraph (1) of subsection a. of this section commits an offense if he knowingly and unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape. The offense is a crime of the second degree and shall be punished by a minimum term of imprisonment, which shall be fixed at no less than three years if the item is a weapon as defined by N. J. S. 2C:39–1 (r). Otherwise it is a crime of the third degree.

"Unlawfully" means surreptitiously or contrary to law, regulation or order of the detaining authority.

b. Other contraband. A person commits a petty disorderly persons offense if he provides an inmate with any other thing which the actor knows or should know it is unlawful for the inmate to possess.

2. This act shall take effect immediately.

Approved March 3, 1983.

CHAPTER 88

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

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

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the "Local Bond Law" (N. J. S. 40A:2–1 et seq.), and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N. J. S. 40A:2–10; provided, however, that a supplemental debt statement heretofore has been prepared and filed in the places required by N. J. S. 40A:2–10 and provided further that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 3, 1983.

CHAPTER 89

AN ACT authorizing the appointment of additional judges of the municipal courts in certain county seats and supplementing chapter 8 of Title 2A of the New Jersey Statutes.

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

C. 2A:8-6.5 Additional municipal court judge.

1. The governing body of every county seat having a population in excess of 40,000 in counties of the fifth class may provide for the appointment, as the need may appear, of one additional judge of the municipal court of the county seat. This provision shall not limit the appointment of additional judges in municipalities included within the provisions of any other law.

2. This act shall take effect immediately.

Approved March 3, 1983.

CHAPTER 90

AN ACT concerning motor vehicles, amending R. S. 39:3–40 and R. S. 39:4–50 and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. R. S. 39:3–40 is amended to read as follows:

Driving while prohibited; penalties.

39:3–40. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspended or revoked, or who has been prohibited from obtaining a driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

No person whose motor vehicle registration has been revoked shall operate or permit the operation of such motor vehicle during the period of such revocation.

A person violating this section shall be subject to the following penalties:

a. Upon conviction for a first offense, a fine of $500.00;

b. Upon conviction for a second offense, a fine of $750.00 and imprisonment in the county jail for not more than five days;

c. Upon conviction for a third offense, a fine of $1,000.00 and imprisonment in the county jail for 10 days;

d. Upon conviction, the court shall impose or extend a period of suspension not to exceed six months;

e. Upon conviction, the court shall impose a period of imprisonment for not less than 45 days, if while operating a vehicle in violation of this section a person is involved in an accident resulting in personal injury.

Notwithstanding paragraphs a. through e., any person violating this section while under a suspension issued pursuant to R. S. 39:4–50, upon conviction, shall be fined $500.00, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.

2. R. S. 39:4–50 is amended to read as follows:

Penalties for driving while intoxicated.

39:4–50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than $250.00 nor more than $400.00 or imprisonment for a term of not more than 30 days, or both, in the discretion of the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year. Except as hereinafter provided, for a second violation, he shall be subject to a fine of not less than $500.00 nor more than $1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, or may be sentenced to imprisonment for a term of not more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section. Except as hereinafter provided, for a third or subsequent violation, he shall be subject to a fine of $1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit

his right to operate a motor vehicle over the highways of this State for 10 years. If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Motor Vehicles.

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) In addition to any other requirements provided by law, a person convicted under this section must satisfy the requirements of a program of alcohol education or rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license revocation or suspension or continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8–2 of the N. J. Court Rules, 1969, or R. S. 39:5–22. A fee, not to exceed $40.00, shall be payable to the director from every person required to satisfy the requirements of a program of alcohol education or rehabilitation under the provisions of this section.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. The court shall inform the person convicted that if he is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R. S. 39:3–40. In the event that a person convicted under this section is the holder of any out-

of-state driver's license, the court shall not collect the license but shall notify forthwith the director, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section.

(d) The Director of the Division of Motor Vehicles shall promulgate administrative rules and regulations in order to effectuate the purposes of this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing Criminal Practice, as set forth in the Rules Governing the Courts of the State of New Jersey.

3. (New section) A person who, prior to the effective date of this amendatory and supplementary act, was sentenced for violating R. S. 39:3–40 while under a suspension issued pursuant to R. S. 39:4–50 may apply to the court to have his sentence reduced in accordance with the provisions of this act.

4. (New section) In any case pending on or initiated after the effective date of this act involving an offense committed prior to that date, the court, with the consent of the defendant, shall impose sentence under the provisions of this act. If the defendant does not consent to the imposition of sentence under the provisions of this act, the court shall impose sentence under the law which was in effect at the time of the commission of the offense.

5. This act shall take effect immediately.

Approved March 7, 1983.

CHAPTER 91

AN ACT to amend "An act concerning alcoholic beverages and supplementing Title 33 of the Revised Statutes," approved August 3, 1962 (P. L. 1962, c. 152)

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

1. Section 2 of P. L. 1962, c. 152 (C. 33:1–12.32) is amended to read as follows:

C. 33:1-12.32 Hotel, restaurant, bowling alley liquor licenses.

2. The provisions of this act shall not apply to the acquisition of an additional license or licenses or an interest therein, when such license is issued to a person for use in connection with the operation of a hotel containing at least 50 sleeping rooms, for use in connection with the operation of a restaurant, or for use in connection with the operation of a bowling establishment consisting of more than 20 lanes, but only so long as the person uses the license in connection with the operation of that bowling establishment, nor shall the provisions of this act affect the right of any person to dispose of an interest in a license or licenses by will or to the transfer of such an interest by descent and distribution.

Any additional license acquired for use in connection with a restaurant or bowling establishment consisting of more than 20 lanes, as herein authorized, shall be limited, however, to the sale of alcoholic beverages for consumption on the licensed premises only.

2. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 92

AN ACT concerning mandatory minimum terms of imprisonment for commission of certain crimes with a firearm and amending N. J. S. 2C:43–5.

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

1. N. J. S. 2C:43–5 is amended to read as follows:

Young adult offenders.

2C:43–5. Young Adult Offenders. Any person who, at the time of sentencing, is less than 26 years of age and who has been convicted of a crime may be sentenced to an indeterminate term at the Youth Correctional Institution Complex, in accordance with R. S. 30:4–146 et seq., in the case of men, and to the Correctional

Institution for Women, in accordance with R. S. 30:4–153 et seq., in the case of women, instead of the sentences otherwise authorized by the code. This section shall not apply to any person less than 26 years of age at the time of sentencing who qualifies for a mandatory minimum term of imprisonment without eligibility for parole, pursuant to subsection c. of N. J. S. 2C:43–6; however, notwithstanding the provisions of subsection c. of N. J. S. 2C:43–6, the mandatory minimum term may be served at the Youth Correctional Institution Complex or the Correctional Institution for Women.

2. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 93

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E–1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

C. 13:1E-117 Weighing of vehicles disposing of solid waste.

1. All new solid waste facilities, other than privately-owned, noncommercial, on-site industrial solid waste facilities which do not accept solid waste generated from any other source and solid waste facilities used exclusively for the land disposal of sludge, shall install and use scales to determine the gross and net tare weight of all vehicles disposing of solid waste at these facilities. The registered operator of each new facility shall maintain a monthly record of the weight and vehicle information for the solid waste disposed of at the facility. This information shall be forwarded to the department on a monthly basis and shall be made available by the department for public inspection. For the purposes of this act, a "new solid waste facility" means any solid waste facility for which a registration statement and engineering design has been filed with the department subsequent to the effective date of this act. The department may adopt regulations or guidelines exempting any class of new solid waste facility from this requirement, except that in no case shall the department exempt any

facility the total disposal design capacity of which exceeds 100,000 tons of non-liquid solid waste, as computed by the department. All existing solid waste facilities that are identified in an approved district solid waste management plan for operation after January 1, 1985 and which accept in excess of 31,200 tons of non-liquid solid waste annually, as computed by the department, shall install scales within six months of the effective date of this act. Any existing solid waste transfer station, or any solid waste transfer station for which a registration statement and engineering design are filed after the effective date of this act, which accepts less than 31,200 tons of non-liquid solid waste annually, as computed by the department, shall be exempt from the provisions of this act.

C. 13:1E-118 Rate schedule.

2. a. The Board of Public Utilities shall, in accordance with the provisions of the "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40; C. 48:13A–1 et seq.), establish an equitable rate schedule based upon weight for the solid waste disposed of at all solid waste facilities required to install scales pursuant to this act.

b. In instances where solid waste to be disposed is of substantially higher or lower density than normal, the solid waste facility shall weigh the waste, but the board, at its discretion, or upon petition, may require the amendment of any tariff to provide for rates based on factors in addition to weight.

C. 13:1E-119 Increase in tariffs.

3. a. Any solid waste facility required to install scales pursuant to this act may petition the Board of Public Utilities for an increase in its tariff which reflects the costs reasonably incurred by the facility in complying with this act. The board, within 60 days of the receipt of such a petition, shall determine the extent to which these costs shall be passed along to the users of the solid waste facility as an automatic surcharge on any tariff filed with, and recorded by, the board for the operation of the solid waste facility.

b. The board, within 60 days of the computation of any increase in a solid waste disposal tariff pursuant to subsection a. of this section, shall issue an appropriate order increasing current tariffs established pursuant to law for solid waste collection by an amount equal to the total amount of the increase in the relevant solid waste disposal tariff calculated pursuant to subsection a. of this section. In issuing this order, the board shall be exempt from the provisions of section 31 of P. L. 1962, c. 198 (C. 48:2–21.2).

c. For the purposes of this act, all municipal, county, and State contracts for solid waste collection and disposal shall be deemed

to be tariffs for solid waste collection, and shall be subject to adjustment pursuant to the terms of this act.

C. 13:1E-120 Regulations, guidelines.

4. The department shall, within 90 days of the effective date of this act, adopt regulations or guidelines for determining the weighing requirements and number of scales necessary for the timely, efficient and reliable operation of solid waste facilities.

C. 13:1E-121 Expenditures mandated by State law.

5. Any additional expenditures or incremental costs necessarily and reasonably incurred by any municipality for the disposal of solid waste as a direct result of the implementation of this act, requiring the installation and use of scales to determine the weight of all vehicles disposing of solid waste at solid waste facilities required to install scales pursuant to this act, shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4–45.1 et seq.), be considered expenditures mandated by State law.

C. 13:1E-122 Federal exemption.

6. The tariffs established pursuant to this act shall not be levied upon the collectors or haulers of solid waste for that portion of the solid waste generated by the Federal Government or agencies thereof. The exemption from tariffs shall apply only to solid waste disposed of pursuant to contracts in effect prior to the effective date of this act. In order to qualify for an exemption from the new tariff schedule, a hauler shall certify to the board that the contract in question involves solid waste generated by the Federal Government or agencies thereof and was in effect prior to the effective date of this act. All solid waste to be disposed of pursuant to contracts which are entered into, or renewed, on or after the effective date of this act shall be subject to the provisions thereof.

7. This act shall take effect 60 days following enactment.

Approved March 11, 1983.

CHAPTER 94

AN ACT concerning financial responsibility for certain public utility accidents, and supplementing Title 48 of the Revised Statutes.

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

C. 48:2-21.4 Short title.

1. This act shall be known and may be cited as the "Public Utility Accident Fault Determination Act."

C. 48:2-21.5 Findings, declarations.

2. The Legislature finds and declares that the Board of Public Utilities has the statutory responsibility to fix just and reasonable electric utility rates; that the board, in carrying out this responsibility, must balance the interests of the public utilities, their stockholders, and the consuming public; that an accident at an electric generating or transmission facility, as recent experience indicates, may, by reason of the extraordinary costs involved in the cleanup and repair of the facility, in purchasing replacement power, and in paying any damages, seriously affect the financial condition of any utility that has a full or part interest in any such disabled facility; and that to insure maximum protection for, and an equitable sharing of costs among, the utility, its ratepayers, and its stockholders, it is necessary to establish a special hearing procedure to determine the party or parties at fault, if any, and to develop guidelines concerning the establishment of remedies and the apportionment of financial responsibility.

C. 48:2-21.6 Fault-finding hearing.

3. Upon any request by a utility for a rate increase to recover costs in excess of $10 million attributable to an accident, including any accident occurring prior to the effective date of this act, at an electric generating or transmission facility in which it has a full or part interest, the board shall conduct a separate hearing or series of hearings to investigate all circumstances related to the accident, and to make a finding of fault, if any, pursuant thereto. The hearing shall not act to bar an application by a utility for a rate increase to recover any increase in costs which is determined by the board to be totally unrelated to the accident. For the purposes of this determination, fault shall be assigned to any party whose negligent actions or omissions either contributed substantially to causing the accident, or failed to mitigate its severity.

C. 48:2-21.7 Limited recovery from ratepayers.

4. a. In fixing just and reasonable rates pursuant to Title 48 of the Revised Statutes, the board shall not authorize a utility determined to be at fault pursuant to section 3 of this act to recover from its ratepayers any fault-related repair, cleanup, additional incremental costs for purchased power, or damage costs resulting from an accident at an electric generating or transmission facility, except as provided in subsection b. of this section.

b. Once fault has been determined, and the costs related to that fault which the utility may not recover from its ratepayers have been established, the board shall consider whether, and if so to what extent, to permit the utility to mitigate denied fault costs through the following:

(1) The undertaking of a program under utility sponsorship to assist consumers in realizing the maximum feasible benefits of energy conservation, which shall include at a minimum:

(a) direct utility investment in renewable energy, energy conservation, and energy efficiency improvement programs;

(b) the lending of funds without interest for at least five years to customers for their investment in renewable energy, energy conservation and energy efficiency improvement measures;

(c) assistance to consumers whose homes are heated by electric resistance heating systems to convert to alternate systems; or

(d) some combination of the above; or

(2) Other mitigating measures as approved by the board.

In determining the appropriate mitigation measures which, taken together, shall constitute the appropriate remedy, the board shall not authorize a utility to mitigate costs, in whole or in part, by sponsoring any energy conservation program which has not been approved by the State agency or department which the Governor, within 60 days of the effective date of this act, designates as appropriate.

c. The board shall not approve any mitigating measures which would jeopardize the utility's ability to provide safe, adequate, and proper service. The board may authorize the utility to recover as an operating expense that portion of the cost of the mitigating measures that the board determines to be necessary to the utility's ability to provide safe, adequate, and proper service; the board shall support a determination with a written report containing findings

of fact and conclusions of law and a concise and explicit statement of the underlying facts supporting the determination.

d. Nothing in this section, however, shall impair the board's power to authorize interim relief necessary to enable the utility to continue to provide safe, adequate, and proper service. Interim relief authorized during the pendency of the hearing may be recognized as an offset to the final determination made by the board of the conclusion of the hearing.

C. 48:2-21.8 Authorized operating expenses.

5. a. The board shall not authorize a utility to include as an operating expense pursuant to subsection a. of section 4 any greater percentage of the repair, cleanup, or damage costs resulting from an accident at an electric generating or transmission facility than its percentage of ownership in the facility.

b. The board shall authorize as an operating expense without regard to fault such costs as the board certifies are appropriate to contribute to any national cost-sharing formula enacted by the United States Congress or any volunary cost-sharing plan approved by the board, to the extent that the board certifies that these costs are reasonable and fairly apportioned and that other affected states and utilities are committed to meeting their fair shares; except that the authorization of costs as certified by the board shall not absolve the utility from any assessment of fault and its obligation under the remedy imposed by the board.

C. 48:2-21.9 Official notice of federal assessments.

6. In determining fault as provided in section 3 of this act, the board shall consider any credible, fair and public assessments rendered by any special presidential commissions or other federal agencies charged with the responsibility of regulating the subject activity.

These assessments shall be accepted by the board into evidence under the doctrine of official notice, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), as long as they are relevant. Parties shall not be precluded from presenting additional evidence relevant to the fault determination.

7. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 95

AN ACT concerning the taxation of cogenerated electricity, amending P. L. 1940, c. 5, and supplementing Title 48 of the Revised Statutes.

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

1. Section 2 of P. L. 1940, c. 5 (C. 54:30A–50) is amended to read as follows:

C. 54:30A-50 Definitions.

2. Definitions: As used in this act—unless the context otherwise requires:

(a) "Taxpayer" means any corporation subject to taxation under the provisions of this act. A person or business entity owning or operating a cogeneration facility as defined in subsection (j) of this section shall not be deemed a corporation subject to taxation under this act unless it shall be a public utility as specifically enumerated in sections 1 and 6 of P. L. 1940, c. 5 (C. 54:30A–49 and C. 54:30A–54).

(b) "Real estate" means lands and buildings, but it does not include railways, tracks, ties, lines, wires, cables, poles, pipes, conduits, bridges, viaducts, dams and reservoirs (except that the lands upon which dams and reservoirs are situated are real estate), machinery, apparatus and equipment, notwithstanding any attachment thereof to lands or buildings.

(c) "Gross receipts" means all receipts from the taxpayer's business over, in, through or from the whole of its lines or mains but does not include any sum or sums of money received by the taxpayer in payment for gas or electrical energy or water sold and furnished to another public utility which is also subject to the payment of a tax based upon its gross receipts, nor any sum or sums of money received by the taxpayer from a cogenerator in payment for cogenerated electrical energy resold by the taxpayer to the producing cogenerator where produced, nor in the case of a street railway or traction corporation the receipts from the operation of autobuses or vehicles of the character described in Title 48, chapter 15, section 41 to the end of the chapter, of the Revised Statutes (Revised Statutes, section 48:15–41 et seq.), nor in the case of a sewerage corporation an amount equal to any sum or sums of money

payable by such sewerage corporation to any board, commission, department, branch, agency or authority of the State or of any county or municipality, for the treatment, purification or disposal of sewage or other wastes.

(d) "Scheduled property" means only those classes or types of property of a taxpayer set forth in section 10 of this act and which are to be used in computing the apportionment value as herein defined.

(e) "Unit value" means the value set forth in section 10 of this act to be uniformly applied to each of the several classes or types of scheduled property in computing the apportionment value.

(f) "Apportionment value" or "apportionment valuation" means the result obtained by multiplying the quantities of each class or type of scheduled property of a taxpayer by the applicable unit value, and the addition of such results.

(g) "Public street, highway, road or other public place" includes any street, highway, road or other public place which is open and used by the public, even though the same has not been formally accepted as a public street, highway, road, or other public place.

(h) "Service connections" means the wires or pipes connecting the building or place where the service or commodity supplied by the taxpayer is used or delivered, or is made available for use or delivery, with a supply line or supply main in the street, highway, road, or other public place, or with such supply line or supply main on private property.

(i) "State Tax Commissioner" or "director" means the Director of the Division of Taxation in the Department of the Treasury.

(j) "Cogenerator" means a person or business entity which owns or operates a cogeneration facility in the State of New Jersey, which facility is a plant, installation or other structure whose primary purpose is the sequential production of electricity and steam or other forms of useful energy which are used for industrial, commercial, heating or cooling purposes; and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utilities Regulatory Policies Act of 1978," Pub. L. 95–617.

C. 48:2-29.37 Credit to cogenerating ratepayer.

2. (New section) The Board of Public Utilities is hereby empowered to and shall direct every electric utility to allow any ratepayer who is also a cogenerator and who sells cogenerated electricity to the utility and repurchases electricity from the utility a

credit against that ratepayer's electricity charges. The credit shall be in an amount equal to the gross receipts and franchise taxes imposed by P. L. 1940, c. 5 (C. 54:30A–49 et seq.) which, except for the provisions of section 2 of P. L. 1940, c. 5 (C. 54:30A–50), would have been paid by the utility on receipts received by the utility from the cogenerating ratepayer in payment for cogenerated electrical energy resold by the utility to the producing cogenerator where produced. The credit provided by this act shall be computed during each regular billing period. The credit for any given billing period may be utilized by the cogenerating ratepayer against any electricity purchases up to six months after said billing period.

3. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 96

AN ACT concerning parking for temporarily handicapped persons and amending P. L. 1949, c. 280.

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

1. Section 3 of P. L. 1949, c. 280 (C. 39:4–206) is amended to read as follows:

C. 39:4-206 Parking for temporarily handicapped persons.

3. The director shall issue to such applicant, also, a placard of such size and design as shall be determined by the director in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor, indicating that a handicapped person identification card has been issued to the person designated therein, which shall be displayed in such manner as the director shall determine on the motor vehicle used to transport the handicapped person, when the vehicle is parked overtime or in special parking places established for use by handicapped persons.

Notwithstanding any provision of this act to the contrary, the chief of police of each municipality in this State shall issue to any person who has temporarily lost the use of one or more limbs or is temporarily disabled as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise temporarily

limited, as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering state, a temporary placard of not more than 6 months' duration. The placard may, however, be renewed one time at the discretion of the issuing authority for a period of not more than 6 months' duration. The placard shall be displayed on the motor vehicle used by the temporarily handicapped person and shall give the person the right to park overtime or to use special parking places established for use by handicapped persons in any municipality of this State.

The fee for the issuance of such temporary or permanent placard issued pursuant to this section shall be $4.00 and payable to the Director of the Division of Motor Vehicles.

The director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf.

The fee for the issuance of such plates shall be $10.00 for each vehicle.

2. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 97

AN ACT to amend "An act concerning certain workers' compensation benefits and funding therefor, supplementing chapter 15 of Title 34 of the Revised Statutes and amending sections 34:15–94, 34:15–103, 34:15–105, 34:15–108, 34:15–112 and 34:15–115 of the Revised Statutes," approved August 21, 1980 (P. L. 1980, c. 83).

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

1. Section 9 of P. L. 1980, c. 83 (C. 34:15–95.5) is amended to read as follows:

C. 34:15-95.5 Reduction for federal benefits.

9. For persons under the age of 62 receiving benefits as provided under R. S. 34:15–95, or R. S. 34:15–12(b), and whose period of

disability began after December 31, 1979, such compensation benefits shall be reduced by an amount equal to the disability benefits payable under the Federal Old-Age, Survivors' and Disability Insurance Act, as now or hereafter amended, not to exceed the amount of the reduction established pursuant to 42 U. S. C. 424a. However, such reduction shall not apply when the combined disability benefits provided under R. S. 34:15–95, or R. S. 34:15–12 (b), and the Federal Old-Age, Survivors' and Disability Insurance Act is less than the total benefits to which the federal reduction would apply, pursuant to 42 U. S. C. 424a. Where any person refuses to authorize the release of information concerning the amount of benefits payable under said federal act, the division's estimate of said amount shall be deemed to be correct unless and until the actual amount is established, and no adjustment shall be made for any period of time covered by any such refusal.

2. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 98

AN ACT concerning the practice of veterinary medicine and revising parts of the statutory law.

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

C. 45:16-1.1 Definitions.

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

a. "Animal or veterinary facility" means any fixed or mobile establishment, veterinary hospital, animal hospital or premises wherein or whereon the practice of veterinary medicine or any part thereof is conducted.

b. "Person" means any individual, firm, partnership, association, joint venture, cooperative, corporation incorporated under Title 14A of the New Jersey Statutes, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of any person.

c. "Qualified veterinary graduate" means a graduate of a veterinary college or university approved by the board, a graduate of a veterinary college or university which is not approved by the board, but who has received a certificate from an accrediting or qualifying body recognized by the board for the purpose of licensure examination, or a veterinarian who has qualified under the provisions of the American Veterinary Medical Association's Education Commission for the Foreign Veterinary Graduate.

C. 45:16-1.2 Applicability.

2. (New section) The provisions of this act shall apply to any person practicing veterinary medicine and any animal or veterinary facilities.

3. R. S. 45:16–1 is amended to read as follows:

Membership of State Board of Veterinary Medical Examiners.

45:16–1. The State Board of Veterinary Medical Examiners, hereinafter in this chapter designated as the "board," created and established by an act entitled "An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of New Jersey, to license veterinarians and to punish persons violating the provisions thereof," approved March 17, 1902 (L. 1902, c. 18, p. 36), as amended and supplemented, is continued. The board shall consist of five members, each of whom shall be a person of recognized professional ability and honor in the veterinary profession in this State and shall have practiced veterinary medicine and surgery in the State for at least 5 years immediately preceding appointment to the board. The fifth member of the board shall be a veterinarian from a regulatory agency of the State. Upon the expiration of the term of office or resignation of a member, a successor shall be appointed by the Governor for a term of 3 years from the first Monday of May of the year of appointment. The board shall additionally consist of any members who may be required by P. L. 1971, c. 60 (C. 45:1–2.2). No member shall be appointed to more than three successive full terms. Each member shall hold office until a successor has qualified.

4. R. S. 45:16–4 is amended to read as follows:

Examination of applicants.

45:16–4. The board shall hold 2 or more meetings for examinations each year at such time and place as it shall determine, due notice of which shall be made public. At all meetings a majority of the members of the board shall constitute a quorum, but the exam-

ination of applicants for a license may be conducted by a committee of one or more veterinary members duly authorized by the board. The board shall examine all diplomas and credentials as to their authenticity. Each applicant for a license shall submit to a theoretical and practical examination, to be written, oral, or both, designed to test the examinee's knowledge of and proficiency in the subjects and techniques deemed by the board to be necessary for the practice of veterinary medicine, including any laws, rules and regulations applicable in this State.

5. R. S. 45:16–7 is amended to read as follows:

Licensing of applicants.

45:16–7. A person desiring to commence the practice of veterinary medicine, surgery and dentistry in this State shall deliver to the secretary of the board a fee to be determined by the board for filing the application for examination and a fee to be determined by the board for the examination, together with satisfactory proof that the applicant is a qualified veterinary graduate as defined in this act or who shall provide a certification acceptable to the board that the applicant has completed all but the last portion of the last semester of a veterinary college or university and will be awarded a degree in veterinary medicine at the next graduation. No applicant, however, shall be licensed prior to graduation from a veterinary college or university.

C. 45:16-7.2 Reciprocity.

6. (New section) The board may waive all but the law portion of the examination of and issue a license to practice veterinary medicine and surgery to any person who has been actively engaged in the practice of veterinary medicine and, at the time of the application, holds a valid, unsuspended and unrevoked license to practice veterinary medicine and surgery issued by or under the authority of any state, territory, or the District of Columbia, which has education and examination requirements which are substantially equivalent to the requirements of this act for the issuance of a license.

7. R. S. 45:16–8 is amended to read as follows:

Additional examination.

45:16–8. Upon making such payment and exhibiting the proof required by section 45:16–7 of this Title, the board, if satisfied with the same, shall issue to such applicant an order for examination. In case of failure at such examination, the candidate may have

additional examinations by the board upon the payment of an additional application fee to be determined by the board and an additional examination fee to be determined by the board for each additional examination.

8. R. S. 45:16–8.1 is amended to read as follows:

Definition of practice of veterinary medicine.

45:16–8.1. Any person shall be regarded as practicing veterinary medicine within the meaning of this chapter, who, either directly or indirectly, diagnoses, prognoses, treats, administers, prescribes, operates on, manipulates, or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal, including poultry and fish, or for the prevention of or to test the presence of any disease, or who cuts tissue, or who holds himself out as being able or legally authorized to do so.

The term "practice of veterinary medicine, surgery, and dentistry" does not include:

(1) The calling into this State for consultation of a duly licensed veterinarian of any other state with respect to any case under treatment by a veterinarian registered under the provisions of this act;

(2) The practice of veterinary medicine by any veterinarian in the performance of his official duties in the service of the State of New Jersey or the United States Government, either civil or military;

(3) The experimentation and scientific research activities of physiologists, bacteriologists, biologists, pathologists, biological chemists, chemists, or persons under the direct supervision thereof, when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of veterinary medical practice;

(4) The administration to the ills and injuries to their own animals by persons owning such animals; provided, however, that they otherwise comply with all laws, rules and regulations relative to the use of medicines and biologics used in so doing;

(5) Persons gratuitously giving aid, assistance or relief in emergency or accident cases, if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof;

(6) Any properly trained animal health technician or other

properly trained assistant, who is under the responsible supervision and direction of a licensed veterinarian in his practice of veterinary medicine, if the technician or assistant does not represent himself as a veterinarian or use any title or degree pertaining to the practice thereof and does not diagnose, prescribe, or perform surgery;

(7) Emergency paramedical services rendered during the transportation of an animal to an animal or veterinary facility, when the transportation is provided by any person providing the service for hire as a business.

C. 45:16-8.2 Clean, sanitary facilities.

9. (New section) Facilities maintained and used in connection with the practice of veterinary medicine shall be clean and sanitary.

C. 45:16-9.3b Required services.

10. (New section) No veterinary facility included under section 6 of this act shall be designated by any name or title which in any way misleads or tends to deceive the public as to the nature or extent of the services rendered. If the title of a veterinary facility includes the term:

a. "Hospital", then the facility shall be able to provide examination, diagnostic and prophylactic services and medical and surgical treatment, shall be equipped to provide housing and nursing care during illness and convalescence or major surgery, and shall be solidly constructed with adequate space and safeguards for patients, clients, and personnel;

b. "Clinic", then the facility shall be able to provide examination, diagnostic and prophylactic services and medical and surgical treatment on an outpatient basis;

c. "Mobile", then the facility shall be movable, shall be directed by a veterinarian or group of veterinarians, and shall be associated with a clinic or hospital within reasonable proximity to the area served by the facility;

d. "Medical center", then the facility shall be staffed by one or more veterinarians who perform scientific research and conduct advanced education programs and shall provide all services available in hospital or clinical facilities;

e. "Emergency", then the facility shall be open after hours, as defined by the board, weekends, and bank holidays and shall have a veterinarian on the premises and all standards applying to animal hospitals shall apply.

11. R. S. 45:16–9 is amended to read as follows:

Licensure.

45:16–9. No person shall enter upon or continue the practice of veterinary medicine, surgery or dentistry in any of their branches, unless he has complied with the provisions of this chapter and has been licensed by the board. No person shall use any title or degree appertaining to the veterinary profession or practicing veterinary medicine, surgery or dentistry in any of their branches without being licensed and registered in conformity with the provisions of this chapter.

C. 45:16-9.3a Regulation of advertising.

12. (New section) It shall be unlawful for a licensee to advertise falsely, fraudulently or in a manner likely to mislead the public or in a manner which violates the rules and regulations of the board.

13. Section 4 of P. L. 1952, c. 198 (C. 45:16–9.4) is amended to read as follows:

C. 45:16-9.4 Certificate of registration.

4. Every person licensed to practice veterinary medicine, surgery and dentistry shall procure a certificate of registration which shall be issued upon the payment of a fee determined by the board for a 2 year period. A registrant not residing and not practicing in this State shall pay a fee determined by the board. The secretary shall mail to each person licensed to practice veterinary medicine, surgery and dentistry at least 30 days prior to the deadline for registration a printed blank form to be properly filled in and returned to said secretary by such licensed person on or before the deadline for registration, together with such fee. Upon the receipt of said form properly filled in, and such fee, the certificate of registration shall be issued and transmitted.

The failure on the part of the licensee to renew his certificate as required shall not deprive such person of the right of renewal. The fee to be paid if the certificate be renewed after the expiration date shall be determined by the board. Notice to the licensee by mail on or before the deadline for registration, addressed to his last post-office address known to the board, informing him of his failure to have applied for a renewal of his license certificate, shall constitute legal notification of such delinquency by the board.

Applications for renewal of certificates shall be in writing to the board, accompanied by the required fees. The license of any person who fails to procure a renewal of certificate at the time and in the manner required by this section shall be suspended by the

board upon notice. Any license so suspended shall be reinstated at any time upon the payment of all past-due annual registration fees and an additional reinstatement fee determined by the board. The board may require that any applicant for registration who has ceased the practice of veterinary medicine for a period in excess of 5 years be reexamined by the board and be required to complete additional continuing education requirements as a prerequisite to relicensure by the board. Any person whose license shall have been suspended for such cause shall, during the period of such suspension, be regarded as an unlicensed person and, in case he shall continue or engage in the practice of veterinary medicine, surgery or dentistry during such period, shall be liable to penalties pursuant to the provisions of P. L. 1978, c. 73 (C. 45:1–14 et seq.).

Every duly licensed person, before commencing the practice of veterinary medicine, surgery and dentistry in this State, shall, within 30 days of the commencement of such practice, procure the certificate of registration required in this act.

Every person practicing veterinary medicine, surgery and dentistry in this State shall conspicuously display at all times his license and registration certificate for the effective 2 year period in his main office. Every person who practices veterinary medicine, surgery and dentistry without having such certificate on display, as herein required, shall be liable to a penalty pursuant to section 12 of P. L. 1978, c. 73 (C. 45:1–25).

Every licensee holding an active registration certificate who may practice at any place other than that address for which his active registration certificate is issued, shall obtain from the Secretary a duplicate certificate for a fee determined by the board, to be displayed at the place of practice.

Every practitioner of veterinary medicine, surgery and dentistry, licensed under the provisions of this chapter, shall report to the said board in writing any change in his place of practice, whether same be his main office or branch office, within 30 days of such change.

14. Section 6 of P. L. 1952, c. 198 (C. 45:16–9.6) is amended to read as follows:

C. 45:16-9.6 Professional associations.

6. Wherever the profession of veterinary medicine, surgery and dentistry is carried on by a partnership, corporation incorporated under Title 14A of the New Jersey Statutes or professional associa-

tion, all partners or shareholders must be licensed veterinarians. However, this section shall not apply to corporations incorporated under Title 14A of the New Jersey Statutes, which limit the scope of their function to providing the animal health care services of spaying, castration, anesthetization and inoculation.

15. Section 10 of P. L. 1952, c. 198 (C. 45:16–9.7) is amended to read as follows:

C. 45:16-9.7 Temporary permits for veterinary graduates.

10. A qualified licensed practitioner of the profession may employ as assistants not more than two qualified veterinary graduates who have obtained a temporary permit; provided that the assistants have met all the requirements of the board as set forth in the practice act. An applicant for such a temporary permit must associate himself with a qualified licensed veterinarian and his labors shall be limited to the practice of the qualified veterinarian. Each assistant shall be under the responsible supervision of a licensed practicing veterinarian. Said applicant must present himself for examination at the next scheduled examination of the board. There shall be a fee determined by the board for the aforementioned permit, which fee shall be applied toward the examination fee, but shall be forfeited if the applicant fails to present himself at the next scheduled examination. If the applicant does not pass the examination, additional permits may be issued but not to exceed 3. Application for such permit shall be countersigned by the registered licensed veterinarian with whom the candidate will be associated. A candidate who has failed to appear for an examination or who has failed an examination and who has subsequent thereto failed to renew his permit is disqualified to practice the profession of veterinary medicine, surgery, and dentistry.

A lawfully qualified veterinarian of another state who meets the requirements of this State for admission by examination may take charge temporarily of the practice of a lawfully qualified veterinarian of this State during his absence from such practice, not to exceed 90 days, unless renewed, upon written request to the board for permission to do so and upon payment of a fee as determined by the board. The board shall have the right to suspend or revoke any such temporary permit for a violation of this chapter by either the permittee or licensee-employer; provided that before any such permit shall be suspended or revoked, the accused person shall be afforded a hearing before the board, as provided in section 45:16–6 of this chapter.

A licensed practitioner may also use a veterinarian who is qualified under the provisions of the American Veterinary Medical Association's Education Commission for the Foreign Veterinary Graduate or who is qualified under any other training program approved by the board, who shall have obtained a training certificate from the board for this purpose. That person shall be under the direct and immediate supervision of the licensed practitioner.

C. 45:16-12.1 Enforcement.

16. (New section) The provisions of this act and the act to which this act is amendatory and supplementary shall be enforced pursuant to P. L. 1978, chapter 73 (C. 45:1–14 et seq.).

Repealer.

17. The following are repealed:
Section 1 of P. L. 1953, c. 359 (C. 45:16–7.1); section 3 of P. L. 1952, c. 198 (C. 45:16–9.3); and section 12 of P. L. 1965, c. 216 (C. 45:16–12).

18. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 99

AN ACT concerning the appointment of certain commissioners and amending P. L. 1948, c. 198.

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

1. Section 4 of P. L. 1948, c. 198 (C. 40:11A–4) is amended to read as follows:

C. 40:11A-4 Creation of parking authority; appointment of commissioners.

4. The governing body of any county or municipality may, by resolution or ordinance, as appropriate, create a public body corporate and politic and a political subdivision of the State to be known as the "Parking Authority of the .....," inserting all or any significant part of the name of the municipality or county creating such authority. The creating resolution or ordinance, as the case may be, may provide that no real property shall be acquired by the power of eminent domain without the

consent of the governing body. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body shall, by resolution or ordinance, as appropriate, appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term.

The governing body of any county, or of any municipality with a population of 35,000 or more, may by resolution or ordinance, as appropriate, provide for the appointment of two additional commissioners who shall serve one- and two-year terms, respectively, from the date of their appointment, but thereafter, such commissioners shall be appointed as aforesaid, and in the case of a municipality which has adopted a "Mayor-Council Plan" of government pursuant to the provisions of the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A–1 et seq.), the mayor shall appoint the two additional commissioners, to terms of five years, except that all vacancies shall be filled for the unexpired term.

No municipality the area of which has been included (with its consent) within the area of operation of a parking authority created by a county shall thereafter create a parking authority.

Upon the creation of any such authority, the clerk shall certify a copy of the ordinance or resolution creating the parking authority, and also a copy of the resolution or ordinance appointing the first commissioners thereof, which documents shall be filed with the clerk of the county and be recorded in records of certificates of incorporation, and the clerk of the county shall cause duplicate certified copies of said documents to be filed forthwith with the Secretary of State.

2. This act shall take effect immediately.

Approved March 11, 1983.

CHAPTER 100

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amount appropriated by P. L. 1982, c. 49, the following amount is appropriated from the General Fund for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF HUMAN SERVICES

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520	Management and Field Services	$230,000.00
Special Purpose:		
	Agent Orange Commission	($230,000.00)

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved March 11, 1983.

CHAPTER 101

AN ACT concerning assault in certain circumstances and amending N. J. S. 2C:12–1.

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

1. N. J. S. 2C:12–1 is amended to read as follows:

Assault.

2C:12–1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39–1f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsection a. (1) and (2) of this section upon

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member or school administrator, teacher or other employee of a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board.

Aggravated assault under subsection b. (1) is a crime of the second degree; under subsection b. (2) is a crime of the third degree; under subsection b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.

2. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 102

AN ACT concerning the handling of radioactive materials in this State and supplementing P. L. 1950, c. 128 (C. 39:5B–1 et seq.).

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

C. 39:5B-18 Definitions.

1. As used in this act:

a. "Certificate of handling" means a written document issued by the Department of Environmental Protection pursuant to the terms of P. L. 1977, c. 233 (C. 26:2D–18 et seq.), approving the use of certain specified New Jersey highways for the transport of specified quantities of radioactive materials.

b. "Certificate number" means the number associated with the certificate of handling issued by the Department of Environmental Protection.

C. 39:5B-19 Proof of certification on request.

2. For the transport of certain types and quantities of radioactive material as specified by P. L. 1977, c. 233 (C. 26:2D–18 et seq.), the driver or operator of the motor vehicle shall produce the certificate of handling or certificate number when requested to do so by any State Police officer or any representative of the State Department of Environmental Protection, while in the performance of his office, and shall also produce any other documents in such manner as may be required by law so that the officer or representative may thereby determine the identity of the certificate holder.

C. 39:5B-20 Caution placards.

3. Where a radioactive material shipment has been certified pursuant to the provisions of P. L. 1977, c. 233 (C. 26:2D–18 et seq.), and the rules and regulations promulgated pursuant thereto, and it does not require placarding on the outside of the shipping vehicle pursuant to federal law or regulations, the driver or operator of the vehicle shall conspicuously post a placard in the cab to be readily visible from outside the cab of the vehicle bearing the conventional radiation symbol and the words:

"CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE MATERIAL".

Compliance with this section shall be deemed compliance with section 11 of P. L. 1950, c. 128 (C. 39:5B–11).

C. 39:5B-21 Driver to have certificate of handling or certification number.

4. In addition to any other conditions or liability imposed by law, it shall be unlawful to ship or transport, or cause to be shipped or transported, by motor vehicle over the highways of this State those types and quantities of radioactive material for which a certificate of handling is required pursuant to the terms of P. L. 1977, c. 233 (C. 26:2D–18 et seq.), unless the certificate of handling or certification number is obtained from the State Department of Environmental Protection and is in the possession of the driver or operator of any motor vehicle used for the transport of the material on the highways of this State.

C. 39:5B-22 No deviation from certificate conditions.

5. Where a certificate of handling is required by law and has been issued by the State Department of Environmental Protection, it shall be unlawful to ship or transport, or cause to be shipped or transported, by motor vehicle over the highways of this State the radioactive material in any manner or condition that constitutes a deviation from the conditions of the certificate of handling.

C. 39:5B-23 Inspection authorized.

6. Any State Police officer or representative of the State Department of Environmental Protection, while in the performance of the duties of his office, is authorized to inspect any motor vehicle to investigate any actual or suspected source of radiation for the purpose of determining compliance with the provisions of, or the need for, a certificate of handling.

C. 39:5B-24 Penalty.

7. The civil penalty for violation of this act for a first offense is not more than $250.00 and for each subsequent offense is not more

than $500.00, which penalty shall be recovered in accordance with "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.).

8. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 103

AN ACT concerning cruelty to animals and amending R. S. 4:22–26.

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

1. R. S. 4:22–26 is amended to read as follows:

Cruelty to animals; penalty.

4:22–26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;

b. Cause or procure to be done by his agent, servant, employee or otherwise an act enumerated in subsection a. of this section;

c. Inflict unnecessary cruelty upon a living animal or creature of which he has charge or custody either as owner or otherwise, or unnecessarily fail to provide it with proper food, drink, shelter or protection from the weather;

d. Receive or offer for sale a horse which by reason of disability, disease or lameness, or any other cause, could not be worked without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhuman manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P. L. 1941, c. 151 (C. 4:19–15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under 2 months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under 2 months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than 1 inch from the tip end thereof, or half cropping or cutting both ears or either ear more than 1 inch from the tip end thereof, or who shall have or keep in his possession sheep or cattle, which he claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a dog or cat—

Shall forfeit and pay a sum not to exceed $250.00 to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

2. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 104

AN ACT appropriating $20,000,000.00 from the Energy Conservation Fund for the purposes of performing energy audits and renovations of public buildings, institutions and educational facilities.

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

1. There is appropriated to the Department of Energy from the "Energy Conservation Fund" created pursuant to the "Energy Conservation Bond Act of 1980," P. L. 1980, c. 68, the sum of $2,000,000.00 for the purpose of conducting energy audits of public buildings, institutions and educational facilities.

2. There is appropriated to the Department of Energy from the "Energy Conservation Fund" created pursuant to the "Energy Conservation Bond Act of 1980," P. L. 1980, c. 68, the sum of $18,000,000.00 for the purpose of renovating public buildings, insti-

tutions and educational facilities for the purpose of accomplishing a net reduction in energy consumption.

3. The appropriations made pursuant to this act shall be subject to the provisions of P. L. 1980, c. 68.

4. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 105

AN ACT concerning motorized bicycles, revising part of the statutory law, and making an appropriation.

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

1. R. S. 39:3–18 is amended to read as follows:

"D.," temporary vehicle plates.

39:3–18. A manufacturer of motor vehicles, motor-drawn vehicles, motor vehicle bodies, motorized bicycles, or motorcycles doing business in this State may, with regard to motor or motor-drawn vehicles, motorized bicycles, or motorcycles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicle or cycle owned or controlled by such manufacturer, but only if it is operated only for shop, demonstration or delivery purposes.

A bona fide converter of commercial motor vehicles, motor-drawn vehicles or motor vehicle chassis doing business in this State may, with regard to motor or motor-drawn vehicles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any vehicles owned or controlled by such converter, but only if such vehicles are operated for shop, demonstration or delivery purposes.

A bona fide dealer in motor vehicles, motor-drawn vehicles or motorcycles doing business in this State and having a license to do business as such issued by the director may, with regard to

motor or motor-drawn vehicles or cycles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates shall only be placed on any vehicle or cycle owned by such dealer; and provided, such vehicle is not used for hire. Any person who shall be convicted of a violation of this paragraph shall be subject to a fine not exceeding $100.00.

A bona fide dealer in motorized bicycles, as defined in R. S. 39:1–1, who has an established place of business in this State, may, with regard to motorized bicycles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. The plates can be placed on a motorized bicycle by the dealer, but only if the motorized bicycle is operated only for shop, demonstration, or delivery purposes.

Any person engaged in the business of financing the purchase of motor or motor-drawn vehicles or motorized bicycles or lending money thereon may, with regard to motor or motor-drawn vehicles or motorized bicycles owned or controlled by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle only when it is being transported from the place where it has been kept by the purchaser or borrower to the place where it is to be kept by the repossessor, or when the repossessor desires to operate it for the purpose of demonstration for sale.

Any corporation engaged in the business of insuring motor vehicles, motorized bicycles, or motor-drawn vehicles against theft may, with regard to vehicles owned or controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any such vehicle, if ownership or control thereof has been obtained by virtue of the terms of an insurance against theft contract made by such corporation, and only when the vehicle is to be transported for delivery to the owner thereof from the place where it has been abandoned by or seized from a thief.

Any person, partnership or corporation engaged in the business of transporting motor or motor-drawn vehicles or motorized bicycles from the place of manufacture for delivery to dealers may, with regard to such vehicles, obtain general registration and

registration plates therefor of the kind and style provided for in this subtitle, with the word "temporary" stated thereon, but only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory evidence of such responsibility has been filed with him.

Any person engaged in the business of renting or leasing motor vehicles, motorized bicycles, or motor-drawn vehicles may, with regard to said motor vehicles, motorized bicycles, or motor-drawn vehicles owned by him, obtain general registration and registration plates therefor, provided for in this subtitle, with the word "temporary" stated thereon. Said registration plates may be placed on any motor vehicle, motorized bicycle, or motor-drawn vehicle owned by such person while said vehicle is not individually registered and not in use as a rented or leased vehicle.

A bona fide dealer in "nonconventional" type motor vehicles, as defined in R. S. 39:10–2, who has an established place of business in this State, may, with regard to "nonconventional" type motor vehicles owned by him, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the letter "D" stated thereon. Such plates can be placed on any "nonconventional" type motor vehicle by such dealer, but only if such "nonconventional" type motor vehicle is operated only for shop, demonstration or delivery purposes.

Any person, partnership or corporation engaged in the business of conducting a wholesale automobile auction block in this State for duly licensed dealers only, at least once each week, may, with regard to vehicles controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this subtitle, with the word "temporary" stated thereon. Such plates can be placed on any vehicle controlled by the auction block, which is to be transported from the place where stored by the owner to the auction block. Such plates may not be displayed on a vehicle sold at the auction block for delivery to the purchaser. Application for such plates shall be approved only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of any automobile accident and satisfactory proof of such responsibility has been filed with him.

Registration plates issued pursuant to this section shall be a single plate and shall be issued in sets of five and shall bear the

letter "D" or the word "temporary" and shall bear a number corresponding to the number on the certificate of registration. The single registration plate shall be displayed in accordance with the provisions of R. S. 39:3–33.

The annual fee for the issuance of a certificate of registration, four duplicates thereof and one set of five single "D" or "temporary" plates bearing a number corresponding to the number on the certificate of registration shall be $100.00; but the annual fee for the issuance of a certificate of registration for motorcycles or motorized bicycles, two duplicates thereof and one set of three single "D" plates bearing a number on the certificate of registration shall be $20.00.

2. R. S. 39:3–31 is amended to read as follows:

Duplicate certificate, license.

39:3–31. The commissioner, upon presentation of a statement duly sworn to, stating that the original registration certificate, original motorized bicycle registration certificate or driver's license has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate registration certificate, motorized bicycle registration certificate, or driver's license to the original holder thereof, upon the payment to the commissioner of a fee of $3.00 for each duplicate registration certificate, motorized bicycle registration certificate, or driver's license so issued.

3. R. S. 39:3–36 is amended to read as follows:

Change in residence.

39:3–36. The registered owner of a motor vehicle or a motorized bicycle and a licensed operator shall notify the commissioner, in writing, of a change in his residence within one week after the change is made. A person who violates this section shall be subject to a penalty of not more than ten dollars.

4. R. S. 39:10–2 is amended to read as follows:

Definitions.

39:10–2. As used in this chapter unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"New motor vehicle" means only a newly manufactured motor vehicle, except a nonconventional type motor vehicle, and includes all such vehicles propelled otherwise than by muscular power, and

motorcycles, motorized bicycles, trailers and tractors, excepting such vehicles as run only upon rails or tracks.

"Used motor vehicle" means every motor vehicle and motorized bicycle, except a nonconventional type motor vehicle, title to, or possession of, which has been transferred from the person who first acquired it from the manufacturer or dealer, and so used as to become what is commonly known as "secondhand" within the ordinary meaning thereof, and includes every motor vehicle and motorized bicycle other than a "new motor vehicle" or a "nonconventional type motor vehicle."

"Any motor vehicle," "every motor vehicle," or similar term, means both new and used motor vehicles, except a "nonconventional type motor vehicle."

"Nonconventional type motor vehicle" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch-digging apparatus, well-boring apparatus, road and general purpose construction and maintenance machinery, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels, drag lines, self-propelled cranes, earth-moving equipment, trailers and semitrailers which weigh less than 2,500 pounds, except that no mobile home or travel trailer shall be classified as a nonconventional type motor vehicle, motorized wheelchairs, motorized lawn mowers, bogies, farm equipment having a factory shipping weight of less than 1,500 pounds, whether or not motorized, including farm tractors within said weight limitation, industrial tractors, scooters, go-carts, gas buggies and golf carts. The Director of the Division of Motor Vehicles shall have power to make, amend and repeal regulations, not inconsistent with the provisions of this paragraph, prescribing what further vehicles or types of vehicles, not specified in this paragraph, shall be included in the category of nonconventional type motor vehicles.

"Motor vehicles which constitute inventory held for sale" means new motor vehicles and used motor vehicles held for the purpose of sale by dealers and used motor vehicles held for the purpose of sale by used motor vehicle dealers, and excludes motor vehicles held for the purpose of lease or rental by a person engaged in the motor vehicle leasing or rental business.

"Manufacturer's or importer's certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer to his agent or a dealer, or a person purchasing direct from the manufacturer, certifying the origin of the vehicle.

"Certificate of ownership" means the document issued in conformance with this chapter, certifying ownership of a motor vehicle, other than manufacturer's or importer's certificate of origin.

"Assignment" means the execution of a prescribed form transferring ownership of a motor vehicle from the person named therein to the purchaser.

"Contract" means conditional sale agreement, bailment, lease, chattel mortgage, trust receipt or any other form of security or possession agreement executed prior to January 1, 1963, wherein and whereby possession of a motor vehicle is delivered to the buyer and title therein is to vest in the buyer at a subsequent time upon the payment of part or all of the price, or upon the performance of any other condition or happening of any contingency, or upon the payment of a sum substantially equivalent to the value of the motor vehicle, by which contract it is agreed that the buyer is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the terms of the contract.

"Abstract" means the duplicate copy of the original certificate of ownership recording any encumbrance or upon which the existence of a security interest is noted.

"Title papers" means any instrument or document that is evidence of ownership of a vehicle.

"Director" means the Director of Motor Vehicles, his deputy or duly authorized agent.

"Manufacturer" means the person who originally manufactured the motor vehicle.

"Dealer" means the agent, distributor or authorized dealer of the manufacturer of the new motor vehicle, and who has an established place of business.

"Used motor vehicle dealer" means a person engaged in the business of selling, buying or dealing in used motor vehicles, and who has an established place of business.

"Person" includes natural persons, firms or copartnerships, corporations, associations, or other artificial bodies, receivers, trustees, common law or statutory assignees, executors, administrators, sheriffs, constables, marshals, or other persons in representative or official capacity, and members, officers, agents, employees, or other representatives of those hereinbefore enumerated.

"Buyer" includes purchaser, debtor, lessee, bailee, transferee, and any person buying, attempting to buy, or receiving a motor vehicle subject to a security interest, lease, bailment or transfer agreement, and their legal successors in interest.

"Seller" means manufacturer, dealer, lessor, bailor, transferor with or without a security interest, and any other person selling, attempting to sell, or delivering a motor vehicle, and their legal successors in interest.

The terms "sell" or "sale" or "purchase" and any form thereof include absolute or voluntary sales and purchases, agreements to sell and purchase, bailments, leases, security agreements whereby any motor vehicles are sold and purchased, or agreed to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise, or bequest, gift or any other form or manner of sale or agreement of sale thereof, or the giving or transferring possession of a motor vehicle to a person for a permanent use; continued possession for 60 days or more is to be construed as permanent use.

"Manufacturer's number" means the original manufacturer's vehicle identification number die stamped upon the body, or frame, or either or both of them, of a motor vehicle or the original manufacturer's number die stamped upon the engine or motor of a motor vehicle.

"Purchaser" means a person who takes possession of a motor vehicle by transfer of ownership, either for use or resale, except a dealer when he takes possession through a certificate of origin.

"Debtor" means the person who owes payment or other performance of the obligation secured by a security interest in a motor vehicle.

"Security interest" means an interest in a motor vehicle which secures payment or other performance of an obligation.

"Security agreement" means an agreement which creates or provides for a security interest in a motor vehicle.

"Secured party" means a lender, seller or other person in whose favor there is a security interest.

5. Section 2 of P. L. 1969, c. 301 (C. 39:3–4c) is amended to read as follows:

C. 39:3-4c Temporary registration certificates, plates.

2. The director may prescribe rules and regulations governing the issuance of temporary registration certificates and temporary plates by motor vehicle dealers, motorized bicycle dealers, and the Division of Motor Vehicles and may require security in sufficient amount to guarantee payment of all fees and moneys to the State of New Jersey and if he finds that any abuse has been practiced by any licensed motor vehicle or motorized bicycle dealer, he shall have the right to suspend his privilege or franchise to issue such temporary registration certificates and plates. The director shall also annually determine the fee to be charged and paid pursuant to this act, except that no such fee shall exceed the actual cost to the State of New Jersey of implementing and enforcing the terms and provisions of this act. All moneys received by such licensed dealers for temporary registration certificates and plates granted under the provisions of this act shall forthwith be deposited as received with the State Treasurer.

6. Section 1 of P. L. 1961, c. 77 (C. 39:3–31.1) is amended to read as follows:

C. 39:3-31.1 Duplicate original registration certificate.

1. The Director of the Division of Motor Vehicles, upon presentation of a statement by the holder of an original registration certificate that he requires a duplicate registration certificate for use by members of his family, shall issue a duplicate original registration certificate to the holder of the original registration certificate upon the payment to the director of a fee of $3.00.

Any such duplicate original registration certificate may be used in the same manner and for the same purpose as the original registration certificate but may be used only by the holder of the original registration certificate or a member of his family. Any reference to the original registration certificate in the chapter to which this act is supplementary or in Title 39 of the Revised Statutes as amended and supplemented shall be deemed to include any and all duplicate original registration certificates issued pursuant to this act and, in the event that the holder of the original registration certificate shall be required to surrender the same by virtue of the provisions of any law, he shall also be required to surrender the duplicate original registration certificate if he shall have had such duplicate original registration certificate issued to him. The said

director shall make and promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

This section shall also apply to registration certificates for motorized bicycles.

7. Section 2 of P. L. 1975, c. 250 (C. 39:4–14.3) is amended to read as follows:

C. 39:4-14.3 Operation of motorized bicycles.

2. a. Motorized bicycles shall not be operated upon interstate highways or upon public highways divided by a grass or concrete median or highways with posted speed limits in excess of 50 miles per hour or upon the railroad or right-of-way of an operating railroad within the State of New Jersey or upon any public land where expressly prohibited by the governing body, department or agency having jurisdiction thereof.

The Director of the Division of Motor Vehicles is authorized to adopt regulations either prohibiting the operation of motorized bicycles on any public road or highway with a speed limit in excess of 40 miles per hour, which in his discretion are hazardous for the operation of motorized bicycles or permitting the operation of motorized bicycles on any public road or highway, upon which the operation of motorized bicycles is otherwise prohibited by the provisions of this section, which in his discretion are safe for the operation of motorized bicycles. In no case, however, shall the director adopt a regulation permitting motorized bicycles to be operated on any highway with a posted speed in excess of 50 miles per hour.

b. No municipality shall limit or otherwise restrict the operation of motorized bicycles on any public roads or highways under its jurisdiction in contravention of the provisions of this act or any regulations adopted by the director pursuant thereto.

c. Motorized bicycles shall not be operated by a person under 15 years of age.

d. No person shall operate a motorized bicycle unless he is in possession of a valid driver's license of any class or a motorized bicycle license, which shall be issued by the director to any person 15 years of age or older, upon proof of identity and date of birth, and after he has passed a satisfactory examination as to his ability as an operator. Such examination shall include a test of the applicant's knowledge of such portions of the mechanism of motorized bicycles as is necessary to insure their safe operation and of

the laws and ordinary usages of the road and a demonstration of his ability to operate a motorized bicycle.

The demonstration of an applicant's ability to operate a motorized bicycle shall be administered at such municipalities that the director shall designate, under the supervision of the director, or an officer, employee, or authorized agent of the Division of Motor Vehicles, in accordance with rules and regulations promulgated by the division.

The director may, in his discretion, issue a learner's permit to a person 15 years of age or older, upon proof of identity and date of birth, allowing such person, for the purpose of fitting himself to become a motorized bicycle driver, to operate a motorized bicycle during daylight hours without supervision for a period not to exceed 45 days. The permit shall be sufficient license for the person to operate a motorized bicycle. No permit shall be issued unless the person applying therefor shall pay the sum of $5.00 to the director, or an officer, employee or agent of the division.

e. The valid driver's license, the insurance identification card, and the registration certificate shall be in the possession of the operator at all times when he is operating a motorized bicycle with motor engaged on the highways of this State. The operator shall exhibit his driver's license when requested to do so by any police officer or magistrate, while in the performance of the duties of his office and shall write his name in the presence of the officer, so that the officer may thereby determine the identity of the licensee and at the same time determine the correctness of the registration certificate, as it relates to the registration number and number plates of the motorized bicycle for which it was issued and the correctness of the evidence of a policy of insurance, as it relates to the coverage of the motorized bicycle for which it was issued. Any person violating this subsection shall be subject to a fine not exceeding $50.00.

If a person charged with a violation of this subsection can exhibit his valid driver's license, insurance identification card, and registration certificate, which were valid on the day he was charged, to the judge of the municipal court before whom he is summoned to answer to the charge, the judge may dismiss the charge; however, the judge may impose court costs.

f. Unless otherwise determined by the director, statutes, rules and regulations applicable to bicycles shall apply whenever a

motorized bicycle is operated upon any highway or upon any public land.

Every person operating a motorized bicycle upon a public road or highway shall be subject to all the duties applicable to the driver of a vehicle by chapter 4 of Title 39 and N. J. S. 2C:11–5 and all amendments and supplements thereto.

8. Section 1 of P. L. 1982, c. 43 (C. 39:5–30.5) is amended to read as follows:

C. 39:5-30.5 Penalty points.

1. The Director of the Division of Motor Vehicles shall have the authority, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), to continue to adopt rules and regulations to determine the motor vehicle offenses for which penalty points may be assessed under this act, and the amount of points to be assessed for each offense and to adopt rules and regulations to determine the motorized bicycle offenses for which penalty points may be assessed and the number of points to be assessed for each offense.

C. 39:4-14.3i Registration of motorized bicycles.

9. (New section) In addition to the requirements of section 2 of P. L. 1975, c. 250 (C. 39:4–14.3) and P. L. 1977, c. 267 (C. 39:4–14.3a et seq.), no motorized bicycle as defined by R. S. 39:1–1 shall be operated on the public highways or on public lands of this State unless registered by the owner thereof as provided by this act. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety is authorized to grant a registration to the owner of a motorized bicycle who is at least 15 years of age, provided that the application for registration has been properly made, the registration fee has been paid, and the motorized bicycle is of a type approved by the director.

The form and contents of the registration certificate shall be prescribed by the director. The director shall maintain a record of all registration certificates issued and their contents.

The registration shall expire and the registration certificate shall become void on the last day of the 11th calendar month following the calendar month in which the certificate was issued, except that the director may suspend or revoke a registration for any violation of this act or of any of the rules promulgated hereunder.

The director shall issue registration certificates for the following registration period, on and after the first day of the calendar month

immediately preceding the commencement of the registration preiod, the registration certificates to be effective immediately.

Application forms for all renewals of registrations for motorized bicycles shall be mailed by the director from the division to the last address of the owner of a motorized bicycle as it appears on the records of the division.

C. 39:4-14.3j Form for sale of motorized bicycles.

10. (New section) At the time of original sale of a motorized bicycle in this State, a motorized bicycle dealer shall complete a form, of a kind to be approved by the director, which shall contain the following information:

a. The year of manufacture, make, model, color, and unladen weight of the motorized bicycle;

b. The United States Department of Transportation head tag serial number of the motorized bicycle;

c. The name, street address, and age of the purchaser of the motorized bicycle;

d. The business name and address of the motorized bicycle dealer from whom the bicycle was purchased;

e. The amount of New Jersey sales tax collected by the dealer;

f. The motorized bicycle dealer's New Jersey sales tax authorization number;

g. Signatures of both the motorized bicycle dealer and the purchaser;

h. The month, day and year of sale;

i. The name of the insurer of the motorized bicycle and the policy number;

j. Any other information required by the director.

The dealer shall retain one copy of the form and present the other two to the purchaser. The form shall constitute temporary registration for the vehicle for a period of 20 days from the date of purchase; provided, however, that the purchaser shall comply with all other laws, rules and regulations regarding operation of motorized bicycles.

The dealer shall issue the purchaser temporary license plates to be displayed on the motorized bicycle until permanent registration is completed and a motorized bicycle license plate is issued.

Within 20 days the purchaser shall present one copy of the form to the Division of Motor Vehicles, together with any additional information which the director may require, pay the requisite fee

and register the motorized bicycle in the manner provided in this act.

The fee for the initial registration of a motorized bicycle by a given owner shall be $8.00. The yearly fee for each renewal of registration shall be $5.00.

C. 39:4-14.3k "MOPED" plate.

11. (New section) At the time of issuance of the registration of the motorized bicycle, the director shall also issue to the registrant, at no additional cost, a motorized bicycle license plate to be attached to the bicycle by the registrant. Each plate shall contain a clearly visible license number to be assigned by the director and shall bear the insignia "MOPED" in clear lettering. The license plate number shall be contained on the certificate of registration.

C. 39:4-14.31 Transfer of ownership.

12. (New section) Whenever a motorized bicycle for which a registration certificate has been issued has been permanently removed from the State, the owner shall notify the director in writing within 10 days.

Whenever a motorized bicycle for which a registration certificate has been issued has been destroyed, stolen, or whenever its use has been discontinued, the owner shall notify the director in writing, sign and execute the registration certificate, and return it to the director within 10 days.

Whenever there is a transfer of ownership of a motorized bicycle for which a registration certificate has been issued, the owner shall sign over the registration to the purchaser.

The new owner shall apply to the director for a new registration certificate and license plate and submit the original registration certificate and license plate with the application. The new owner shall not operate the motorized bicycle until the new registration is completed.

The application form for registering a motorized bicycle whose ownership has been transferred shall contain the same information contained in the application completed by a motorized bicycle dealer at the time of original sale, with modifications made by the director.

The new owner shall pay the fees for registering the motorized bicycle established pursuant to section 10 of this act.

C. 39:4-14.3m Display of license plate.

13. (New section) No person shall operate a motorized bicycle in this State unless a license plate is displayed in accordance with the provisions of R. S. 39:3–33 applicable to motorcycles.

C. 39:4-14.3n Approved motorized bicycles.

14. (New section) a. The director shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), requiring manufacturers or distributors to certify in writing to the division the make and model numbers of motorized bicycles which they sell or distribute in this State.

b. The director shall compile and maintain a list of approved motorized bicycles and shall only permit approved makes and models of motorized bicycles which are sold or distributed in this State after the effective date of this act to be registered pursuant thereto.

c. Nothing contained herein, however, shall preclude registration of a motorized bicycle pursuant to this act where the registrant of the motorized bicycle establishes with reasonable specificity that the motorized bicycle conforms to the definition in R. S. 39:1–1 and the requirements of section 2 of P. L. 1975, c. 250 (C. 39:4–14.3) and P. L. 1977, c. 267 (C. 39:4–14.3a et seq.).

C. 39:4-14.3o Reciprocity.

15. (New section) The registration provisions governing motorized bicycles shall not apply to a nonresident motorized bicycle owner who has complied with the registration and licensing laws of his state of residence, if the motorized bicycle is appropriately identified in accordance with the laws of his state of residence. Nothing in this section shall authorize the operation of a motorized bicycle contrary to the provisions of this act, section 2 of P. L. 1975, c. 250 (C. 39:4–14.3) and P. L. 1977, c. 267 (C. 39:4–14.3a et seq.).

C. 39:4-14.3p Purchase prior to act.

16. (New section) With respect to motorized bicycles purchased prior to the effective date of this act, and for which no bill of sale or other formal proof of ownership is available, the director may accept as proof of ownership a sworn affidavit from the owner, setting forth with reasonable specificity facts regarding the acquisition of ownership of the motorized bicycle, together with any supporting documents, as proof of ownership of the motorized bicycle.

A person who knowingly submits a false bill of sale, false receipt for purchase, or any other false proof of ownership, or who knowingly submits any false affidavit or false supporting document regarding proof of ownership of a motorized bicycle, commits a crime of the fourth degree.

C. 39:4-14.3q Protective helmet.

17. (New section) No person shall operate a motorized bicycle unless he wears a protective helmet of a type approved by the director.

C. 39:4-14.3r Not dealer for "Land Use Law" purposes.

18. (New section) Requiring a motorized bicycle dealer to be licensed as a motor vehicle dealer under R. S. 39:10–19 for the purposes of this act shall not mean that he is a motor vehicle dealer for the purpose of meeting any restrictions or regulations contained in a planning or zoning ordinance under the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D–1 et seq.).

C. 39:4-14.3s Rules, regulations.

19. (New section) The director shall have the authority to promulgate rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) to effectuate the purposes of this act.

C. 39:4-14.3t Penalty.

20. (New section) Except as otherwise provided by this act, a person who violates any of the provisions of this act or any rule or regulation promulgated pursuant to this act shall be subject to a fine of not more than $100.00 for each offense.

C. 39:4-14.3u 90 days to comply.

21. (New section) The owner of a motorized bicycle who acquired ownership prior to the effective date of this act shall have 90 days from the effective date to comply with the registration, titling, and license plate requirements contained herein.

C. 39:4-14.3v Educational program.

22. (New section) The director shall establish a fund not to exceed $50,00.00 per year for the purpose of providing an educational program for the safe operation of motorized bicycles.

C. 39:4-14.3w Appropriation of fees.

23. (New section) The fees collected pursuant to this act shall be appropriated to the Division of Motor Vehicles.

24. In addition to the monies appropriated hereinabove, $300,000.00 is appropriated from the General Fund to the Division of Motor Vehicles for the purposes of implementing this act, which sum shall be repaid to the General Fund as soon as possible from the fees collected pursuant to this act.

25. This act shall take effect on the 90th day following enactment, except that section 17 of this act shall take effect on the 30th day following enactment.

Approved March 14, 1983.

CHAPTER 106

AN ACT concerning motor vehicle registration and amending R. S. 39:3-27.

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

1. R. S. 39:3-27 is amended to read as follows:

Special registration.

39:3-27. No fee shall be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, Regional Air Pollution Control Agency, Passaic Valley Sewerage Commissioners, North Jersey District Water Supply Commission, a county improvement authority created under the "county improvement authorities law" (P. L. 1960, c. 183), a local school district, a regional school district, a county vocational or technical school, a duly authorized volunteer fire department, a duly authorized volunteer first aid, rescue or emergency squad, any duly recognized auxiliary or reserve police organization of any municipality, hospital, humane society, and anticruelty society in this State, New Jersey wing of the Civil Air Patrol incorporated by the Act of July 1946 (Public Law 476-79th Congress), the American Red Cross, chartered local councils in New Jersey of the Boy Scouts of America or the Girl Scouts of the United States of America, chartered local councils in New Jersey of the Boys' Clubs of America or the Girls' Clubs of America, chartered local organizations of the Police Athletic League or ambulances owned by nationally organized recognized veterans' organizations. These vehicles shall be registered and display number plates as provided in this subtitle or the director may, in his discretion, issue special registration certificates and special number plates for any of these motor vehicles which shall be valid for such motor vehicle until the transfer of ownership or the destruction of such motor vehicle, at which time the special registration shall expire. Upon the expiration of any special registration the registration certificate and special number marker shall be returned to the director; provided, however, upon proper application to the director the special registration and special number marker may be transferred to another

motor vehicle acquired by the owner to whom the special registration and marker were issued.

2. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 107

AN ACT to amend "An act making void and unenforceable certain hold harmless agreements and supplementing subtitle 6 of Title 2A of the New Jersey Statutes" approved December 3, 1981 (P. L. 1981, c. 317).

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

1. Section 1 of P. L. 1981, c. 317 (C. 2A:40A–1) is amended to read as follows:

C. 2A:40A-1 Construction hold harmless agreements void.

1. A covenant, promise, agreement or understanding in, or in connection with or collateral to a contract, agreement or purchase order, relative to the construction, alteration, repair, maintenance, servicing, or security of a building, structure, highway, railroad, appurtenance and appliance, including moving, demolition, excavating, grading, clearing, site preparation or development of real property connected therewith, purporting to indemnify or hold harmless the promisee against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the promisee, his agents, or employees, is against public policy and is void and unenforceable; provided that this section shall not affect the validity of any insurance contract, workmen's compensation or agreement issued by an authorized insurer.

2. Section 2 of P. L. 1981, c. 317 (C. 2A:40A–2) is amended to read as follows:

C. 2A:40A-2 Architects', engineers', surveyors' agreements void.

2. A covenant, promise, agreement or understanding in, or in connection with or collateral to a contract, agreement or purchase order, whereby an architect, engineer, surveyor or his agents,

servants, or employees shall be indemnified or held harmless for damages, claims, losses or expenses including attorneys' fees caused by or resulting from the sole negligence of an architect, engineer, surveyor or his agents, servants, or employees and arising either out of (1) the preparation or approval by an architect, engineer, surveyor or his agents, servants, employees or invitees, of maps, drawings, opinions, reports, surveys, change orders, designs or specifications, or (2) the giving of or the failure to give directions or instructions by the architect, engineer, surveyor or his agents, servants or employees; provided such giving or failure to give is the cause of the damage, claim, loss or expense, is against public policy and is void and unenforceable.

3. This act shall take effect immediately.

Approved March 14, 1983.

CHAPTER 108

AN ACT concerning board of education insurance, amending N. J. S. 18A:18A–42 and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:18B-1 Definitions.

1. (New section) Definitions. For the purposes of this act:

a. "Fund" means a joint self-insurance fund established by a school board insurance group pursuant to this act. The joint self-insurance fund is a fund of public moneys from contributions made by members of a school board insurance group for the purpose of securing insurance protection, risk management programs, or related services as authorized by this act;

b. "School board insurance group" or "group" means an association formed by two or more boards of education for the development, administration, and provision of risk management programs, joint self-insurance fund or funds, and related services;

c. "Risk management program" means a plan, and activities carried out under the plan, by a school board insurance group to reduce risk of loss with respect to a particular line of insurance

protection or coverage provided by a fund pursuant to this act, including safety engineering and other loss prevention and control techniques. Risk management program also includes the administration of one or more funds, including the processing and defense of claims brought against or on behalf of members of the group;

d. "Trustees" or "board of trustees" means the board of trustees established pursuant to the bylaws of the school board insurance group to govern or manage the risk management programs, joint self-insurance fund or funds and related services of the group;

e. "Contributions" mean the moneys paid by a member of a school board insurance group in amounts as may be set by the board of trustees or other officers as provided in the group's bylaws for the purpose of participating in a joint self-insurance fund or funds, securing risk management programs or related services;

f. "Certified audit" means an audit upon which an auditor expresses his professional opinion that the accompanying statements present fairly the financial position of a fund in conformity with generally accepted accounting principles consistently applied, and accordingly including tests of the accounting records and other auditing procedures as considered necessary in the circumstances;

g. "Commissioner" means the Commissioner of Insurance.

C. 18A:18B-2 Insurance authorized.

2. (New section) Insurance authorized. Any board of education is authorized to insure, contract or provide for any insurable interest of the district or board in the manner authorized by section 3 of this act, for the following:

a. Any loss or damage to its property, real or personal, motor vehicles, equipment or apparatus;

b. Any loss or damage from liability resulting from the use or operation of motor vehicles, equipment or apparatus owned or controlled by it;

c. Any loss or damage from liability for its own acts or omissions and for acts or omissions of its officers, employees or servants arising out of and in the course of the performance of their duties, including, but not limited to, any liability established by the "New Jersey Tort Claims Act," N. J. S. 59:1–1 et seq., or by any federal or other law;

d. Loss or damage from liability as established by Chapter 15 of Title 34 of the Revised Statutes, Labor and Workmen's Compensation (R. S. 34:15–1 et seq.);

e. Expenses of defending any claim against the board, district, officer, employee or servant arising out of and in the course of the performance of their duties, whether or not liability exists on the claim.

C. 18A:18B-3 School board insurance group.

3. (New section) School board insurance group.

a. Any two or more boards of education may form and become members of a school board insurance group. A board of education may take this action by resolution of the board. Through membership in a school board insurance group, a board of education may participate in any joint self-insurance fund or funds, risk management programs or related services offered or provided by the group. The group shall have the power to establish a fund or funds for coverages authorized in section 2 of this act and to jointly purchase insurance or coverages under a master policy or contract of insurance for participating members. The group shall have the power to take other actions necessary to developing, administering, and providing risk management programs, joint self-insurance funds, joint insurance purchases, and related services.

b. The bylaws of the school board insurance group shall provide that any board of education may join the group; provided it agrees to comply with the standards for membership, including risk management programs, which shall be established by the group, and may be a member as long as it complies with the standards for membership.

c. A school board insurance group may sue or be sued and shall appoint a natural person residing in this State or a corporation authorized to do business in this State as its agent for service of process. The group shall notify the commissioner of the appointment.

d. A school board insurance group is not an insurance company or an insurer under the laws of this State and the development, administration or provision by a group of joint self-insurance fund or funds, risk management programs and related services does not constitute the transaction of insurance nor doing an insurance business. A group shall not be subject to the provisions of Title 17, Subtitle 3, Insurance, of the Revised Statutes.

C. 18A:18B-4 Bylaws of the group; trustees; powers.

4. (New section) 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;

(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.

C. 18A:18B-5 Trustees; number and qualifications.

5. (New section) Trustees; number and qualifications. The board of trustees of any school board insurance group shall have no fewer than three nor more than 15 trustees. Each trustee shall be a natural person 18 years of age or older who is a resident of this State. A majority of the trustees of any group shall be members or employees of member boards of education, provided that any trustee who ceases to be a member or employee of a board of education may be allowed to serve for not more than 90 days following cessation without violating this provision.

C. 18A:18B-6 Trustees; compensation.

6. (New section) Trustees; compensation. No trustee shall be paid a salary, except that the written trust instrument may provide for reimbursement for actual expenses incurred on behalf of the trust fund and for compensation not to exceed $200.00 for any day or portion of a day spent at a meeting of the trustees. Except as otherwise provided in this act, no trustee shall enter into any contract with the group or receive any moneys or other compensation or thing of value whatsoever from the group for services performed for or on behalf of the group.

C. 18A:18B-7 Review of bylaws; investigations by the Commissioner of Insurance.

7. (New section) Review of bylaws; investigations by the Commissioner of Insurance.

a. No school board insurance group, nor any joint self-insurance fund of the group, may begin functioning as a means of providing insurance coverage or protection for or among its members until the group's bylaws have been filed with and approved by the com-

missioner. If the commissioner fails to approve or disapprove the bylaws within 60 days following filing of the bylaws in his office, the bylaws shall be deemed approved. The commissioner may disapprove the bylaws only if the bylaws do not conform with the provisions of this act. He shall set forth the reasons for his disapproval in writing. The reasonable costs of the commissioner's review of the bylaws shall be chargeable to the boards of education seeking to establish the group.

b. Every school board insurance group shall file an annual report, on a form prescribed by the commissioner, at a time to be fixed by the commissioner. The report shall include a financial statement of the group's assets and liabilities, the claims paid during the preceding 12 months, current reserves, incurred losses, and any other information that the commissioner may require.

c. The commissioner shall have authority to examine the books, records and affairs of any school board insurance group or joint self-insurance fund for the purpose of determining compliance with this act. The reasonable costs of any examination or review shall be chargeable to the school board insurance group.

d. If at any time the commissioner determines that the school board insurance group has experienced a deterioration in its financial condition which adversely affects or will adversely affect its ability to pay expected losses, he may: (1) require an increase in the reserves of the insurer required by section 4 of this act; or (2) require the purchase of excess insurance or reinsurance.

8. N. J. S. 18A:18A–42 is amended to read as follows:

Duration of certain contracts.

18A:18A–42. Duration of certain contracts. Any board of education may enter into a contract exceeding the fiscal year for the

a. Supplying of:

(1) Fuel for heating purposes, for any term not exceeding in the aggregate, 3 years; or

(2) Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, 3 years; or

b. The plowing and removal of snow and ice, for any term not exceeding in the aggregate, 3 years; or

c. The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, 3 years; or

d. Data processing service, for any term of not more than 5 years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, for any term of not more than 3 years; or

f. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for any term not exceeding the aggregate, 5 years; provided, however, such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the State Board of Education;

g. 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 5 years;

h. Materials, supplies or services that are required on a recurring basis from year to year, for any term not exceeding in the aggregate, two years; however, such contract may be renewed yearly, for a period not exceeding three additional years without any further solicitation for bids or bidding upon a finding by the board that the services are being performed in an effective and efficient manner, or that the materials and supplies continue to meet the original specifications. If a board of education elects to renew an existing contract, the terms and conditions of the existing contract shall remain substantially unchanged and any increase in the contract cost over the three year period shall be no greater than a total of 20% over the initial cost.

All multiyear leases and contracts entered into pursuant to this section 18A:18A–42, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities and except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, 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.

9. This act shall take effect immediately, and boards of education are authorized to plan, make commitments and take prepara-

tory action for establishing school board insurance groups and joint self-insurance funds, provided that no fund shall become fully operative prior to July 1, 1982.

Approved March 15, 1983.

CHAPTER 109

AN ACT concerning a transfer of funds from the State disability benefits fund to the unemployment compensation fund.

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

1. In the event that advances from the federal unemployment account under Title XII of the Social Security Act are not made available to the State of New Jersey, the State Treasurer is authorized to requisition and withdraw from the State disability benefits fund no more than $80,000,000.00 to be deposited in the unemployment compensation fund for the sole purpose of paying benefits under the unemployment compensation law (R. S. 43:21–1 et seq.). For purposes of this act, any moneys withdrawn from the State disability benefits fund shall not affect contribution rates for employers under R. S. 43:21–7. This transfer of funds shall be on an interest free basis.

2. At such time as the unemployment compensation fund has sufficient moneys to pay benefits under the unemployment compensation law (R. S. 43:21–1 et seq.), exclusive of advances made from the federal unemployment account under Title XII of the Social Security Act, the State Treasurer shall requisition and withdraw from the unemployment compensation fund all moneys heretofore deposited in the fund from the State disability benefits fund under this act and these moneys shall be redeposited in the State disability benefits fund.

3. The State Treasurer shall, within 30 days, notify the Legislature of the withdrawing of any funds pursuant to the provisions of this act, and shall further report any repayment of funds under this act to the Legislature within 30 days of such repayment.

4. This act shall take effect immediately, and shall expire on the ninetieth day thereafter.

Approved March 15, 1983.

CHAPTER 110

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts previously appropriated, the following amount is appropriated from the General Fund for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF HUMAN SERVICES

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

Special Purpose:

Establishment, including soil, water and other tests necessary to determine the appropriateness of each proposed cemetery site; and the operation, maintenance and financing by the State of one or more veterans' cemeteries ..... ($150,000.00)

Total Appropriation, Division of Veterans' Services $150,000.00

2. This act shall take effect immediately.

Approved March 16, 1983.

CHAPTER 111

AN ACT concerning municipal utility rates, amending sections 40:62–13, 40:62–24 and 40:62–77 of the Revised Statutes and P. L. 1975, c. 184 and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

1. R. S. 40:62–13 is amended to read as follows:

Powers of governing body.

40:62–13. The governing body may elect all officers, agents, engineers, employees or committeemen necessary to be employed in the maintenance and operation of any such light, heat or power plant, or works, define their duties, regulate their compensation and provide for their removal.

It may make, ordain and establish all such ordinances, resolutions, rules and regulations as it may deem necessary and proper for the introduction, transmission, distribution, use and supply of light, heat or power, and for the protection of the buildings, machinery, apparatus, wires, poles, pipes, subways and conduits, and other works and appurtenances used in connection therewith; and for the fixing and collection of all rates, rents or charges for supplying light, heat or power for private or commercial use in such municipality, and for the imposition of penalties upon the nonpayment thereof.

In fixing the rates, rents or charges for supplying light, heat or power, the governing body shall establish a rate structure which allows the municipality, within the limits of any covenants made with bondholders pursuant to law, to:

a. Recoup all costs of operation, including but not limited to the costs of raw materials, administration, equipment, buildings, property, maintenance, taxes, debt service, fees and offsetting any budget deficit occurring in the immediately preceding fiscal year;

b. Establish a surplus sufficient to provide for the reasonable anticipation of contingencies which may affect the operation of the utility.

2. R. S. 40:62–24 is amended to read as follows:

Board of Public Utilities jurisdiction.

40:62–24. Every municipality in supplying electricity, gas, steam or other product beyond its corporate limits is hereby declared to be a public utility. The Board of Public Utilities shall have the same supervision and regulation of, and jurisdiction and control over such municipality in respect to its acts in supplying electricity, gas, steam or other product beyond its corporate limits, and of and over the property, property rights, equipment, facilities and franchises used in supplying electricity, gas, steam or other product beyond its corporate limits as over other public utilities. Every such municipality shall be subject as to its service, accounts,

property rights, equipment, franchises, extensions, reports, issuance of bonds or other indebtedness maturing in more than one year from the date thereof, to the jurisdiction of the Board of Public Utilities to the same extent as other public utilities.

Every municipality supplying electricity, gas, steam or other product beyond its corporate limits, shall have the rates for these utilities subject to the jurisdiction of the Board of Public Utilities. The board in regulating these rates shall provide for a rate structure which allows the municipality, within the limits of any covenants made with bondholders pursuant to law, to:

a. Recoup all costs of operation, including but not limited to the costs of raw materials, administration, equipment, buildings, property, maintenance, taxes, debt service, fees and offsetting any budget deficit occurring in the immediately preceding fiscal year;

b. Establish a surplus sufficient to provide for the reasonable anticipation of contingencies which may affect the operation of the utility and for an amount which may be transferred from the accounts of the municipal utility and included in the local budget pursuant to section 5 of this amendatory and supplementary act.

3. R. S. 40:62–77 is amended to read as follows:

Powers related to water supply.

40:62–77. The governing body of every municipality providing and supplying water for the public and private use of such municipality and its inhabitants, may make, enforce, amend and repeal all such ordinances, resolutions and regulations as it may deem necessary and proper for the distribution, supply, use and protection of the water and the protection of the buildings, machinery, canals, aqueducts, reservoirs and other works and appurtenances thereto; for the installation and protection of meters, for fixing and collecting the water rents or prices for water, and for imposing penalties in addition to cutting off the water for nonpayment thereof.

In fixing the rents or prices for supplying water, the governing body shall establish a rate structure which allows the municipality, within the limits of any covenants made with bondholders pursuant to law, to:

a. Recoup all costs of operation, including but not limited to the costs of raw materials, administration, equipment, buildings, property, maintenance, taxes, debt service, fees and offsetting any budget deficit occurring in the immediately preceding fiscal year;

b. Establish a surplus sufficient to provide for the reasonable anticipation of contingencies which may affect the operation of the utility.

4. Section 1 of P. L. 1975, c. 184 (C. 40:62–85.2) is amended to read as follows:

C. 40:62-85.2 Subject to Board of Public Utilities; exemption.

1. Whenever any municipality solely owning or controlling waterworks or its own water supply is supplying water to more than 1,000 billed customers within any other municipality, the supplying municipality shall with respect to such service be subject to the jurisdiction, regulation and control of the Board of Public Utilities in the same manner and to the same extent as are the services of public utilities and to that extent and for that purpose such supplying municipality shall be deemed to be a public utility. The Board of Public Utilities in regulatng the rates for supplying this water shall, except as otherwise required by this section, provide for a rate structure which allows the supplying municipality, within the limits of any covenants made with bondholders pursuant to law, to:

a. Recoup all costs of operation, including but not limited to the costs of raw materials, administration, equipment, buildings, property, maintenance, taxes, debt service, fees and offsetting any budget deficit occurring in the immediately preceding fiscal year;

b. Establish a surplus sufficient to provide for the reasonable anticipation of contingencies which may affect the operation of the utility and for an amount which may be transferred from the accounts of the municipal utility and included in the local budget pursuant to section 5 of this amendatory and supplementary act.

Whenever any municipality solely owning or controlling waterworks or its own water supply is supplying water to 1,000 or less billed customers who do not buy water at a bulk rate within any other municipality, the supplying municipality shall with respect to such service be exempt from the jurisdiction, regulation and control of the Board of Public Utilities; provided that the revenue derived from the sale of water outside of its boundaries does not exceed 25% of its total water revenue.

Whenever any supplying municipality is exempt from the jurisdiction, regulation and control of the Board of Public Utilities, the rates charged to the billed customers within any other municipality shall be the same as those charged to customers within the supplying municipality. Any increase in the water rates shall be autho-

rized by ordinance. Notice of the second reading of such ordinance shall be sent by regular mail to billed customers outside of the supplying municipality at least 1 week prior to the public hearing for the said ordinance. Such customers shall have an opportunity to be heard at the public hearing.

No rates or charges shall include the imposition of any fees in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C. 26:2H–1 et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B–1 et al.) and regulations promulgated thereunder. Nothing in this amendatory act shall preclude any municipality from charging for the actual cost of water main connection.

C. 40A:4-35.1 Transfer of surplus revenue.

5. (New section) To the extent there is available surplus revenue collected by a municipality pursuant to chapter 62 of Title 40 of the Revised Statutes for supplying a utility service which is regulated by the Board of Public Utilities pursuant to R. S. 40:62–24 or section 1 of P. L. 1975, c. 184 (C. 40:62–85.2), an amount not to exceed 5% of the annual costs of operation of the utility may be transferred annually from the accounts of the municipal utility and included in the local budget pursuant to N. J. S. 40A:4–35.

6. This act shall take effect immediately.

Approved March 16, 1983.

CHAPTER 112

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

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

1. All proceedings heretofore had or taken by a school district at a school district election for the authorization or issuance of bonds of the school district issued or to be issued pursuant to a

proposal adopted by the legal voters at the election, are hereby ratified, validated and confirmed, notwithstanding that the proposal relating to the election was not published in the form required by N. J. S. 18A:24–22, provided that the proposal was published in a newspaper which is published in a county where the school district is located and which circulates in the school district, and provided that notice of the school election was made in accordance with N. J. S. 18A:14–19, and provided that no action, suit or other proceedings of any nature to contest the validity of the proceedings has heretofore been instituted prior to the effective date of this act and within the time fixed therefor by or pursuant to rule of court, or when that time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 24, 1983.

CHAPTER 113

AN ACT concerning taxation.

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

1. For the purpose of calculating State aid to education pursuant to section 18 of P. L. 1975, c. 212 (C. 18A:7A–18) for the 1983-1984 school year and apportioning the amount to be raised by taxation for school purposes in each constituent district of a regional school district, the Director of the Division of Taxation shall correct the 1982 certified equalized valuation table for a township; provided that:

a. The township is a constituent district of an all-purpose regional school district consisting of two constituent districts located in different counties; and

b. On or before October 4, 1982 a county board of taxation has rendered a judgment to correct assessments imposed by error in the township.

The correction in the certified equalized valuation table shall be made in accordance with that judgment.

2. This act shall take effect immediately.

Approved March 24, 1983.

CHAPTER 114

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. Notwithstanding the provisions of section 1 of P. L. 1950, c. 60 (C. 52:18–20.1), the following sum is appropriated out of the General State Fund, or such other sources of funds as may be applicable, for the purpose herein specified:

CLAIMS

DEPARTMENT OF THE TREASURY

Ruth H. Steele, c/o Henry Rowe Van Houten, 3 Dorian Road (P. O. Box 117), Boonton, N. J. 07005, for payment of uncashed payroll checks of her late husband . . . $11,143

2. This act shall take effect immediately and shall be retroactive to July 1, 1982.

Approved March 28, 1983.

CHAPTER 115

AN ACT requiring the issuance of a certificate of need as a precondition to the construction, substantial expansion and financing of certain electric facilities, and supplementing Title 48 of the Revised Statutes.

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

C. 48:7-16 Short title.

1. This act shall be known and may be cited as the "Electric Facility Need Assessment Act."

C. 48:7-17 Findings and determinations.

2. The Legislature finds and determines that it is the obligation

of the State to assure a safe and adequate supply of electricity to meet the needs of the residents of New Jersey; that, notwithstanding this obligation, any construction of new electric generation facilities, or substantial expansion of existing facilities, which brings electric generation capacity to a level significantly in excess of what will be required imposes a substantial and unreasonable financial burden on the ratepayers in the franchise area wherein these facilities are located; that widely fluctuating prices of fossil fuel resources and rapidly changing energy consumption patterns make long-term planning a complex and precarious enterprise; and, therefore, that a deliberative procedure assessing the future need for new electric generating capacity, taking into account existing capacity, long-range demand forecasts, prospective conservation efforts, and alternative means of satisfying this need, is necessary and appropriate to maintain electric rates at as low a level as possible consistent with the assurance of adequate supply.

C. 48:7-18 Definitions.

3. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Energy;

b. "Construction" means on-site work to install any permanent equipment or structure for any facility, but does not include installation of environmental monitoring equipment or any work related thereto;

c. "Department" means the Department of Energy;

d. "Electric facility" means:

(1) Any electric power generating unit or combination of units at a single site with a combined production of 100 megawatts or more and any facilities appurtenant thereto; or

(2) Any electric generating units added to an existing electric generating facility which will increase its installed capacity by 25% or by more than 100 megawatts, whichever is smaller.

C. 48:7-19 Certificate of need.

4. No public utility shall commence construction of any electric facility without having obtained from the department a certificate of need therefor as hereinafter provided. No agency of the State, or any county or municipal government, shall issue any license or permit required for any such construction or substantial expansion prior to the issuance of a certificate of need therefor by the department.

C. 48:7-20 Early assessment stage.

5. Any utility planning to construct an electric facility shall, at least one year prior to the formal application for a certificate of need therefor, submit to the department a notice of intent on forms and in a manner specified by the department. Receipt by the department of the notice of intent shall initiate the early assessment stage of the certificate of need process. During the early assessment stage, the department shall hold public hearings, in the franchise area served by that utility, to solicit the views of concerned individuals and groups on the proposed facility; provide advice to the utility on the proposed facility and on relevant alternative ways of meeting projected electricity demand which will minimize rate increases, reduce any adverse environmental impact of the proposed facility, and address other objections to the proposed facility; and develop a comprehensive view of how the proposed facility and any suggested alternatives thereto will affect the long-range energy plans and economic development of the State and otherwise promote the public interest. Notice of each public hearing shall be published in a newspaper of general circulation in the region where the hearing is to be held, and in any other newspapers of general circulation which the commissioner determines appropriate to reach the greatest possible number of affected citizens.

During the early assessment stage, the department shall publish, in a manner designed to reach the maximum number of affected people, interim reports on the progress of its analysis of the proposed facility. No later than nine months after receipt of a notice of intent, the department shall publish a comprehensive report presenting its preliminary assessment concerning the proposed facility. The report shall address the major concerns expressed during the early assessment stage, and compare the proposed facility with feasible alternatives thereto.

C. 48:7-21 Determination of necessity.

6. A certificate of need shall be issued only if the commissioner determines that the proposed facility is necessary to meet the projected need for electricity in the area to be served, and that no more efficient, economical, or environmentally sound alternative is available. The commissioner shall make these determinations only if he finds that:

a. The probable result of denial of a certificate of need would adversely affect the future adequacy, reliability, or efficiency of the

electric energy supply to the public utility's customers, or to the people of New Jersey, taking into account:

(1) The accuracy of the public utility's demand forecast for the level of electric energy that would be supplied by the proposed facility;

(2) The probable effects of existing or prospective State and federal conservation programs;

(3) The effect of promotional practices of the public utility which may have given rise to the demand for this facility;

(4) The ability of current and planned facilities not requiring certificates of need, and to which the public utility has access, to meet the future demand; and

(5) The effect of the proposed facility in making efficient use of resources.

b. The consequences of issuing the certificate of need outweigh the consequences of denying the certificate, taking into account:

(1) The relationship of the proposed facility to overall State energy needs as determined by the State Energy Master Plan adopted pursuant to the "Department of Energy Act," P. L. 1977, c. 146 (C. 52:27F–1 et seq.);

(2) The role of the proposed facility in inducing future development; and

(3) The socially beneficial uses of the output of the proposed facility, including its uses to protect or enhance environmental quality.

c. There is not a more reasonable and prudent alternative to the proposed facility, taking into account:

(1) The appropriateness of the size, type, and timing of the proposed facility compared to those of reasonable alternatives;

(2) The cost of the proposed facility and the cost of electric energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of electric energy that would be supplied by reasonable alternatives;

(3) The impact of the proposed facility upon the social, economic, and health environments compared to the impact of reasonable alternatives; and

(4) The expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives.

d. The design, construction, and operation of the proposed facility would comply with all relevant State and federal laws, rules, regulations and policies.

C. 48:7-22 Application for certificate of need.

7. a. Application for a certificate of need shall be made to the department, and shall be in such form and contain such information as the department may prescribe. The department may charge and collect a nonreturnable fee of not more than $250,000.00 for the filing, processing, and review of an application for a certificate of need. This fee shall cover the costs of the department's review of applications for a renewal of a certificate of need.

b. Upon receipt of a completed application, the department shall forward copies thereof to the board and to other appropriate State departments, agencies and instrumentalities for their review. These departments, agencies, and instrumentalities shall provide adequate mechanisms for full consideration of these applications, and for developing recommendations thereon. These recommendations shall be forwarded to the commissioner and to the applicant within 120 days of the date of referral. Recommendations concerning certificates of need shall be governed and based upon the principles and criteria set forth in section 6 of this act.

C. 48:7-23 Administrative Law hearing; department decision.

8. a. Upon receipt of a completed application for a certificate of need, the department shall transmit the application and all supporting documents, including the department's early assessment report, to the Office of Administrative Law, which shall conduct a hearing on the application pursuant to the provisions of P. L. 1978, c. 67 (C. 52:14F–1 et seq.). This hearing shall be an adjudicatory proceeding, and shall be conducted as a contested case pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.). The Division of Rate Counsel in the Department of the Public Advocate shall be deemed to be a party of interest in this proceeding and the Division of Rate Counsel shall be entitled to assess the applicant utility in the manner set forth in section 20 of P. L. 1974, c. 27 (C. 52:27E–19). Intervention in this hearing by any other person shall be as provided in the "Administrative Procedure Act."

b. The provisions of the "Administrative Procedure Act" to the contrary notwithstanding, within 6 months of receipt of the decision of the presiding administrative law judge, the department shall approve, conditionally approve, or deny the application. The department shall base its decision on the criteria set forth in section 6 of this act, and shall support its decision with a written report. The report shall address the issues raised and arguments advanced in the materials and information compiled during the

early assessment stage, in the department's preliminary assessment report, in the materials and information developed by State agencies, departments, and instrumentalities, in the analyses of outside consultants retained by the department, in the record of the adjudicatory proceeding conducted by the administrative law judge, and in the written decision of the presiding administrative law judge.

c. In the case of a conditional approval of an application, the department shall provide the applicant utility with a clear statement of the conditions to be met, including any modifications in the proposed electric facility.

d. The provisions of any law, rule or regulation to the contrary notwithstanding, the department's action on an application shall be considered the final agency action thereon for the purposes of the "Administrative Procedure Act," and shall be subject only to judicial review as provided in the Rules of Court.

C. 48:7-24 Renewal of certificate of need.

9. A certificate of need shall be valid for 3 years, and shall be renewable subject to review by the commissioner; provided, however, that no renewal shall be denied without the approval of the board. In the event that the commissioner and the board cannot agree on any renewal decision, a designee of the Governor shall arbitrate the matter, and his decision shall be binding. If any renewal is denied, the holder of the certificate shall have the option of continuing the project, or to terminate or alter the project under terms and conditions, established by the board, which equitably balance the interests of the stockholders, the ratepayers, and the public utility.

C. 48:7-25 Rules, regulations.

10. The department shall, within 90 days of the effective date of this act and pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt rules and regulations necessary to carry out the provisions of sections 1 through 9 of this act.

11. This act shall take effect immediately, but sections 1 through 9 shall remain inoperative for 90 days following enactment.

Approved March 30, 1983.

CHAPTER 116

AN ACT concerning the confidentiality of communications with sexual assault counselors 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:84A-22.11 Definitions.

1. As used in this act:

a. "Confidential communication" means information transmitted between a victim of sexual assault and a sexual assault counselor in the course of that relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than those who are present to further the interests of the victim in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or for the accomplishment of the purposes for which the sexual assault counselor is consulted. "Confidential communication" includes any advice, report or working paper given or made in the course of the consultation and all information received by the sexual assault counselor in the course of that relationship.

b. "Rape crisis center" means any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.

c. "Sexual assault counselor" means a person engaged in any office, institution or center defined as a rape crisis center by this act, who has undergone 40 hours of training and is under the control of a direct services supervisor of a rape crisis center and who has a primary function of rendering advice, counseling or assisting victims of sexual assault.

d. "Victim" means a person who consults a sexual counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by a sexual assault.

C. 2A:84A-22.12 Privilege of sexual assault counselor.

2. Subject to Rule 37 of the Rules of Evidence, a sexual assault counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless

otherwise instructed by prior written consent of the victim. When a victim is incompetent or deceased, consent to disclosure may be given by the guardian, executor or administrator. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding.

3. This act shall take effect immediately.

Approved March 31, 1983.

CHAPTER 117

AN ACT concerning official advertising and amending R. S. 35:2–1.

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

1. R. S. 35:2–1 is amended to read as follows:

Official advertising rates.

35:2–1. The price to be paid for publishing all official advertising as defined in R. S. 35:1–1 in newspapers shall be as follows:

In newspapers published in the State of New Jersey having a bona fide net paid circulation of up to 2,500 copies, the rate shall be $0.25 per line for each insertion; in the case of any newspaper having a bona fide net paid circulation of not less than 2,500 copies nor more than 5,000 copies, the rate shall be $0.31 per line for each insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 5,000 copies and not more than 10,000 copies, the rate shall be $0.34 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 10,000 copies and not more than 30,000 copies, the rate shall be $0.35 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 30,000 and not more than 45,000 copies, the rate shall be $0.36 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 45,000 copies and not more

than 60,000 copies, the rate shall be $0.38 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 60,000 copies and not more than 75,000 copies, the rate shall be $0.44 per line per insertion; and in the case of any newspaper having bona fide net paid circulation of not less than 75,000 copies and of more than 100,000 copies, the rate shall be $0.60 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 100,000 copies, and not more than 125,000 copies, the rate shall be $0.66 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 125,000 copies, and not more than 150,000, the rate shall be $0.72 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation of not less than 150,000 copies and not more than 200,000 copies, the rate shall be $0.82 per line per insertion; and in the case of newspapers having a bona fide net paid circulation of not less than 200,000 copies and not more than 300,000 copies, the rate shall be $0.91 per line per insertion; and in the case of any newspaper having a bona fide net paid circulation in excess of 300,000 copies the rate shall be $1.00 per line per insertion; but before any newspaper can charge the foregoing rates, the publisher or business manager of such newspaper must file with the properly authorized officer of every municipality, county or governing body, placing official advertising in such newspaper, an affidavit setting forth the average net paid circulation of such newspaper for the 12-month period ending September 30 next preceding and the rate to be charged for official advertising, which in no case shall be in excess of, or below, the rates provided in the foregoing schedule.

Lines shall be calculated upon the basis of the space that a 6 point line, 8 picas wide would occupy.

2. This act shall take effect on the thirtieth day following enactment.

Approved March 31, 1983.

CHAPTER 118

AN ACT to amend "An act to provide for exemptions and abatements on commercial and industrial structures in areas in need of rehabilitation in certain cases, and supplementing chapter 4 of Title 54 of the Revised Statutes," approved February 10, 1977 (P. L. 1977, c. 12).

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

1. Section 2 of P. L. 1977, c. 12 (C. 54:4–3.96) is amended to read as follows:

C. 54:4-3.96 Definitions.

2. As used in this act:

a. "Area in need of rehabilitation" means an area which, in the determination of the Commissioner of the Department of Community Affairs, upon application of the governing body of the affected municipality, is zoned for industrial, commercial or residential use, or any mix thereof, and is certified by the commissioner to be endangered by blight and in need of rehabilitation as measured by: the physical deterioration of building maintenance in the area, age of building stock and other structures, and arrearage in real property taxes due on buildings, structures or lands in the area. Any area which conforms to the conditions of a blighted area, as defined in P. L. 1949, c. 187, s. 1 (C. 40:55–21.1), shall also be deemed an area in need of rehabilitation if included by the governing body in its application to the commissioner. Where these indices show widespread deterioration, the commissioner may if so requested by the governing body of the affected municipality designate the entire municipality an "area in need of rehabilitation" for purposes of this act.

b. "Assessor" means the assessor or other official or body of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

c. "Commerical or industrial structure" means any structure or part thereof used for manufacturing, processing, assembling, research, office, industrial, commercial, retail, recreational, hotel or warehousing purposes.

d. "Improvement" means the modernization, rehabilitation, renovation, alteration or repair of a commercial or industrial

structure that does not increase the volume of the structure by more than 30%.

e. "Project" means the construction of a new facility or facilities to be used or occupied by any person for the manufacturing, processing, or assembly of material or manufactured products or for research, office, industrial, commercial, retail, recreational, or hotel or motel facilities or warehousing, or for any combination thereof, and which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. "Project" shall also mean an enlargement of the volume of an existing structure by more than 30%. "Project" shall not include any facility or facilities which are the result of a removal of a facility from any other qualifying municipality.

f. "Qualified municipality" means any municipality which has qualified for State aid under P. L. 1978, c. 14 (C. 52:27D–178 et seq.), or a municipality certified by the Commissioner of Community Affairs to qualify under such law in every respect except for one or more of the following: population, the number of ADC children, the existence of publicly financed housing, or a municipality which has qualified for State aid under the "Depressed Rural Centers Aid Act," P. L. 1977, c. 260 (C. 52:27D–162 et seq.).

2. Section 18 of P. L. 1977, c. 12 (C. 54:4–3.112) is amended to read as follows:

C. 54:4-3.112 Implementation.

18. The Director of the Division of Local Government Services shall promulgate and prescribe such forms as may be necessary to carry out the provisions of this act, shall immediately notify those municipalities which at any time become newly eligible to institute property tax exemption and abatement programs under this act, and shall annually submit to the Legislature a report containing all statistical and other information related to the implementation of the provisions of this act.

3. This act shall take effect immediately.

Approved March 31, 1983.

CHAPTER 119

AN ACT concerning certain school budgets and amending N. J. S. 18A:13–19 and N. J. S. 18A:22–37.

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

1. N. J. S. 18A:13–19 is amended to read as follows:

Procedure following school budget rejection.

18A:13–19. If the voters reject any of the items submitted at the annual election, within two days thereafter the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, and no later than April 28 shall determine the amount or amounts which they deem necessary to provide a thorough and efficient system of schools in the regional district for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district.

2. N. J. S. 18A:22–37 is amended to read as follows:

Determination by municipalities.

18A:22–37. If the voters reject any of the items submitted at the annual school election, the board of education shall deliver the proposed school budget to the governing body of the municipality, or of each of the municipalities included in the district within two days thereafter. The governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and by April 28, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;

b. Vocational evening schools or classes;

c. Evening schools or classes for foreign-born residents;

d. Appropriations to capital reserve fund; or

e. Any capital project, the cost whereof is to be paid directly from taxes, which amounts shall be included in the taxes to be

assessed, levied and collected in such municipality or municipalities for such purposes.

Within 15 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

3. This act shall take effect immediately.

Approved March 31, 1983.

CHAPTER 120

AN ACT concerning bridge maintenance and amending R. S. 48:12–52.

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

1. R. S. 48:12–52 is amended to read as follows:

Railroad company responsibility for crossings.

48:12–52. When a railroad company shall not properly construct and maintain the bridges or other crossings which cross, or are crossed by, highways, whenever the bridges or crossings were originally constructed by, or are owned by, the railroad company, the governing body of the county or municipality wherein such crossings are located may, within a reasonable time, after notice to the company, construct or repair such bridges or other crossings, and the cost thereof may be collected from the company whose duty it is to make such construction or repair, by action in a court of competent jurisdiction.

In lieu of such construction or repair the county or municipality may proceed by suit in equity to compel the specific performance of the duties imposed by law upon the company with respect to the construction, maintenance and repair of such bridges and crossings. The court shall prescribe the crossing to be constructed or the repairs to be made.

In order to enforce obedience to its decree or mandate, the court may restrain the exercise of any of the franchises of the company or adopt other remedies in accordance with the practice of the court.

2. This act shall take effect immediately.

Approved April 4, 1983.

CHAPTER 121

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there is appropriated the following sum for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

12 Law Enforcement

06-1200 Patrol Activities and Crime Control $300,000.00

Special Purpose:
Highway Patrol Merger .....($300,000.00)

2. This act shall take effect immediately.

Approved April 4, 1983.

CHAPTER 122

AN ACT appropriating moneys from the "Natural Resources Fund" for the purpose of making State grants to counties for the design, acquisition and construction of resource recovery facilities.

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

1. There is appropriated to the Department of Environmental Protection, from the "Natural Resources Fund" created pursuant to the "Natural Resources Bond Act of 1980" (P. L. 1980, c. 70), the sum of $471,550.00 for State matching grants to the following county governments for the design, acquisition and construction of resource recovery facilities as follows:

Cape May County	$195,000.00
Hunterdon County	$10,795.00
Morris County—Randolph Township	$27,500.00
—Roxbury Township	$33,333.00
Salem County—Pennsville Township	$14,000.00
Essex County—Newark Recycling, Inc.	$190,922.00
	$471,550.00

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1980, c. 70.

3. This act shall take effect immediately.

Approved April 4, 1983.

CHAPTER 123

AN ACT to amend and supplement the "Solid Waste Utility Control Act of 1970," approved May 6, 1970 (P. L. 1970, c. 40).

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

1. Section 3 of P. L. 1970, c. 40 (C. 48:13A–3) is amended to read as follows:

C. 48:13A-3 Definitions.

3. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

a. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids disposed of incident thereto, except it shall not include solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pickup and transportation of solid waste from its source or location to a disposal site, but does not include activity related to the pickup, transportation or unloading of septic waste.

c. "Solid waste disposal" means the storage, treatment, utilization, processing, or final disposal of solid waste.

d. "Septic waste" means pumpings from septic tanks and cesspools, but shall not include wastes from a sewage treatment plant.

C. 48:13A-4.1 Septic waste collectors exempt.

2. (New section) Notwithstanding the provisions of P. L. 1970, c. 40 or any other law, the Board of Public Utilities shall not have any jurisdiction over charges or rates received by persons engaging in the business of picking up, transporting or unloading of septic waste in this State.

3. This act shall take effect on the sixtieth day following enactment.

Approved April 5, 1983.

CHAPTER 124

AN ACT concerning probation and amending N. J. S. 2C:43-2 and N. J. S. 2C:45-1.

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

1. N. J. S. 2C:43-2 is amended to read as follows:

Sentence in accordance with code; authorized dispositions.

2C:43-2. Sentence in Accordance with Code; Authorized Dispositions.

a. Except as provided in section 2C:43-1b., as to persons convicted of offenses under the New Jersey Controlled Dangerous Substances Act, or as otherwise provided by this code, all persons convicted of an offense or offenses shall be sentenced in accordance with this chapter.

b. Except as provided in subsection a. of this section and subject to the applicable provisions of the code, the court may suspend the imposition of sentence on a person who has been convicted of an offense, or may sentence him as follows:

(1) To pay a fine or make restitution authorized by section 2C:43-3; or

(2) To be placed on probation and, in the case of a person convicted of a crime, to imprisonment for a term fixed by the court not exceeding 364 days to be served as a condition of probation, or in the case of a person convicted of a disorderly persons offense, to imprisonment for a term fixed by the court not exceeding 90 days to be served as a condition of probation; or

(3) To imprisonment for a term authorized by sections 2C:11-3, 2C:43-5, 6, 7 and 8 or 2C:44-5; or

(4) To pay a fine, make restitution and probation, or fine, restitution and imprisonment; or

(5) To release under supervision in the community or to require the performance of community-related service; or

(6) To a halfway house or other residential facility in the community, including agencies which are not operated by the Department of Human Services; or

(7) To imprisonment at night or on weekends with liberty to work or to participate in training or educational programs.

c. Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed 2 years the driver's license, registration certificate, or both of any person convicted of a crime, disorderly persons offense, or petty disorderly persons offense in the course of which a motor vehicle was used. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the crime or offense and the potential effect of the loss of driving privileges on the person's ability to be rehabilitated. Any postponement, suspension,

or revocation shall be imposed consecutively with any custodial sentence.

d. This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

e. The court shall state on the record the reasons for imposing the sentence, including its findings pursuant to the criteria for withholding or imposing imprisonment or fines under sections 2C:44–1 to 2C:44–3, where imprisonment is imposed, consideration of the defendant's eligibility for release under the law governing parole and the factual basis supporting its findings of particular aggravating or mitigating factors affecting sentence.

2. N. J. S. 2C:45–1 is amended to read as follows:

Conditions of suspension or probation.

2C:45–1. Conditions of Suspension or Probation.

a. When the court suspends the imposition of sentence on a person who has been convicted of an offense or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this section, as it deems necessary to insure that he will lead a law-abiding life or is likely to assist him to do so. These conditions may be set forth in a set of standardized conditions promulgated by the county probation department and approved by the court.

b. The court, as a condition of its order, may require the defendant:

(1) To support his dependents and meet his family responsibilities;

(2) To find and continue in gainful employment;

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;

(4) To pursue a prescribed secular course of study or vocational training;

(5) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(7) Not to have in his possession any firearm or other dangerous weapon unless granted written permission;

(8) To make restitution of the fruits of his offense, in an amount he can afford to pay, for the loss or damage caused thereby;

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;

(10) To report as directed to the court or the probation officer, to permit the officer to visit his home, and to answer all reasonable inquiries by the probation officer;

(11) To pay a fine;

(12) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience;

(13) To require the performance of community-related service.

c. When the court sentences a person who has been convicted of a crime to be placed on probation, it may require him to serve a term of imprisonment not exceeding 364 days as an additional condition of its order. When the court sentences a person convicted of a disorderly persons offense to be placed on probation, it may require him to serve a term of imprisonment not exceeding 90 days as an additional condition of its order. In imposing a term of imprisonment pursuant to this subsection, the sentencing court shall specifically place on the record the reasons which justify the sentence imposed. The term of imprisonment imposed hereunder shall be treated as part of the sentence, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent sentence. A term of imprisonment imposed under this section shall be governed by the "Parole Act of 1979," P. L. 1979, c. 441 (C. 30:4–123.45 et seq.).

Whenever a person is serving a term of parole as a result of a sentence of incarceration imposed as a condition of probation, supervision over that person shall be maintained pursuant to the provisions of the law governing parole. Upon termination of the period of parole supervision provided by law, the county probation department shall assume responsibility for supervision of the person under sentence of probation. Nothing contained in this section shall prevent the sentencing court from at any time proceeding under the provisions of this chapter against any person for a violation of probation.

d. The defendant shall be given a copy of the terms of his probation or suspension of sentence and any requirements imposed

pursuant to this section, stated with sufficient specificity to enable him to guide himself accordingly. The defendant shall acknowledge, in writing, his receipt of these documents and his consent to their terms.

3. This act shall take effect immediately.

Approved April 5, 1983.

CHAPTER 125

AN ACT to permit advances from the Unsatisfied Claim and Judgment Fund to the Division of Motor Vehicles in the Department of Law and Public Safety of those sums necessary for implementation by the division of the New Jersey Merit Rating Plan established pursuant to P. L. 1983, c. 65, providing for the repayment thereof, and amending P. L. 1952, c. 174.

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

1. Section 3 of P. L. 1952, c. 174 (C. 39:6–63) is amended to read as follows:

C. 39:6-63 Calculation of probable amount needed to maintain fund.

3. For the purpose of creating and maintaining the fund:

(a) (Deleted by amendment, P. L. 1968, c. 323, § 3.)

(b) (Deleted by amendment, P. L. 1968, c. 323, § 3.)

(c) (Deleted by amendment, P. L. 1968, c. 323, § 3.)

(d) On December 30 in each year, beginning with 1956, the director shall calculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year. In such calculation, he shall take into consideration the amount presently reserved for pending claims, anticipated payments from the fund during said year, anticipated payments from the fund for medical expenses to be made pursuant to section 2 of this act during the two years after said year, anticipated amounts to be reserved for claims pending during said year, amounts transferred to the Division of Motor Vehicles pursuant to section 28 of P. L. 1952, c. 174 (C. 39:6–88), as amended by this 1983 amendatory act, and the desirability of maintaining a surplus

over and above such anticipated payments and present and anticipated reserves, such surplus not to exceed the amount actually paid from the fund during the 12 full calendar months immediately preceding the date of calculation. Such probable amount which will be needed to carry out the provisions of this act shall be assessed against insurers for such year's contribution to the fund. Such probable amount needed shall be apportioned among such insurers in the proportion that the net direct written premiums of each bear to the aggregate net direct written premiums of all insurers during the preceding calendar year as shown by the records of the commissioner. Each insurer shall pay the sum so assessed to the treasurer on or before March 31, next following.

(e) Whenever any of the provisions of this act concerning the method and sources of assessments, the maximum amounts payable from the fund, eligibility or qualifications of claimants, or amounts to be deducted from payments made from the fund are amended by law, between January 1 and April 30 in any year, the director may, if he deems it necessary, rescind any assessment made on December 30 of the preceding year. He shall then, within 15 days of the adoption of such amendment, recalculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year, in accordance with the provisions of subsection (d) of this section. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall determine the contributions of insurers, if any, in accordance with the provisions of subsection (d) of this section. In the event of a rescission and reassessment subsequent to March 1 in any year, insurers shall pay the sum so assessed, if any, to the treasurer within 90 days of the date of such assessment.

2. Section 28 of P. L. 1952, c. 174 (C. 39:6–88) is amended to read as follows:

C. 39:6-88 Fund to be held in trust.

28. Fund to be held in trust. All sums paid to the director as Unsatisfied Claim and Judgment Fund fees and as additional charges against owners of uninsured motor vehicles shall be remitted to the treasurer within 30 days after the receipt of the same. All sums received by the treasurer pursuant to any of the provisions of this act shall become part of the fund, and shall be held by the treasurer in trust for the carrying out of the purposes of this act and for the payment of the cost of administering this act, and

for the payment of the costs of the Division of Motor Vehicles of implementing the New Jersey Merit Rating Plan pursuant to section 6 of P. L. 1983, c. 65 (C. 17:29A–35). The director shall certify to the treasurer the amount necessary to implement the New Jersey Merit Rating Plan pursuant to that section, and the treasurer shall thereupon disburse that amount from the fund. Moneys transferred to the Division of Motor Vehicles pursuant to this section shall be repaid, with interest at the prevailing rate as determined by the board, out of sums appropriated to the Division of Motor Vehicles from surcharges assessed in accordance with the New Jersey Merit Rating Plan established pursuant to section 6 of P. L. 1983, c. 65 (C. 17:29A–35). Said fund may be invested and reinvested in the same manner as other State funds and shall be disbursed according to the order of the treasurer, as custodian of the fund.

3. This act shall take effect immediately.

Approved April 5, 1983.

CHAPTER 126

AN ACT concerning commercial motor vehicles and omnibuses, amending R. S. 39:3–84 and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. R. S. 39:3–84 is amended to read as follows:

Commercial motor vehicle, omnibus dimensional restrictions.

39:3–84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State, the outside width of which is more than 102 inches, inclusive of load, except that the Commissioner of Transportation may, in respect of highways where he considers that public safety requires it, specify by regulation a lower maximum width, which shall in no case be lower than 96 inches. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State, the height of which exceeds 13½ feet, inclusive of load, and no commercial motor vehicle, tractor or trailer shall be operated on any highway in this

State, the extreme overall length of which exceeds 35 feet either for a two-axle four-wheeled vehicle, inclusive of load, or 35 feet either for a three-axle six-wheeled vehicle, inclusive of load. No combination of vehicles containing more than two drawn vehicles, whether trailers or semitrailers, shall be operated on any highway in this State. A combination of vehicles containing two drawn vehicles may only be operated on those routes and under those conditions as the Commissioner of Transportation may prescribe, which shall be consistent with any rules and regulations promulgated by the Secretary of Transportation of the United States of America. The drawn vehicles in such a combination, whether trailers or semitrailers, shall not exceed 28½ feet in extreme overall length, inclusive of load. No tractor-semitrailer combination shall be operated on any highway in this State, the semitrailer of which exceeds 48 feet in extreme overall length, inclusive of load. A vehicle or vehicle inclusive of load exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, or vehicle and load, for the purposes of this section, there shall not be included in the dimensional limitations safety appliances such as mirrors or lights, or chains or similar fasteners used for the securing of cargo, provided such appliances or fasteners do not exceed the overall limitations established by the director by rule or regulation.

In the case of an omnibus the maximum width and length dimensions shall be such as the Department of Transportation prescribes, but no outside width in excess of 102 inches shall be prescribed with respect to one or more highways specified or otherwise described except upon certifications, (1) of the Division of Motor Vehicles in the Department of Law and Public Safety that the proposed width is not unsafe for use on the highways in this State and (2) of the State Department of Transportation that the proposed width, if in excess of 102 inches, is not in conflict with the requirements of any agency of the United States having jurisdiction over the National System of Interstate and Defense Highways authorized by law. No outside width so prescribed shall be valid if the allowance of use of the same would disqualify the State of New Jersey or any department, agency or governmental sub-

division thereof for the purpose of receiving federal highway funds. The Commissioner of Transportation may, in respect of highways where he considers that public safety requires it, specify by regulation a lower maximum width, which shall in no case be lower than 96 inches.

In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of R. S. 39:3–24 and any such vehicle shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law.

In the case of commercial motor vehicles, trailers and semitrailers including farm trucks, while loaded with hay or straw the maximum width of the load shall not exceed 105½ inches, except that the Commissioner of Transportation may by regulation prescribe a maximum width of 102 inches in the case of certain highways where he determines federal laws and regulations require it.

Notwithstanding any other provision of this section, the director may adopt regulations specifying maximum length dimensions for any vehicle or combination of vehicles designed, built and used solely to transport other motor vehicles.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 22,400 pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than 40 inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced 40 inches, but less than 96 inches apart, extending across the full width of the vehicle, shall not exceed 34,000 pounds.

In addition to the other requirements of this section and notwithstanding any other provision of this Title, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any

highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle dimension the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving federal highway funds.

The dimensional and weight restrictions set forth herein shall not apply to a combination of vehicles which includes a disabled vehicle or a combination of vehicles being removed from a highway in this State, provided that such oversize or overweight vehicle combination may not travel on the public highways more than 5 miles from the point where such disablement occurred. If the disablement occurred on a limited access highway, the distance to the nearest exit of such highway shall be added to the 5-mile limitation.

2. (New section) The Commissioner of Transportation pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) shall adopt any rules and regulations necessary to carry out the purposes of this act.

3. This act shall take effect April 6, 1983.

Approved April 6, 1983.

CHAPTER 127

AN ACT concerning nonprofit corporations, revising the statutory law pertaining thereto and enacting a new title to be known as Title 15A, Corporations, Nonprofit of the New Jersey Statutes, and making an appropriation.

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

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CHAPTER 1

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15A:1–1. SHORT TITLE; PURPOSES; RULES OF CONSTRUCTION; VARIATION.

a. This title shall be known and may be cited as the "New Jersey Nonprofit Corporation Act."

b. This title shall be liberally construed and applied to promote its underlying purposes and policies.

c. Underlying purposes and policies of this title are, among others:

(1) to simplify, clarify and modernize the law governing nonprofit corporations;

(2) to provide a general corporate form for the conduct of lawful, nonprofit activities with such variations and modifications from the form so provided as the interested parties in any nonprofit

corporation may agree upon, subject only to overriding interests of this State and of third parties; and

(3) to make the law governing nonprofit corporations as nearly compatible with the New Jersey Business Corporation Act (N. J. S. 14A:1–1 et seq.) as may be practicable, subject to the particular requirements of nonprofit corporations.

d. The presence in certain provisions of this title of the words "unless otherwise provided in the certificate of incorporation" or "unless otherwise provided in the certificate of incorporation or bylaws," or words of similar import, does not imply that the effect of other provisions may not be varied by provisions in the certificate of incorporation or bylaws.

Source: N. J. S. 14A:1–1.

15A:1–2. DEFINITIONS.

As used in this title:

a. "Act" means the "New Jersey Nonprofit Corporation Act";

b. "Board" means the board of trustees or the group of persons vested with management of the business and affairs of the corporation irrespective of the name by which the group is designated; "entire board" means all the trustees then in office;

c. "Bylaws" means the code of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name by which these rules are designated;

d. "Certificate of incorporation" includes:

(1) the original certificate of incorporation or any other instrument filed or issued under any statute to form a domestic or foreign corporation, as amended, supplemented or restated by certificates of amendment, merger or consolidation or by other certificates or instruments filed or issued under any statute, and

(2) a special act or charter creating a domestic or foreign corporation, as amended, supplemented or restated;

e. "Corporation" or "domestic corporation" means a nonprofit corporation incorporated under this act, or existing on its effective date and organized under any law of this State (other than laws contained in Title 16 of the Revised Statutes) for purposes for which a corporation may be organized under this act;

f. "Corporate business entity" means an organization organized under any other statute of this State or any statute of any jurisdiction other than this State pursuant to which business corporate entities may be organized;

g. "Foreign corporation" means a nonprofit corporation organized under the laws of a jurisdiction other than this State for the purposes for which a corporation may be organized under this act;

h. "Member" means a participant in a corporation having such rights or obligations therein as provided in this act;

i. "Trustee" means any member of the board of a corporation, whether designated as a trustee, director, manager, governor, or by any other title.

Source: N. J. S. 14A:1–2; R. S. 15:1–8.

15A:1–3. Application of Act.

a. This act shall apply to:

(1) every corporation which is organized under this act;

(2) every corporation without capital stock which was organized under or became subject to any heretofore enacted law of this State with respect to which power to amend or repeal was reserved to the Legislature, and which provided for the organization of a corporation or corporations for a purpose or purposes for which a corporation may be organized under this act;

(3) every corporation which reincorporates under this act pursuant to section 15A:1–4; and

(4) foreign corporations to the extent provided in this act.

b. Chapters 12 (dissolution) and 14 (insolvency, receivers, and reorganization) of this act shall apply to any corporation organized under any provision of Title 16 of the Revised Statutes except as otherwise provided by any law of this State.

Source: N. J. S. 14A:1–3; R. S. 15:1–22; 15:14–1 amended 1953, c. 15, s. 8.

15A:1–4. Certain Corporations Organized Under Other Acts; Reincorporation or Conversion.

a. Any corporation not having capital stock which has been organized by any special act of the Legislature for any of the purposes for which a corporation may be organized under this act, and to which this act does not apply pursuant to section 15A:1–3, may come under and be subject to the provisions of this act, and continue in existence and operation as if organized hereunder, by amending its certificate of incorporation pursuant to the provisions of this act and filing an original and a copy of a certificate of the amendment in the office of the Secretary of State, together with a

certificate waiving any right of exemption from taxation and from privileges and advantages arising under that special act of incorporation. The Secretary of State shall forward the copy to the Attorney General. Upon filing a certificate of the amendment, the corporation shall be deemed to be incorporated under this act and to be free from the liabilities and provisions of the act under which it was formerly incorporated. Nothing in this section shall be held to affect transactions, liabilities or debts of the corporation, occurring before the filing of the certificate.

b. Any corporate business entity or corporation having capital stock formed for purposes for which corporations may be formed under this act, may, in the manner hereinafter provided, be converted into a corporation under this act as follows:

(1) A plan of conversion shall be prepared, setting forth:

(a) the terms and conditions of the conversion,

(b) the manner of carrying the conversion into effect,

(c) a restatement of the certificate of incorporation which complies with this act, and

(d) such other details and provisions as are deemed desirable.

(2) The plan of conversion shall be adopted by the unanimous vote of all of the shareholders of the corporate entity or corporation.

(3) Upon adoption of a plan of conversion by the corporate entity or corporation, a certificate of conversion shall be executed under its name by the president or any vice president, and shall set forth:

(a) the name of the corporate entity or corporation and the address including street and number, if any, of its registered office;

(b) the statute under which the corporate entity or corporation was incorporated and the date of incorporation;

(c) if the plan is to be effective on a specified date, the hour, if any, and the month, day and year of the effective date;

(d) the manner in which the plan was adopted by the corporate entity or corporation.

The original and a copy of the certificate of conversion shall be filed in the office of the Secretary of State, and upon the filing, or upon the effective date, not to exceed 30 days, specified in the plan of conversion, whichever is later, the conversion shall become effective.

Upon the conversion becoming effective, the corporate entity or corporation shall be deemed to be a corporation without capital stock organized under this act for all purposes. The corporate entity or corporation shall remain liable for all existing obligations, public or private, and for all taxes due the State of New Jersey or any other taxing authority for periods prior to the effective date of the conversion, and as a nonprofit corporation, it shall continue to be entitled to all assets it held as a corporate entity or corporation. The capital stock of the corporation theretofore outstanding shall be cancelled.

Source: N. J. S. 14A:1–4; R. S. 15:1–12; 15:1–13; 15:1–13.1; 15:6–1.

15A:1–5. Authorization to Corporations Which Could Be or Are Organized Under Title 16 of the Revised Statutes to Adopt Provisions of this Act Without Reincorporation.

a. Any corporation organized for any purpose for which corporations may be incorporated under Title 16 of the Revised Statutes which is not organized under this act and which has not reincorporated under this act pursuant to section 15A:1–4 may amend its certificate of incorporation or its bylaws to include provisions incorporating by reference any sections of this act to which the corporation wishes to be subject.

b. Without limiting the foregoing, any corporation which amends its certificate of incorporation or bylaws to include a provision which sets forth "This corporation shall be subject to the administrative provisions of the New Jersey Nonprofit Corporation Act" shall, without a recitation of the specific sections thereof, be subject to the following sections of this act as if the certificate of incorporation or bylaws of the corporation has been amended to recite the applicability of the text thereof: sections 15A:2–10; 15A:2–11; 15A:3–1 through 15A:3–5; 15A:5–1 through 15A:5–24; 15A:6–1 through 15A:6–17; and 15A:8–1 through 15A:8–5.

Source: R. S. 15:1–21.

15A:1–6. Reservation of Power.

This act may be supplemented, altered, amended or repealed by the Legislature and every corporation, domestic or foreign, to which this act applies shall be bound thereby.

Source: N. J. S. 14A:1–5.

15A:1–7. Execution, Filing and Recording of Documents.

a. If a document relating to a domestic or foreign corporation is required or permitted to be filed in the office of the Secretary of State under this act:

(1) The document shall be in the English language, except that the corporate name need not be in the English language if written in English letters or Arabic or Roman numerals, and except that this requirement shall not apply to a certificate of good standing under paragraph (2) of subsection b. of section 15A:2–5, section 15A:2–6 or subsection b. of section 15A:13–4;

(2) The filing shall be accomplished by delivering the document to the office of the Secretary of State, together with the fees and any accompanying documents required by law.

The Secretary of State shall endorse upon it the word "Filed" with the Secretary's official title and the date of filing thereof, and shall file it in the office of the Secretary of State. If so requested at the time of the delivery of the document, the Secretary of State shall include the time of filing in the endorsement thereon;

(3) The transaction in connection with which the document has been filed shall be effective at the time of filing, unless a subsequent effective time is set forth in the document pursuant to any other provision of this act, in which case the transaction shall be effective at the time specified, which shall not be later than 30 days after the date of filing.

b. If a document relating to a domestic corporation or a foreign corporation is required or permitted to be filed under this act and is also required by this act to be executed on behalf of the corporation, the document shall be signed by the chairman of the board, or the president or a vice-president. The name of any person so signing the document, and the capacity in which signed, shall be stated beneath or opposite the signature. The document may contain:

(1) The corporate seal;

(2) An attestation by the secretary or an assistant secretary of the corporation; or

(3) An acknowledgment or proof.

If the corporation is in the hands of a court-appointed officer, the document shall be signed by that officer or the majority of them, if there are more than one.

c. If a document relating to a domestic or foreign corporation was required or permitted to be filed in the office of the Secretary

of State under the law in force prior to the effective date of this act and was or is duly executed before or after the effective date of this act, in accordance with that law, to reflect any vote, consent, certification, or action by trustees, officers, or members of a corporation or by any of these persons on behalf of the corporation, duly taken, given or made before the effective date of this act, the document and any annual report by a corporation, so executed, may be filed in the office of the Secretary of State on the effective date of this act, and within 6 months thereafter.

d. The Secretary of State shall record all documents, except annual reports, which relate to or in any way affect corporations, and which are required or permitted by law to be filed in the office of the Secretary of State. The recording may be effected by typewritten copy, or by photographic, microphotographic or microfilming process, or in other manner as may be provided by law. The recorded documents shall be kept in a place different from the place where the originals are filed.

e. If any instrument filed with the Secretary of State under any provision of this act is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, the instrument may be corrected by filing with the Secretary of State a certificate of correction executed on behalf of the corporation. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the correction. The instrument as corrected shall be deemed to have been effective in its corrected form as of its original filing date, but as to persons who relied upon the inaccurate portion of the certificate and who are adversely affected by the correction, the correction shall be effective as of the effective date of filing the certificate of correction.

Source: N. J. S. 14A:1–6 amended 1973, c. 366, s. 1.

15A:1–8. Repeal of Prior Acts.

The repeal by this act of the whole or any part of any act under which there was organized any corporation in existence on the effective date of this act shall not dissolve the corporation, and the corporation, its officers, trustees and members shall have the same rights, and shall be subject to the same limitations, restrictions, liabilities and penalties as those prescribed by this act for corporations organized under this act, their officers, trustees and members.

Source: N. J. S. 14A:1–7.

15A:1–9. NOTICES; COMPUTATION OF TIME; EFFECT OF POSTAGE CLASS USED.

a. In computing the period of time for the giving of any notice required or permitted by this act, or by a certificate of incorporation or bylaws or any resolution of trustees or members, the day on which the notice is given shall be excluded, and the day on which the matter noticed is to occur shall be included.

b. If notice is given by mail, the notice shall be deemed to be given when deposited in the mail addressed to the person to whom it is directed at the last address of the person as it appears on the records of the corporation, with first class postage prepaid thereon, or 10 days thereafter if the notice is mailed by any postage class other than first class.

Source: N. J. S. 14A:1–8.

15A:1–10. CERTIFICATES AND CERTIFIED COPIES.

a. Upon request of any person, the Secretary of State shall furnish certified copies of documents filed in the office of the Secretary of State in accordance with the provisions of this act.

b. Upon the request of any person, the Secretary of State shall certify to the existence or non-existence of any facts on record in the office of the Secretary of State pertaining to domestic or foreign corporations.

Source: N. J. S. 14A:1–9.

CHAPTER 2

FORMATION

Section

15A:2–1. Purposes.
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15A:2–7. Incorporators.
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15A:2–9. Organization meeting of board of trustees.
15A:2–10. Bylaws; making and altering.
15A:2–11. Bylaws and other powers in emergency.
15A:2–12. Chapter organizations.

15A:2–1. PURPOSES.

a. A corporation may be organized under this act for any lawful purpose other than for pecuniary profit including, without being limited to, any one or more of the following purposes: charitable; benevolent; eleemosynary; educational; cemetery; civic; patriotic; political; religious; social; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; volunteer fire company; ambulance, first aid or rescue; professional, commercial, industrial or trade association; and labor union and cooperative purposes.

b. A corporation for which organization is permitted under any other statute of this State may not be organized under this act unless that statute permits organization under this act.

c. A corporation may be organized under this act for any purpose or purposes for which corporations may be incorporated under Title 16 of the Revised Statutes.

d. No corporation organized under this act shall have or issue capital stock or shares. No dividend shall be paid and no part of the income or profit of a corporation organized under this act shall be distributed to its members, trustees or officers, but a corporation may pay compensation in a reasonable amount to its members, trustees and officers, for services rendered, may pay interest on loans or other credit advances by members, trustees and officers, may confer benefits on its members in conformity with its purposes, and, upon dissolution, may make distributions to its members as permitted by this act; except the payment, benefit, or distribution shall not be deemed to be a dividend or distribution of income or profit.

Source: N. J. S. 14A:2–1; R. S. 15:1–1; 15:1–21; 15:1–22; 15:7–1; 15:8–1; 15:11–9; 15:13–1; 15:15–2 (added) 1944, c. 237.

15A:2–2. CORPORATE NAME OF DOMESTIC OR FOREIGN CORPORATION.

a. The corporate name of a domestic corporation or of a foreign corporation authorized to transact business in this State:

(1) Shall not contain any word or phrase, or abbreviation or derivative thereof, which indicates or implies that it is organized for any purpose other than one or more of the purposes permitted by its certificate of incorporation;

(2) Shall not be the same as, or confusingly similar to, the corporate name of any domestic corporation, including a corporate name set forth in a certificate of incorporation filed in the office of the Secretary of State for which the effective date is subsequent

to the date of filing, as authorized by subsection b. of section 15A:2–8 or of any foreign corporation authorized to conduct activities in this State or any corporate name reserved or registered under this act, or any corporate name in use, reserved or registered under the New Jersey Business Corporation Act, unless the written consent of the other domestic, foreign corporation or corporate entity, or holder of a reserved or registered name to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of incorporation or with the application for an original or amended certificate of authority to conduct activities in this State; or, in lieu of that consent, there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the corporation to the use of the name in this State;

(3) Shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless the restrictions have been complied with; and

(4) Shall contain one of the following: "a New Jersey nonprofit corporation," "incorporated," "corporation," "inc.," or "corp." unless it is a corporation which could organize pursuant to the provisions of Title 16 of the Revised Statutes.

b. (1) This section shall not require any domestic corporation organized prior to the effective date of this act or any foreign corporation authorized to conduct activities in this State prior to the effective date of this act to change its corporate name in order to comply with this section, if the name is otherwise lawful on the effective date of this act. The corporation shall not change its corporate name on or after the effective date of this act to a name which is not available for corporate use under this section.

(2) This section shall not prevent a domestic corporation (a) with which another corporation, domestic or foreign, is merged, or (b) which is formed by the reorganization or consolidation of one or more domestic or foreign corporations, or (c) which receives upon a sale, lease or other disposition from, or exchange with, another corporation, domestic or foreign, all or substantially all the assets of the other corporation including its name, from having the same corporate name as any of those corporations if, at the time, the other corporation was organized under the laws of, or is authorized to conduct activities in, this State.

c. If the name of a foreign corporation is not available for use in this State because of subsection a. of this section, the corpora-

tion may be authorized to conduct activities in this State under an alternate name which is available for corporate use under this section. The corporation shall file in the office of the Secretary of State with its application for an original or amended certificate of authority an original and a copy of a resolution of its board adopting the alternate name for use in conducting activities in this State. The Secretary of State shall forward the copy to the Attorney General.

d. The corporate name of a domestic corporation which has been dissolved and any name confusingly similar to the name of a domestic corporation which has been dissolved shall not be available for corporate use for 2 years after the effective time of dissolution, unless, within that 2-year period, the written consent of the dissolved corporation to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of incorporation of another domestic corporation or with the application of a foreign corporation for an original or amended certificate of authority to conduct activities in this State.

e. The filing in the office of the Secretary of State of the certificate of incorporation of a domestic corporation or the issuance by the Secretary of State of a certificate to a foreign corporation authorizing it to conduct activities in this State shall not preclude an action by this State to enjoin a violation of this section or an action by any person adversely affected to enjoin the violation or the use of a corporate name in violation of the rights of that person, whether on principles of unfair competition or otherwise. The court may grant any other appropriate relief.

Source: N. J. S. 14A:2–2 amended 1973, c. 366, s. 2; C. 14A:2–2a (1977, c. 59, s. 1 amended 1979, c. 141); C. 14A:2–2b (1977, c. 59, s. 2).

15A:2–3. Use of Name Other than Actual Corporate Name.

a. No domestic corporation, or foreign corporation which conducts activities in this State within the meaning of section 15A:13–3 shall conduct any activities in this State using an alternate name including an abbreviation of its corporate name or an acronym unless:

(1) It also uses its actual corporate name in the transaction of any of its activities in a manner as not to be deceptive as to its actual identity; or

(2) It has been authorized to conduct activities in this State

using the alternate name as provided in subsection c. of section 15A:2–2; or

(3) It has first registered the alternate name as provided in this section.

b. Any corporation may adopt and use any alternate name, including any which would be unavailable as the name of a domestic or foreign corporation because of the prohibitions of paragraph (2) of subsection a. of section 15A:2–2, but not including any name prohibited as a corporate name by paragraph (3) or (4) of subsection a. of section 15A:2–2, by filing an original and a copy of a certificate of registration of alternate name with the Secretary of State executed on behalf of the corporation. The Secretary of State shall forward the copy to the Attorney General. The certificate shall set forth:

(1) The name, jurisdiction and date of incorporation of the corporation;

(2) The alternate name;

(3) A brief statement of the character or nature of the particular activities to be conducted using the alternate name;

(4) That the corporation intends to use the alternate name in this State;

(5) That the corporation has not previously used the alternate name in this State in violation of this section or, if it has, the month and year in which it commenced the use.

c. The registration shall be effective for 5 years from the date of filing and may be renewed successively for additional 5-year periods by filing an original and a copy of a certificate of renewal executed on behalf of the corporation at any time within 90 days prior to, but not later than, the date of expiration of the registration. The certificate of renewal shall be effective as of the date of expiration of the earlier registration. The certificate of renewal shall set forth the information required in paragraphs (1) through (4) of subsection b. of this section, the date of filing of the certificate of registration then in effect, and that the corporation is continuing to use the alternate name. The Secretary of State shall forward the copy to the Attorney General.

d. This section shall not:

(1) Grant to the registrant of an alternate name any right in the name as against any prior or subsequent user of the name, regardless of whether used as a trademark, trade name, business name, or corporate name; or

(2) Interfere with the power of any court to enjoin the use of the name on the basis of the law of unfair competition or on any other basis except the identity or similarity of the alternate name to any other corporate name.

e. A corporation which has used an alternate name in this State contrary to the provisions of this section shall, upon filing a certificate of registration of alternate name or an untimely certificate of renewal, pay to the Secretary of State the filing fee prescribed for the certificate plus an additional filing fee equal to the full amount of the regular filing fee multiplied by the number of years it has been using the alternate name in violation of this section after the operative date of the prohibitions of this section specified in subsection h. of this section. For the purpose of this subsection, any part of a year shall be considered a full year.

f. The failure of a corporation to file a certificate of registration or renewal of an alternate name shall not impair the validity of any contract or act of the corporation and shall not prevent the corporation from defending any action or proceeding in any court of this State, but the corporation shall not maintain any action or proceeding in any court of this State arising out of a contract or act in which it used the alternate name until it has filed the certificate.

g. (1) A corporation which files a certificate of registration of alternate name which contains a false statement or omission regarding the date it first used an alternate name in this State shall, if the false statement or omission reduces the amount of the additional fee it paid or should have paid as provided in subsection e. of this section, forfeit to the State a penalty of not less than $200.00 nor more than $500.00.

(2) A corporation which ought to have filed a certificate of registration or renewal of alternate name and fails to do so within 60 days after being notified of its obligation to do so by certified or registered mail by the Secretary of State, by any other governmental officer, or by any person aggrieved by its failure to do so, shall forfeit to the State a penalty of not less than $200.00 nor more than $500.00.

(3) The penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in the action in a summary manner or otherwise.

h. The prohibitions of this section shall not be operative until 90 days after the effective date of this act. Any certificate of regis-

tration filed during that 90-day period need not include the information required by paragraph (5) of subsection b. of this section.
Source: N. J. S. 14A:2–2.1 (added) 1973, c. 366, s. 3.

15A:2–4. Reserved Name.

a. The exclusive right to the use of a corporate name may be reserved upon compliance with the provisions of this section.

b. The reservation shall be made by filing in the office of the Secretary of State an application to reserve a specified corporate name, or the first name available for corporate use among not more than three specified names, executed by or on behalf of the applicant and setting forth the name and address of the applicant. If the Secretary of State finds that the name complies with the provisions of section 15A:2–2, the Secretary of State shall reserve it for the exclusive use of the applicant for a period of 120 days from date of filing of the application and shall issue a certificate of reservation.

c. The right to the exclusive use of a specified corporate name so reserved may be transferred by filing in the office of the Secretary of State a notice of the transfer, executed by or on behalf of the applicant for whom the name was reserved, and specifying the name and address of the transferee.
Source: N. J. S. 14A:2–3 amended 1973, c. 366, s. 4.

15A:2–5. Registered Name.

a. Any foreign corporation may register its corporate name under this act, provided its corporate name is available for use under section 15A:2–2.

b. The registration shall be made by filing in the office of the Secretary of State:

(1) An application for registration executed on behalf of the corporation, setting forth the name and address of the headquarters or main office of the corporation, the jurisdiction of its incorporation, the date of its incorporation, a statement that it is conducting activities, and a brief statement of the activities in which it is engaged; and

(2) A certificate setting forth that the corporation is in good standing under the laws of the jurisdiction of its incorporation, executed by the official of that jurisdiction who has custody of the records pertaining to corporations and dated not earlier than 30 days prior to the filing of the application.

c. The registration shall be effective until the close of the calendar year in which the application for registration is filed.
Source: N. J. S. 14A:2–4.

15A:2–6. Renewal of Registered Name.

A corporation which has a registration of its corporate name in effect may renew the registration by annually filing in the office of the Secretary of State an application for renewal setting forth the facts required to be set forth in an original application for registration, together with a certificate of good standing as required for the original registration. A renewal application may be filed between October 1 and December 31 in each year, and shall extend the registration for the following calendar year.
Source: N. J. S. 14A:2–5.

15A:2–7. Incorporators.

a. Subject to the provisions of subsection d. of this section, one or more individuals, corporations, foreign corporations or corporate entities may act as incorporators of a corporation by signing and filing in the office of the Secretary of State a certificate of incorporation for the corporation. Individuals acting as incorporators shall be at least 18 years of age. Incorporators need not be United States citizens or residents of this State.

b. Except as otherwise provided in the certificate of incorporation, any action required or permitted by this act to be taken by incorporators may be taken without a meeting.

c. If any incorporator dies or is for any reason unable to act, the others may act. If there is no incorporator able to act, any person for whom an incorporator was acting as agent may act in that incorporator's stead, or if the other person also dies or is for any reason unable to act, the legal representative of the person may act.

d. Ten or more individuals shall act as incorporators for any corporation having as a purpose the establishment of a volunteer fire company or an exempt firemen's association.
Source: N. J. S. 14A:2–6 amended 1973, c. 366, s. 5; R. S. 15:1–1; 15:7–1; 15:8–1; 15:8–3.

15A:2–8. Certificate of incorporation.

a. The certificate of incorporation shall set forth:

(1) The name of the corporation;

(2) The purpose or purposes for which the corporation is organized;

(3) If the corporation is to have members, the qualifications for members or that the qualifications shall be as set forth in the bylaws of the corporation;

(4) If the members are to be divided into classes, the relative rights and limitations of the different classes of members to the extent those rights and limitations have been determined or that the rights and limitations shall be as set forth in the bylaws of the corporation;

(5) If the corporation is to have no members, that there shall be no members;

(6) The method of electing trustees or that the method shall be as set forth in the bylaws of the corporation;

(7) Any provision not inconsistent with this act or any other statute of this State, which the incorporators elect to set forth for the management and conduct of the affairs of the corporation, or creating, defining, limiting or regulating the powers of the corporation, its trustees and members or any class of members, including any provision which under this act is required or permitted to be set forth in the bylaws;

(8) The address, including actual location as well as postal designation, if different, of the corporation's initial registered office, and the name of the corporation's initial registered agent at that address;

(9) The number of trustees, not less than three, constituting the first board and the names and addresses of the persons who are to serve as trustees, which addresses shall be either the residence address of the person or other address where the person regularly receives mail and which is not the address of the corporation;

(10) The names and addresses of the incorporators, which addresses shall be either the residence address of the person or other address where the person regularly receives mail and which is not the address of the corporation;

(11) The duration of the corporation if other than perpetual;

(12) The method of distribution of assets of the corporation upon dissolution or that the distribution shall be as set forth in the bylaws of the corporation;

(13) If, pursuant to subsection b. of this section, the certificate of incorporation is to be effective on a date subsequent to the date of filing, the effective date of the certificate;

(14) If, pursuant to the exception in paragraph (4) of subsection a. of section 15A:2–2, the name of the corporation does not include a term required thereby, a statement that the corporation could be organized pursuant to the provisions of Title 16 of the Revised Statutes, the applicable section of Title 16 of the Revised Statutes permitting that organization, and an undertaking to add the required term if the corporation ceases to be so organized.

b. An original and one copy of the certificate of incorporation shall be filed in the office of the Secretary of State. The corporate existence shall begin upon the effective date of the certificate, which shall be the date of the filing, or such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. The filing shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and, after the corporate existence has begun, that the corporation has been incorporated under this act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation. The Secretary of State shall forward the copy of the certificate of incorporation to the Attorney General.

Source: N. J. S. 14A:2–7; R. S. 15:1–1; 15:1–2 amended 1946, c. 288, s. 1; 15:1–7 amended 1946, c. 288, s. 3.

15A:2–9. Organization Meeting of Board of Trustees.

On or after the effective date of the certificate of incorporation, an organization meeting of the board named in the certificate of incorporation shall be held, at the call of a majority of the board named, to adopt bylaws, elect officers, provide for initial members if there are to be members, and transact all other business as may come before the meeting. The board members calling the meeting shall give at least 5 days' notice thereof by mail to each trustee named in the certificate of incorporation, which notice shall state the time and place of the meeting.

Source: N. J. S. 14A:2–8 amended 1973, c. 366, s. 6.

15A:2–10. Bylaws; Making and Altering.

a. The initial bylaws of a corporation shall be adopted by the board at its organization meeting. Thereafter, the board shall have the power to make, alter and repeal bylaws unless that power is reserved to the members in the certificate of incorporation or the bylaws, but bylaws made by the board may be altered or repealed,

and new bylaws may be made, by the members. The members may prescribe in the bylaws that any bylaw made by them shall not be altered or repealed by the board.

b. For purposes of this act, the initial bylaws of a corporation adopted by the board at its organization meeting shall be deemed to have been adopted by the members, if the certificate of incorporation provides for members.

c. Any provision which this act requires or permits to be set forth in the bylaws may be set forth in the certificate of incorporation.

Source: N. J. S. 14A:2-9.

15A:2-11. Bylaws and Other Powers in Emergency.

a. The board of a corporation may adopt emergency bylaws, subject to repeal or change by action of the members, which shall, notwithstanding any different provision elsewhere in this act or in the certificate of incorporation or bylaws, be operative during any emergency in the conduct of the business of the corporation resulting from an attack on the United States or any nuclear or atomic disaster. The emergency bylaws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(1) A meeting of the board may be called by any officer or trustee in the manner and under the conditions as shall be prescribed in the emergency bylaws;

(2) The trustees in attendance at the meeting, or any greater number fixed by the emergency bylaws, shall constitute a quorum; and

(3) The officers or other persons designated in a list approved by the board before the emergency, all in the order of priority and subject to the conditions and for a period of time, not longer than reasonably necessary after the termination of the emergency, as may be provided in the emergency bylaws or in the resolution approving the list, shall, to the extent required to provide a quorum at any meeting of the board, be deemed trustees for that meeting.

b. Before or during the emergency, the board may provide, and from time to time modify, lines of succession in the event that during the emergency any officers or agents of the corporation shall be rendered incapable of discharging their duties.

c. Before or during the emergency, the board may change the head office or designate several alternative head offices or regional

offices, or authorize the officers to do so, the change or designation to be effective during the emergency.

d. To the extent not inconsistent with any emergency bylaws so adopted, the bylaws of the corporation shall remain in effect during the emergency and upon its termination the emergency bylaws shall be inoperative.

e. Unless otherwise provided in emergency bylaws, notice of any meeting of the board during the emergency need be given only to those of the trustees as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication, or other means of mass communication.

f. To the extent required to constitute a quorum at any meeting of the board during the emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency bylaws, be deemed, in order of rank and within the same rank in order of seniority, trustees for that meeting.

g. No officer, trustee or employee acting in accordance with any emergency bylaws shall be liable except for willful misconduct. No officer, trustee or employee shall be liable for any action taken by that person in good faith in the emergency in furtherance of the ordinary activities of the corporation even though not authorized by the bylaws then in effect.

Source: N. J. S. 14A:2-10.

15A:2-12. Chapter Organizations.

a. Any corporation to which this act is applicable pursuant to paragraph (1), (2) or (3) of subsection a. of section 15A:1-3 may provide in its certificate of incorporation that it is to be a "chapter organization" which is a corporation having subordinate or local chapters, however designated, located within or without this State and that it shall exercise the powers granted in this section.

b. Any chapter organization, as set forth in subsection a. of this section, in addition to the other powers granted pursuant to this act, may:

(1) Grant charters to subordinate or local chapters;

(2) Make, amend, and change bylaws for the government of its chapters and the use of its name; and

(3) Revoke or cancel the charter of a chapter for the violation of its bylaws or for other cause as it may determine.

c. Any chapter of a chapter organization which includes in its certificate of incorporation a provision that it is a chapter of a

chapter organization shall, upon revocation of its charter by the chapter organization, continue to be a corporation until dissolved in accordance with chapter 12 of this act. It shall not conduct any activities as a chapter of the chapter organization and, if the certificate of incorporation or bylaws of the chapter organization so provide, its assets may be taken and conserved by the chapter organization and be distributed in accordance with the certificate of incorporation or bylaws of the chapter organization. The chapter organization or any other interested person may apply to the Superior Court for the appointment of a receiver or custodian or for any other relief to enforce the provisions of this section. The court may proceed in a summary manner or otherwise.

d. No corporation shall adopt or use a name or symbol indicating that it is affiliated in any way with a chapter organization unless it is a chapter of the chapter organization or does so with the consent of the chapter organization.

e. Any corporation in existence prior to the effective date of this act which was, on that date, a state organization pursuant to R. S. 15:16–1, shall, on the effective date of this act be deemed a chapter organization under this section.

Source: R. S. 15:16–1; 15:16–2; 15:16–3; 15:16–4; 15:16–5 amended 1953, c. 15, s. 17; 15:16–6.

CHAPTER 3

Powers

Section

15A:3–1. General powers.
15A:3–2. Ultra vires transactions.
15A:3–3. Contributions by corporations.
15A:3–4. Indemnification of trustees, officers and employees.
15A:3–5. Provisions relating to actions in the right of a corporation.

15A:3–1. General Powers.

a. Each corporation, subject to any limitations provided in this act or other statute of this State, or in its certificate of incorporation or bylaws, may:

(1) have perpetual duration unless a limited period is stated in its certificate of incorporation;

(2) sue and be sued, complain and defend and participate as a party or otherwise in any judicial, administrative, arbitrative or other proceeding, in its corporate name;

(3) have a corporate seal which may be altered at pleasure, and to use the seal by causing it, or a facsimile to be impressed or affixed or in any other manner reproduced;

(4) take and hold by lease, gift, purchase, grant, devise or bequest any property, real or personal, necessary or desirable for attaining the objects and carrying into effect the purposes of the corporation and to purchase, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated, subject, however, to any alteration or modification made by general law as to the amount of real and personal property to be held by the corporation;

(5) sell, convey, mortgage, create a security interest in, lease, exchange, transfer and otherwise dispose of its property and assets;

(6) purchase, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, exchange, mortgage, lend, create a security interest in, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporate entities, associations, partnerships or individuals, or direct or indirect obligations of any domestic or foreign government or instrumentality thereof;

(7) make contracts and guarantees and incur liabilities, borrow money, issue its bonds, and secure any of its obligations by mortgage of or creation of a security interest in its property, franchises and income;

(8) lend money, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested;

(9) conduct its activities, carry on its operations, and have offices and exercise the powers granted by this act anywhere in the universe;

(10) elect or appoint officers, employees and agents of the corporation, and define their duties and fix their compensation;

(11) make and alter bylaws for the administration and regulation of the affairs of the corporation;

(12) levy dues and assessments on its members in accordance with its certificate of incorporation or bylaws which may provide

for reasonable regulations for enforcement and collection thereof and for different dues and assessments for different classes of members;

(13) pay pensions and establish pension and deferred compensation plans, and plans of similar nature for, and to furnish medical services, life, sickness, accident, disability or unemployment insurance and benefits, education, housing, social and recreational services and other similar aids and services to its officers, employees, and agents including any of the foregoing who may be trustees, their families, dependents or beneficiaries;

(14) participate with others in any corporate entity, partnership, limited partnership, joint venture, or other association of any kind, or in any transaction, undertaking or arrangement which the participating corporation would have power to conduct by itself, whether or not that participation involves sharing or delegation of control with or to others;

(15) at the request of the United States Government or of any of its agencies, transact any lawful activity in time of war or other national emergency, notwithstanding the purposes set forth in its certificate of incorporation;

(16) have and exercise all other powers necessary or convenient to effect any of the purposes for which the corporation is organized.

b. It shall not be necessary to set forth in the certificate of incorporation any corporate powers enumerated in this act.

Source: N. J. S. 14A:3–1 amended 1969, c. 102, s. 1; R. S. 15:1–4.

15A:3–2. Ultra Vires Transactions.

No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid because the corporation was without capacity or power to do that act or to make or receive the conveyance or transfer, but the lack of capacity or power may be asserted:

a. In a proceeding by a member or trustee against the corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation. If the unauthorized act or transfer sought to be enjoined is or is to be performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of the contract, and in so doing may allow to the corporation or to the other parties to the contract, as the

case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of the contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained;

b. In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through members in a representative suit, against the incumbent or former officers or trustees of the corporation;

c. In a proceeding by the Attorney General, as provided in this act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from the transaction of unauthorized activities.

Source: N. J. S. 14A:3–2.

15A:3–3. Contributions by Corporations.

a. Any corporation, unless otherwise provided in its certificate of incorporation or bylaws, and subject to the purposes specified in its certificate of incorporation, may, irrespective of corporate benefit, aid, singly or in cooperation with other corporate entities and with natural persons, in the creation or maintenance of institutions or organizations engaged in activities for the purpose of which a corporation may be organized under this act; including institutions or organizations engaged in community fund, hospital, charitable, philanthropic, educational, scientific or benevolent activities or patriotic or civic activities conducive to the betterment of social and economic conditions. The trustees may appropriate, spend or contribute for the purposes reasonable sums as they may determine.

b. The provisions of this section shall not be construed as directly or indirectly minimizing or interpreting the rights and powers of corporations, provided for prior to the effective date of this act, with reference to appropriations, expenditures or contributions of the nature set forth in subsection a. of this section.

Source: N. J. S. 14A:3–4.

15A:3–4. Indemnification of Trustees, Officers and Employees.

a. As used in this section:

(1) "Corporate agent" means any person who is or was a trustee, officer, employee or agent of the indemnifying corporation

or of any constituent corporation absorbed by the indemnifying corporation in a consolidation or merger and any person who is or was a trustee, officer, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or of the constituent corporation, or the legal representative of the trustee, officer, employee or agent;

(2) "Other enterprise" means any domestic corporation, foreign corporation, or corporate business entity, other than the indemnifying corporation or any employee benefit plan or trust;

(3) "Expenses" means reasonable costs, disbursements and counsel fees;

(4) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties; and

(5) "Proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitrative action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to the action, suit or proceeding.

b. Any corporation may indemnify a corporate agent against the agent's expenses and liabilities in connection with any proceeding involving the corporate agent because the agent is or was a corporate agent, other than a proceeding by or in the right of the corporation, if:

(1) the corporate agent acted in good faith and in a manner which the agent reasonably believed to be in or not opposed to the best interests of the corporation; and

(2) with respect to any criminal proceeding, the corporate agent had no reasonable cause to believe the conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that the corporate agent did not meet the applicable standards of conduct set forth in paragraphs (1) and (2) of subsection b. of this section.

c. Any corporation may indemnify a corporate agent against the agent's expenses in connection with any proceeding by or in the right of the corporation to procure a judgment in its favor which involves the corporate agent by reason of being or having been the corporate agent, if the agent acted in good faith and in a manner which the agent reasonably believed to be in or not opposed to the best interests of the corporation. However, in the proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which the corporate agent was liable for negligence or

misconduct, unless and only to the extent that the Superior Court or the court in which the proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, the corporate agent is fairly and reasonably entitled to indemnity for those expenses as the Superior Court or the other court shall deem proper.

d. Any corporation shall indemnify a corporate agent against expenses to the extent that the corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections b. and c. of this section or in defense of any claim, issue or matter therein.

e. Any indemnification under subsection b. of this section and, unless ordered by a court, under subsection c. of this section, may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection b. or c. Unless otherwise provided in the certificate of incorporation or bylaws, the determination shall be made:

(1) By the board of trustees or a committee thereof at a meeting at which is present a quorum determined without including trustees who were parties to or otherwise involved in the proceeding, acting by a majority vote of trustees who were not parties to or otherwise involved in the proceeding;

(2) If the quorum is not obtainable, or, even if obtainable and the quorum of the board of trustees or committee by a majority vote of the disinterested trustees directs, by independent legal counsel, in a written opinion, the counsel to be designated by the board of trustees; or

(3) By the members, if the corporation has members and if the certificate of incorporation or bylaws or a resolution of the board of trustees directs.

f. Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding if authorized in the manner provided in subsection e. of this section upon receipt of an undertaking by or on behalf of the corporate agent to repay the amount unless it shall ultimately be determined that the agent is entitled to be indemnified as provided in this section.

g. (1) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection d. of this section or permitted under subsections b., c.

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and f. of this section, a corporate agent may apply to a court for an award of indemnification by the corporation, and the court:

(a) may award indemnification to the extent authorized under subsections b. and c. of this section and shall award indemnification to the extent required under subsection d. of this section, notwithstanding any contrary determination which may have been made under subsection e. of this section; and

(b) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection f. of this section, if the court shall find that the corporate agent has by the agent's pleadings or during the course of the proceeding raised genuine issues of fact or law.

(2) Application for indemnification may be made:

(a) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(b) to the Superior Court in a separate proceeding.

(3) If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for the relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

The application shall set forth the disposition of any previous application for indemnification and shall be made in the manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. The application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the members, if any, and all other persons as it may designate in the manner as it may require.

h. The indemnification provided by this section shall not exclude any other rights to which a corporate agent may be entitled under a certificate of incorporation, bylaw, agreement, or otherwise.

i. Any corporation shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted by reason of the agent's being or having been a corporate agent, whether or not the corporation would have the power to indemnify the agent against those expenses and liabilities under the provisions of this section.

j. The powers granted by this section may be exercised by the corporation notwithstanding the absence of any provision in its

certificate of incorporation or bylaws authorizing the exercise of these powers.

k. Except as required by subsection d. of this section, no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if that action would be inconsistent with a provision of the certificate of incorporation, a bylaw, a resolution of the board or of the members, an agreement or other proper corporate action in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

Source: N. J. S. 14A:3–5 amended 1973, c. 366, s. 8.

15A:3–5. Provisions Relating to Actions in the Right of a Corporation.

a. No action shall be brought in this State by a member in the right of a domestic or foreign corporation unless the plaintiff was a member at the time of the transaction of which the plaintiff complains.

b. In any action hereafter instituted in the right of the corporation by a member, the court having jurisdiction, upon final judgment and a finding that the action was brought without reasonable cause, may require the plaintiff to pay to the parties named as defendant the reasonable expenses, including fees of attorneys, incurred by them in the defense of the action.

c. In any action now pending or hereafter instituted or maintained in the right of the corporation by less than 5% of the members or any class of members, the corporation in whose right the action is brought shall be entitled at any time before final judgment to require the plaintiff to give security for the reasonable expenses, including fees of attorneys, that may be incurred by it in connection with the action or may be incurred by other parties named as defendant for which it may become legally liable. The amount of the security may from time to time be increased or decreased, in the discretion of the court, upon showing that the security provided has or may become inadequate or excessive. The corporation shall have recourse to the security in an amount as the court having jurisdiction shall determine upon the termination of the action.

d. This section shall not impair, restrict, or impose a condition on any right of a trustee of a corporation with or without members,

to bring an action in this State in the right of a domestic or foreign corporation.

Source: N. J. S. 14A:3–6 amended 1973, c. 366, s. 9.

CHAPTER 4

REGISTERED OFFICE AND REGISTERED AGENT; ANNUAL REPORT

Section

15A:4–1. Registered office and registered agent.
15A:4–2. Function of registered agent and office; service of process, notice or demand.
15A:4–3. Change of registered office or registered agent.
15A:4–4. Resignation of registered agent.
15A:4–5. Annual report to Secretary of State.

15A:4–1. REGISTERED OFFICE AND REGISTERED AGENT.

a. Every corporation organized under this title and every foreign corporation authorized to conduct activities in this State shall continuously maintain a registered office in this State, and a registered agent having an address identical with the registered office.

b. The registered office may be, but need not be, the same as a place where the corporation which it serves conducts activities.

c. The registered agent may be a natural person of the age of 18 years or more, or a domestic corporate entity or a foreign corporate entity authorized to conduct activities or transact business in this State, whether or not the agent corporation is organized for purposes for which a corporation may be organized under this title.

d. The designation of a resident office in this State and of a resident agent in charge thereof by any corporation as in force on the effective date of this act, shall be deemed to be the registered office or registered agent, respectively, with like effect as if made hereunder until changed pursuant to this act.

Source: N. J. S. 14A:4–1 amended 1973, c. 366, s. 10; R. S. 15:1–5 amended 1946, c. 288, s. 2; 1971, c. 343, s. 1.

15A:4–2. Function of Registered Agent and Office; Service of Process, Notice or Demand.

a. Every registered agent shall be an agent of the corporation which has appointed the agent, upon whom process against the corporation may be served and who shall deliver to the corporation all process, notices or demands received by the agent as agent for the corporation.

b. Whenever any law of this State requires or permits any notice or demand to be given to or made upon a domestic corporation or a foreign corporation authorized to conduct activities in this State, its officers or trustees, the notice or demand may be sent by mail or otherwise, as the law may require, to the registered office of the corporation in this State, and the notice given or demand made shall be sufficient notice or demand.

c. The provisions of this section shall not exclude any other method provided by law for service of process upon a corporation, domestic or foreign, or for service of a notice or demand upon the corporation, its officers or trustees.

d. Whenever the law of this State requires that any certificate, report or statement made, published, filed or recorded by any corporation, domestic or foreign, state the residence address of any incorporator, trustee or officer, there must be furnished in the document the resident address of that person or other address, other than a postal designation, where the person regularly receives mail and which is not the address of the corporation.

Source: N. J. S. 14A:4–2 amended 1969, c. 102, s. 2; R. S. 15:1–5 amended 1946, c. 288, s. 2; 1971, c. 343, s. 1.

15A:4–3. Change of Registered Office or Registered Agent.

a. A domestic corporation or a foreign corporation authorized to conduct activities in this State may change its registered office or its registered agent, or both. When the registered office is changed, or when the registered agent is changed, or dies, resigns or becomes disqualified, the corporation shall, by resolution of the board, forthwith fix the address of the new registered office or designate the successor registered agent or both, as the case may be.

b. The corporation shall forthwith file in the office of the Secretary of State a certificate executed on behalf of the corporation setting forth:

(1) The name of the corporation;

(2) If the registered agent is not being changed, the name of the registered agent;

(3) If the registered agent is being changed, the names of the registered agent being succeeded and of the successor registered agent;

(4) If the registered office is not being changed, the address of the then registered office;

(5) If the registered office is being changed, the address of the registered office immediately prior to the change, and the address of the new registered office;

(6) That the address of its registered office and the address of its registered agent will be identical after the change; and

(7) That the change in registered office, or registered agent, or both, is made pursuant to resolution of the board.

c. The registered agent of one or more domestic or foreign corporations may change the registered office of the corporation or corporations to another address in this State by filing in the office of the Secretary of State a certificate executed by the agent and setting forth:

(1) The names of all the corporations whose registered offices are being changed and for which it is the registered agent, listed in alphabetical order;

(2) The address of the registered office of each corporation immediately prior to the change, and the address of the new registered office;

(3) That the address of the registered office of each corporation and the address of its registered agent will be identical after the change; and

(4) A statement that at least 20 days' prior notice of the change has been given to each corporation in writing.

The change of the registered office of each of the corporations named in the certificate shall become effective upon the date of the filing or at a later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate.

d. If any certificate of change required by this section is not filed, the corporation shall, after written demand by the Secretary of State by certified mail addressed to the corporation at the last address appearing of record in his office, forfeit to the State a penalty of $200.00 to be recovered with costs in a civil action prosecuted by the Attorney General. No corporation shall be subject to penalty if it shall, within 30 days after written demand, file

the certificate of change required by law and pay to the Secretary of State the fee provided by law for the filing of each certificate of change. In lieu of the civil action, the Secretary of State, after expiration of the 30-day period, may issue a certificate to the Clerk of the Superior Court that the corporation is indebted for the payment of the penalty, and the clerk shall immediately enter upon the record of docketed judgments the name of the corporation as the judgment debtor and of the State as the judgment creditor, a statement that the penalty is imposed under this section, the amount of the penalty, and the date of the certificate. The entry shall have the same force as a judgment docketed in the Superior Court. The Secretary of State within 5 days after the entry shall give notice thereof to the corporation by certified mail addressed to the corporation at the last address appearing of record in the office of the Secretary of State.

Source: N. J. S. 14A:4–3 amended 1969, c. 102, s. 3; 1971, c. 253, s. 1; 1977, c. 34, s. 1; R. S. 15:1–5 amended 1946, c. 288, s. 2; 1971, c. 343, s. 1.

15A:4–4. Resignation of Registered Agent.

a. The registered agent of a domestic corporation or a foreign corporation authorized to conduct activities in this State may resign by complying with the provisions of this section.

b. The registered agent shall serve a notice of resignation by certified mail, return receipt requested, upon the president, or any vice-president, or the secretary or treasurer of the corporation at the address last known to the agent, and shall make an affidavit of the service. If service cannot be made, the affidavit shall so state, and shall state briefly why the service cannot be made. The affidavit, together with a copy of the notice of resignation, shall be filed in the office of the Secretary of State.

c. The resignation shall become effective upon the expiration of 30 days after the filing in the office of the Secretary of State of the affidavit under this section or upon the designation by the corporation of a new registered agent pursuant to this act, whichever is earlier. If the corporation fails to designate a new registered agent within the 30-day period, the corporation shall thereafter be deemed to have no registered agent or registered office in this State.

Source: N. J. S. 14A:4–4.

15A:4–5. Annual Report to Secretary of State.

a. Every domestic corporation and every foreign corporation authorized to conduct activities in this State shall file in the office of the Secretary of State, within the time prescribed by this section, an annual report, executed on behalf of the corporation, setting forth:

(1) the name of the corporation and, in the case of a foreign corporation, the jurisdiction of its incorporation;

(2) the address, including the actual location as well as postal designation, if different, of the registered office of the corporation in this State, and the name of its registered agent in this State at that address, and, if a foreign corporation, the address of its main or headquarters office; and

(3) the names and addresses of the trustees and the officers of the corporation, which addresses shall be either the residence address of that person or other address where that person regularly receives mail and which is not the address of the corporation.

b. The Secretary of State shall designate a date for filing annual reports for each corporation required to submit a report pursuant to this section and shall annually notify the corporation of the date so designated not less than 60 days prior to that date. The corporation shall file the report within 30 days before or within 30 days after the date so designated. If the date so designated is not more than 6 months after the date on which an annual report pursuant to the provisions of prior law was filed or on which the certificate of incorporation became effective, the corporation shall not be required to file an annual report until 1 year after the first occurrence of the date so designated.

c. If the report is not filed for 2 consecutive years, the certificate of incorporation of the corporation or the certificate of authority of a foreign corporation shall, after written demand for the reports by the Secretary of State by certified mail addressed to the corporation at the last address appearing of record in the office of the Secretary of State, be revoked for the failure to file reports. No corporation shall be subject to the revocation of its certificate of incorporation or its certificate of authority if it shall, within 60 days after the written demand, file the reports required by law and pay to the Secretary of State the fee provided by law for the filing of each report. Any corporation having its certificate of incorporation or its certificate of authority revoked may, within 2 years of the revocation, cause a reinstatement of the certificate upon payment to the Secretary of State of double the amount of the fee

then payable upon the filing of the certificate and upon filing a current annual report.

d. The Secretary of State shall furnish annual report forms, shall keep all the reports and shall prepare an alphabetical index thereof. The reports and index shall be open to public inspection at proper hours.

Source: N. J. S. 14A:4–5 amended 1971, c. 253, s. 3; 1973, c. 366, s. 11; C. 15:1–11.1 (1947, c. 100 amended 1971, c. 343, s. 2).

CHAPTER 5

Meetings of Members, Elections of Trustees, and Rights and Liabilities of Members in Certain Cases.

Section

15A:5–1. Place of members' meetings.
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15A:5–1. Place of Members' Meetings.

Meetings of members of every corporation organized under this title may, unless otherwise provided by law, be held at a place, within or without this State, as may be provided in the bylaws or as may be fixed by the board pursuant to authority granted by the bylaws. In the absence of such a provision, all meetings of members shall be held at the registered office of the corporation.

Source: N. J. S. 14A:5–1.

15A:5–2. Annual or Biennial Meeting of Members.

a. If the certificate of incorporation or bylaws or other applicable law provides that some or all of the trustees shall be elected by the members, the certificate of incorporation or bylaws may provide that a meeting of the members of the corporation shall be held at least once every 2 years. If no provision for a required meeting of members is set forth in the certificate of incorporation or bylaws, then the meeting to elect the trustees shall be held annually.

b. An annual or biennial meeting of the members shall be held at a time as may be provided in the bylaws, or as may be fixed by the board pursuant to authority granted in the bylaws, and, in the absence of such a provision, at noon on the first Tuesday of April. Failure to hold the annual or biennial meeting at the designated time, or to elect a sufficient number of trustees at that meeting or any adjournment thereof, shall not affect otherwise valid corporate acts or work a forfeiture or dissolution of the corporation. If the annual or biennial meeting for election of trustees is not held on the date designated, the trustees shall cause the meeting to be held as soon thereafter as convenient. If there is a failure to hold an annual or biennial meeting for a period of 30 days after the date designated, or if no date has been designated for a period of 13 months after the organization of the corporation or after the last annual meeting, or 25 months after its last biennial meeting, as the case may be, the Superior Court may, upon the application of a member, summarily order the meeting or the election, or both, to be held at a time and place, upon notice and for the transaction of business as may be designated in the order. At any meeting ordered by the court called pursuant to this section, the members present in person or by proxy and having voting powers shall constitute a quorum for the transaction of the business designated in the order.

Source: N. J. S. 14A:5–2 amended 1969, c. 104, s. 4.

15A:5–3. Special Meetings of Members.

Special meetings of the members may be called by the president or the board, or by any other officers, trustees or members as may be provided in the bylaws. Notwithstanding any provision in the bylaws, upon the application of not less than 10% of all the members entitled to vote at a meeting, the Superior Court, in an action in which the court may proceed in a summary manner, for good cause shown, may order a special meeting of the members to be called and held at a time and place, upon notice and for the transaction of such business as may be designated in the order. At any meeting ordered to be called pursuant to this section, the members present in person or by proxy and having voting powers shall constitute a quorum for the transaction of the business designated in such order.

Source: N. J. S. 14A:5–3.

15A:5–4. Notice of Members' Meetings.

a. Except as otherwise provided in this act, written notice of the time, place and purposes of every meeting of members shall be given not less than 10 nor more than 60 days before the date of the meeting, either personally or by mail, to each member of record entitled to vote at the meeting.

b. When a meeting is adjourned to another time or place, it shall not be necessary, unless the bylaws otherwise provide, to give notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken and at the adjourned meeting only business shall be transacted as might have been transacted at the original meeting. If after the adjournment, the board fixes a new record date for the adjourned meeting, a notice of the adjourned meeting shall be given to each member of record on the new record date entitled to notice under subsection a. of this section.

Source: N. J. S. 14A:5–4.

15A:5–5. Waiver of Notice or of Lapse of Time.

a. Notice of a meeting need not be given to any member who signs a waiver of the notice, in person or by proxy, whether before or after the meeting. The attendance of any member at a meeting, in person or by proxy, without protesting prior to the conclusion of the meeting the lack of notice of the meeting, shall constitute a waiver of notice by that member.

b. Whenever members are authorized to take any action after the lapse of a prescribed period of time, the action may be taken without the lapse if the requirement is waived in writing, in person or by proxy, before or after the taking of that action, by every member entitled to vote thereon as of the date of the taking of the action.

Source: N. J. S. 14A:5–5.

15A:5–6. Action by Members Without a Meeting.

a. Except as otherwise provided in the certificate of incorporation or bylaws, any action required or permitted to be taken at a meeting of members by this act or the certificate of incorporation or bylaws of a corporation, may be taken without a meeting if all the members entitled to vote thereon consent thereto in writing, except that in the case of any action to be taken pursuant to chapter 10 of this act (merger, consolidation and sale of assets), the action may be taken without a meeting only (1) if all members consent thereto in writing; or (2) if (a) all members entitled to vote thereon consent thereto in writing, (b) the corporation provides to all other members advance notification setting forth the proposed action consented to, (c) the proposed action is not consummated before the expiration of 10 days after the giving of the notice, and (d) the notice sets forth the existence of the 10-day period.

b. Except as otherwise provided in the certificate of incorporation or bylaws and subject to the provisions of this subsection, any action required or permitted to be taken at a meeting of members by this act, the certificate of incorporation, or bylaws, other than the annual or biennial election of trustees, may be taken without a meeting upon the written consent of members who would have been entitled to cast the minimum number of votes which would be necessary to authorize the action at a meeting at which all members entitled to vote thereon were present and voting, if (1) the corporation provides to all other members advance notification setting forth the proposed action consented to, (2) the proposed action is not consummated before the expiration of 10 days from the giving of the notice and 20 days from the giving of the notice in the case of any action taken pursuant to chapter 10 of this act, and (3) the notice sets forth the existence of such 10-day period.

c. Whenever action is taken pursuant to subsection a. or b. of this section, the written consents of the members consenting thereto or the written report of inspectors appointed to tabulate the consents shall be filed with the minutes of proceedings of members.

d. Any action taken pursuant to subsection a. or b. of this section shall have the same effect for all purposes as if the action had been taken at a meeting of the members.

e. If any other provision of this act requires the filing of a certificate upon the taking of an action by members, and the action is taken in the manner authorized by subsection a. or b. of this section, the certificate shall state that the action was taken without a meeting pursuant to the written consents of the members and shall set forth the number of votes represented by the consents.

Source: N. J. S. 14A:5–6 amended 1969, c. 102, s. 5; 1973, c. 366, s. 12.

15A:5–7. Fixing Record Date.

a. The bylaws may provide for fixing, or in the absence of such a provision, the board may fix, in advance, a date as the record date for determining the corporation's members with regard to any corporate action or event and, in particular, for determining the members entitled to:

(1) Notice of or to vote at any meeting of members or any adjournment thereof;

(2) Give a written consent to any action without a meeting; or

(3) Receive or enjoy any benefit or right.

The record date may in no case be more than 60 days prior to the members' meeting or other corporate action or event to which it relates. The record date for a members' meeting may not be less than 10 days before the date of the meeting. The record date to determine members entitled to give a written consent may not be more than 60 days before the date fixed for tabulation of the consents or, if no date has been fixed for tabulation, more than 60 days before the last day on which consents received may be counted.

b. If no record date is fixed:

(1) The record date for a members' meeting shall be the close of business on the day next preceding the day on which notice is given, or, if no notice is given, the day next preceding the day on which the meeting is held; and

(2) The record date for determining members for any purpose other than that specified in paragraph 1 of subsection b. of this section shall be at the cessation of activities on the day on which the resolution of the board relating thereto is adopted.

c. When a determination of members of record for a members' meeting has been made as provided in this section, the determina-

tion shall apply to any adjournment thereof, unless the board fixes a new record date under this section for the adjourned meeting.

Source: N. J. S. 14A:5–7 amended 1973, c. 366, s. 13.

15A:5–8. Voting List.

a. The officer or agent having charge of the membership record books for a corporation shall make and certify a complete list of the members entitled to vote at a members' meeting or any adjournment thereof. A list required by this subsection may consist of cards arranged alphabetically. The list shall:

(1) Be arranged alphabetically within each class, series, or group of members maintained by the corporation for convenience of reference, with the address of each member;

(2) Be produced at the time and place of the meeting;

(3) Be subject to the inspection of any members during the whole time of the meeting; and

(4) Be prima facie evidence as to who are the members entitled to examine the list or to vote at any meeting.

b. If the requirements of this section have not been complied with, the meeting shall, on the demand of any member in person or by proxy, be adjourned until the requirements are complied with. Failure to comply with the requirements of this section shall not affect the validity of any action taken at the meeting prior to the making of any such demand.

Source: N. J. S. 14A:5–8 amended 1973, c. 366, s. 14.

15A:5–9. Quorum of Members.

a. Unless otherwise provided in the certificate of incorporation, the bylaws, or this act, the members entitled to cast a majority of the votes at a meeting shall constitute a quorum at the meeting. The members present in person or by proxy at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum. Less than a quorum may adjourn.

b. Whenever any class of members is entitled to vote separately on a specified item, the provisions of this section shall apply in determining the presence of a quorum of that class for the transaction of the specified item.

Source: N. J. S. 14A:5–9.

15A:5–10. Voting by Members.

The right of the members or any class or classes of members to vote may be limited, enlarged or denied to the extent specified in the certificate of incorporation or bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.
Source: N. J. S. 14A:5–10; R. S. 15:1–9.

15A:5–11. Votes Required.

a. Whenever any action, other than the election of trustees is to be taken by vote of the members, it shall be authorized by a majority of the votes cast at a meeting of members by the members entitled to vote thereon, unless a greater plurality is required by the certificate of incorporation or bylaws or another section of this act.

b. The certificate of incorporation or bylaws may provide that any class or classes of members shall vote as a class to authorize any action, including amendments to the certificate of incorporation or bylaws. Voting as a class shall be in addition to any other vote required by this act. Where voting as a class is provided in the certificate of incorporation or bylaws it shall be by the proportionate vote so provided for or, if no proportionate vote is provided, then for any action other than the election of trustees, by a majority of the votes cast at the meeting by the members of the class entitled to vote thereon.

c. Where voting as a class is required by this act to authorize any action, the action shall be authorized by a majority of the votes cast at the meeting by the members of each class entitled to vote thereon, unless a greater vote is required by the certificate of incorporation, the bylaws, or another section of this act. Voting as a class shall be in addition to any other vote required by this act.
Source: N. J. S. 14A:5–11.

15A:5–12. Greater or Lesser Voting Requirements.

a. Whenever any action is to be authorized by the members of a corporation and the certificate of incorporation or the bylaws require the affirmative vote of a greater proportion of the votes cast by the members entitled to vote thereon, or by the members of any class or series thereof than is required by this act with respect to the action, the provisions of the certificate of incorporation or bylaws shall control.

b. Whenever any action is to be authorized by two-thirds of the votes cast by members of a corporation pursuant to this act, and the certificate of incorporation provides for the affirmative vote of a lesser proportion of the votes cast by the members entitled to vote thereon, or by the members of any class of members, but not less than a majority thereof than is required by this act with respect to the action, the provisions of the certificate of incorporation shall control. Any provision for lesser voting requirements may be set forth in the bylaws, and the requirements shall control, if the certificate of incorporation provides that the lesser voting requirements may be set forth in the bylaws.

c. An amendment of the certificate of incorporation or bylaws which changes or deletes greater or lesser voting provisions shall be authorized by the same vote as would be required to take action under that provision.

d. Any action required to be authorized by a vote of the members greater than a majority shall be rescinded or modified only by a like vote.

Source: N. J. S. 14A:5–12.

15A:5–13. Memberships Held or Controlled by the Corporation Not Voted or Counted.

If the corporation holds interests or memberships which entitle it to cast the plurality of the votes required for the election of directors of a domestic or foreign corporate entity or the election of trustees of a domestic or foreign corporation, any of which are herein referred to as a "controlled entity," any memberships in the corporation held by the controlled entity shall not be voted at any meeting or counted in determining the total number of members at any given time. A "plurality" means the minimum number of interests or memberships necessary to elect a majority of directors or trustees based upon the total number of interests or memberships which may be voted in that election.

Source: N. J. S. 14A:5–13.

15A:5–14. Memberships Held by Another Corporation.

Memberships standing in the name of another domestic or foreign corporation may be voted by any officer or agent, or by proxy appointed by any of them, unless some other person, by resolution of its board or pursuant to its bylaws, shall be appointed to vote the shares.

Source: N. J. S. 14A:5–14.

15A:5-15. Memberships Held by Fiduciaries.

Memberships held by any person in any representative or fiduciary capacity may be voted by that person without a transfer of the membership into the name of that person. Where memberships are held jointly by any number of fiduciaries, and the instrument or order appointing the fiduciaries does not otherwise direct, the membership shall be voted as the majority of the fiduciaries shall determine. If the fiduciaries are equally divided as to how the membership shall be voted, a court having jurisdiction may, in an action brought by any of the fiduciaries or by a beneficiary, appoint an additional person to act with the fiduciaries in the matter. The membership shall be voted by the majority of the fiduciaries and the additional person. The court may proceed in the action in a summary manner or otherwise.

Source: N. J. S. 14A:5-15.

15A:5-16. Memberships Held Jointly or as Tenants in Common.

Membership held by two or more persons as joint tenants or as tenants in common may be voted at any meeting of the members by any one of the persons, unless another joint tenant or tenant seeks to vote the membership in person or by proxy. In the latter event, the written agreement, if any, which governs the manner in which the membership shall be voted, shall control if presented at the meeting. If there is no such agreement presented at the meeting, the majority in number of the joint tenants or tenants in common present shall control the manner of voting. If there is no majority, or if there are two or more joint tenants, or tenants in common, who seek to vote the membership, the membership shall, for the purpose of voting, be divided equally among the joint tenants or tenants in common present.

Source: N. J. S. 14A:5-16.

15A:5-17. Voting of Pledged Memberships.

A member whose membership interest is pledged shall be entitled to vote the membership until the membership has been transferred into the name of the pledgee, or a nominee of the pledgee.

Source: N. J. S. 14A:5-17.

15A:5-18. Proxy Voting.

a. Unless otherwise provided in the certificate of incorporation or bylaws, every member entitled to vote at a meeting of members or to express consent without a meeting may authorize another person or persons to act for the member by proxy. Every proxy shall be executed in writing by the member or the member's agent, except that a proxy may be given by a member or the agent by telegram or cable or its equivalent. A proxy shall not be valid for more than 11 months unless a longer time is expressly provided therein, but in no event shall a proxy be valid after 3 years from the date of execution. Unless it is coupled with an interest, a proxy shall be revocable at will. A proxy shall not be revoked by the death or incapacity of the member but the proxy shall continue in force until revoked by the personal representative or guardian of the member. The presence at any meeting of any member who has given a proxy shall not revoke the proxy unless the member shall file written notice of revocation with the secretary of the meeting prior to the voting of the proxy.

b. A person named in a proxy as the attorney or agent of a member may, if the proxy so provides, substitute another person to act in that person's place, including any other person named as an attorney or agent in the same proxy. The substitution shall not be effective until an instrument effecting it is filed with the secretary of the corporation.

Source: N. J. S. 14A:5-19 amended 1973, c. 366, s. 15; R. S. 15:1-4.

15A:5-19. Agreements as to Voting; Provision in Certificate of Incorporation as to Control of Trustees.

a. An agreement between two or more members, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the members shall vote as therein provided, or as they may agree, or as determined in accordance with the procedure agreed upon by them.

b. A provision in the certificate of incorporation otherwise prohibited by law because it improperly restricts the board in its management of the activities of the corporation, or improperly transfers or provides for the transfer to one or more members or trustees named in the certificate of incorporation or to be selected from time to time by members or, if none, the trustees, all or any part of the management otherwise within the authority of the board, shall nevertheless be valid if all the incorporators

have authorized the provision in the certificate of incorporation or all the members, whether or not having voting power, or, if there are no members, the trustees have authorized the provision in an amendment to the certificate of incorporation.

c. A provision authorized by subsection b. of this section shall become invalid if, to the knowledge of the board, or of the members or trustees having the management authority otherwise in the board, subsequent to the adoption of the provision, memberships are transferred or issued to any person who becomes a member without notice thereof, unless that person consents in writing to the provision.

d. If a provision authorized by subsection b. of this section becomes invalid as provided in subsection c. of this section, the board, or the person or persons having the management authority otherwise in the board, shall amend the certificate of incorporation to delete the provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth:

(1) the name of the corporation;

(2) the date of the adoption of the amendment;

(3) the deleted provision; and

(4) the event set forth in subsection c. of this section by reason of which the provision has become invalid.

e. The effect of any provision authorized by subsection b. of this section shall be to grant to and impose upon the members or trustees vested with management authority otherwise in the board the rights, powers, privileges, and liabilities, including liability for managerial acts or omissions, that are granted to and imposed upon trustees by law to the extent that, and so long as, the discretion and powers which otherwise would be in the trustees in their management of corporate affairs are vested in the members or trustees by any provision. The members or trustees shall be deemed to be trustees for purposes of applying the provisions of this act and shall be deemed to be corporate agents for the purposes of section 15A:3-5.

f. If the certificate of incorporation contains a provision authorized by subsection b. of this section, the existence of the provision shall be disclosed in writing in advance of issuance or transfer of membership certificates, if any, and shall be noted conspicuously on the face of the certificates; and, if noted, upon receipt of the certificate a member shall conclusively be deemed to have become

a member with notice of the provision. A corporation may provide in its certificate of incorporation or bylaws that memberships are not transferable until the transferor evidences proof that the proposed transferee has notice of the provision.

Source: N. J. S. 14A:5–21 amended 1973, c. 366, s. 16.

15A:5–20. Elections of Trustees; Cumulative Voting.

a. Elections of trustees need not be by ballot unless a member demands election by ballot at the election and before the voting begins. If the bylaws require election by ballot at any meeting, the requirement is waived unless compliance therewith is requested by a member entitled to vote at the meeting. Where trustees are to be elected by members, the bylaws may provide that the elections may be conducted by mail.

b. At each election of trustees every member entitled to vote at the election shall have the right to cast the number of votes to which the membership entitles the member for as many persons as there are trustees to be elected and for whose election the member has a right to vote.

c. The certificate of incorporation or bylaws may provide that each member shall be entitled to as many votes as shall equal the number of votes to which he is entitled by law or under the provisions of the certificate of incorporation or bylaws multiplied by the number of trustees to be elected, and that he may cast all the votes for a single trustee, or may distribute them among the number to be elected or any two or more of them as he may see fit.

d. Except as otherwise provided by the certificate of incorporation or the bylaws, trustees shall be elected by a plurality of the votes cast at an election.

e. If a bylaw adopted by the members provides a fair and reasonable procedure for the nomination of candidates for any office (including election of a trustee), only candidates who have been duly nominated in accordance therewith shall be eligible for election.

Source: N. J. S. 14A:5–24 amended 1973, c. 366, s. 17; R. S. 15:1–7 amended 1946, c. 288, s. 3; 15:1–9; 15:1–10.

15A:5–21. Selection of Inspectors.

a. Unless the bylaws otherwise provide, the board may, in advance of a members' meeting, appoint one or more inspectors to act at the meeting or any adjournment thereof.

b. If inspectors are not so appointed by the board or as otherwise provided in the bylaws or shall fail to qualify, the person presiding at a members' meeting may, and on the request of any member entitled to vote thereat, shall, make the appointment.

c. If any person appointed as inspector fails to appear or act, the vacancy may be filled by appointment made by the board in advance of the meeting or at the meeting by the person presiding at the meeting.

d. If the bylaws require inspectors at any members' meeting, the requirement is waived unless compliance therewith is requested by a member entitled to vote at the meeting.

e. Each inspector, before entering upon a discharge of duties, shall take and sign an oath faithfully to execute the duties of inspector at the meeting with strict impartiality and according to the best of that person's ability.

f. A person shall not be elected a trustee at a meeting at which that person has served as an inspector.

Source: N. J. S. 14A:5–25 amended 1973, c. 366, s. 18.

15A:5–22. Duties of Inspectors.

The inspectors shall determine the number of memberships outstanding and the voting power of each, the members represented at the meeting, the existence of a quorum, the validity and effect of proxies, and shall receive votes or consents, hear and determine all challenges and questions arising in connection with the right to vote, count and tabulate all votes or consents, determine the result, and do all acts as are proper to conduct the election or vote with fairness to all members. If there are three or more inspectors, the act of a majority shall govern. On request of the person presiding at the meeting or any member entitled to vote at the meeting, the inspectors shall make a report in writing of any challenge, question or matter determined by them. Any report made by them shall be prima facie evidence of the facts therein stated, and the report shall be filed with the minutes of the meeting.

Source: N. J. S. 14A:5–26.

15A:5–23. Review of Elections By Superior Court.

Any election by members may be reviewed by the Superior Court in a summary manner, or otherwise, in an action brought by a member entitled to vote at the election upon notice to the persons elected, the corporation and all other persons as the court may

direct. The court may confirm the election, order a new election or provide all other relief as justice may require.

Source: N. J. S. 14A:5–27.

15A:5–24. Books and Records; Right of Inspection.

a. Each corporation shall keep books and records of account and minutes of the proceedings of its members and board and executive committee, if any. Unless otherwise provided in the bylaws, the books, records and minutes may be kept outside this State. The corporation shall make available for inspection at its registered office, in this State, or at its principal office if it is in this State, records containing the names and addresses of all members, the number, class and series of memberships held by each and the dates when they respectively became members of record thereof, within 10 days after demand by a member entitled to inspect them, as defined in subsection c. of this section. The foregoing books, minutes or records may be in written form or in any other form capable of being converted into written form within a reasonable time. A corporation shall convert into written form without charge any records not in that form, upon the written request of any person entitled to inspect them.

b. Upon the written request of any member, the corporation shall mail to that member its balance sheet as at the end of the preceding fiscal year, and its statement of income and expenses for that fiscal year.

c. Any person who shall have been a member of record of a corporation for at least 6 months immediately preceding that person's demand, or any person holding, or so authorized in writing by the members holding, at least 5% of the memberships of any class or series, upon at least 5 days' written demand, shall have the right for any proper purpose to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its members and record of members and to make extracts therefrom, at the places where the same are kept pursuant to subsection a. of this section.

d. This section shall not impair the right of any court, upon proof of a member of proper purpose, irrespective of the period of time during which the member shall have been a member of record, and irrespective of the total number of memberships held by that person, to compel the production for examination by the member of the books and records of account, minutes and record of members of a corporation.

Source: N. J. S. 14A:5–28 amended 1973, c. 366, s. 19.

15A:5-25. Liabilities of Members.

a. The members of a nonprofit corporation shall not be personally liable for the debts, liabilities or obligations of the corporation.

b. A member shall be liable to the corporation only to the extent of any unpaid portion of membership dues or assessments which the corporation may have lawfully imposed, or for any other indebtedness owed by the member to the corporation. No action shall be brought by any creditor of the corporation to reach and apply any liability to any debt of the corporation until after final judgment shall have been rendered against the corporation in favor of the creditor and execution thereon returned unsatisfied, or the corporation shall have been adjudged bankrupt, or a receiver shall have been appointed with power to collect debts, and the receiver, on demand of a creditor to bring an action thereon, has refused to sue for the unpaid amount, or the corporation shall have been dissolved or ceased its activities leaving debts unpaid. No such action shall be brought more than 3 years after the happening of any one of the events.

Source: New.

CHAPTER 6

Trustees and Officers

Section

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Section

15A:6–13. Liability of trustees; presumption of assent to action taken at a meeting.
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15A:6–1. Board of Trustees.

The activities of a corporation shall be managed by its board, except as in this act or in its certificate of incorporation otherwise provided. Trustees shall be at least 18 years of age and need not be United States citizens or residents of this State or members of the corporation unless the certificate of incorporation or bylaws so require. The certificate of incorporation or bylaws may prescribe other qualifications for trustees.

Source: N. J. S. 14A:6–1 amended 1973, c. 366, s. 21; R. S. 15:1–7 amended 1946, c. 288, s. 3.

15A:6–2. Number of Trustees.

The number of trustees of a corporation shall be not less than three. Subject to any provisions contained in the certificate of incorporation, the bylaws shall specify the number of trustees or that the number of trustees shall not be less than a stated minimum or more than a stated maximum, with the actual number to be determined in the manner prescribed in the bylaws, except as to the number constituting the first board.

Source: N. J. S. 14A:6–2 amended 1969, c. 102, s. 6; 1973, c. 366, s. 22.

15A:6–3. Term of Trustees.

a. If the certificate of incorporation or the bylaws or any other applicable law provides that the trustees shall be elected by the members, the trustees named in the certificate of incorporation shall hold office until the first annual or biennial meeting of the members and until their successors are elected and qualified. If the certificate of incorporation or the bylaws or any other applicable law provides that the trustees shall be elected by the board, the trustees named in the certificate of incorporation shall hold office until the first annual or biennial meeting of the board of trustees and until their successors shall have been elected and qualified. The certificate

of incorporation or the bylaws may provide that a meeting of the board to elect trustees shall be held at least once every 2 years. If a provision for a required meeting of the board is not set forth in the certificate of incorporation or bylaws, then the meeting shall be held annually.

b. If the certificate of incorporation or the bylaws provide that some of or all the trustees shall be elected or selected other than by the members or the board, the trustees named in the certificate of incorporation shall hold office for the term specified in the certificate of incorporation or bylaws and until their successors are elected and qualified.

c. At the first annual or biennial meeting of the members or of the board of trustees and at each annual or biennial meeting thereafter, the members or the board of trustees, as the certificate of incorporation or the bylaws or any other applicable law may provide, shall elect trustees to be elected by them to hold office until the next annual or biennial meeting, except as to the classification of trustees as permitted by subsection b. of section 15A:6–4. Each trustee shall hold office for the term for which the trustee is elected and qualified and until a successor is elected and qualified.

d. A trustee may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at a subsequent time as shall be specified in the notice of resignation.

Source: N. J. S. 14A:6–3; R. S. 15:1–7 amended 1946, c. 288, s. 3.

15A:6–4. Classification of Trustees; Restriction of Right to Choose Trustees.

a. As to trustees to be elected by the members or by the board of trustees, a corporation may provide in its certificate of incorporation or its bylaws for the classification of its trustees in respect to the time for which they shall severally hold office, but a class of trustees shall not hold office for a term shorter than 1 year or longer than 6 years. The term of office of at least one class shall expire every 2 years. A classification of trustees shall not be effective prior to the first annual or biennial meeting of members or the board of trustees.

b. Any corporation having more than one class of members may provide in its certificate of incorporation or its bylaws for the election of one or more trustees by the members of any class to the exclusion of members of other classes of members.

Source: N. J. S. 14A:6–4.

15A:6–5. Vacancies and Newly Created Trusteeships.

a. Unless otherwise provided in the certificate of incorporation or the bylaws, any trusteeship not filled at the annual or biennial meeting and any vacancy, however caused, occurring in the board may be filled by the affirmative vote of a majority of the remaining trustees even though less than a quorum of the board, or by a sole remaining trustee. A trustee so elected by the board shall hold office until the next succeeding annual or biennial meeting and until a successor is elected and qualified.

b. Unless otherwise provided in the certificate of incorporation or bylaws, when one or more trustees shall resign from the board effective at a future date, a majority of the trustees then in office, including those who have so resigned, may fill the vacancy or vacancies, the vote thereon to take effect when the resignation or resignations become effective. Each trustee so chosen shall hold office as herein provided in the filling of other vacancies.

c. Any trusteeship to be filled by reason of an increase in the number of trustees shall be filled by election at an annual or biennial meeting or at a special meeting called for that purpose of the members, or of the board if the certificate of incorporation, the bylaws or any other applicable law provides for the election of trustees by the board. A trustee elected by the board to fill the trusteeship shall hold office until the next succeeding annual or biennial meeting and until a successor is elected and qualified.

d. If by reason of death, resignation or other cause, a corporation has no trustees in office, any member or the executor or administrator of a deceased member may call a special meeting of members for the election of trustees and, over the signature of that person, shall give notice of the meeting in accordance with section 15A:5–4, except to the extent that the notice is waived pursuant to section 15A:5–5.

Source: N. J. S. 14A:6–5.

15A:6–6. Removal of Trustees.

a. If the certificate of incorporation or the bylaws or any other applicable law provides for the election of trustees by the members, one or more or all the trustees may be removed for cause by the affirmative vote of the majority of the votes cast by the members entitled to vote for the election of trustees. The certificate of incorporation or bylaws may provide that the board may remove trustees for cause and to suspend trustees pending a final determination that cause exists for removal. If the certificate of incor-

poration or the bylaws so provide, one or more or all the trustees may be removed without cause by the affirmative vote of the majority of the votes cast by the members entitled to vote for the election of trustees.

b. If the certificate of incorporation or bylaws or any other applicable law provides that trustees may be elected by the board of trustees, one or more, but not all, of the trustees of the corporation may be removed for cause by the board by the affirmative vote of a majority of all the trustees.

c. The removal of trustees, with or without cause, by vote of the members as provided in subsection a. of this section is subject to the following qualifications:

(1) In any case where cumulative voting is authorized, if less than the total number of trustees then serving on the board is to be removed by the members, no one of the trustees may be so removed if the votes cast against that trustee's removal would be sufficient to elect the trustee if then voted cumulatively at an election of the entire board; or, if there are classes of trustees, at an election of the class of trustees of which such trustee is a part; and

(2) A trustee elected by a class vote, as authorized by subsection b. of section 15A:6–4, may be removed only by a class vote of the members entitled to vote for the election of that trustee.

d. The Superior Court, in an action in which the court may proceed in a summary manner or otherwise, may review the removal or suspension of a trustee for cause.

e. No act of the board done during the period when a trustee has been suspended or removed for cause shall be impugned or invalidated if the suspension or removal is thereafter rescinded or invalidated.

Source: N. J. S. 14A:6–6.

15A:6–7. Quorum of Board of Trustees and Committees; Vote Required; Action of Trustees Without a Meeting.

a. A majority of the entire board, or of any committee thereof, shall constitute a quorum for the transaction of business, unless the certificate of incorporation or the bylaws shall provide that a greater or lesser number constitutes a quorum, which in no case shall be less than the greater of two persons or one-third of the entire board or committee, except that when a committee of the board consists of one trustee, then one trustee shall constitute a quorum.

b. The act of the majority present at a meeting at which a quorum is present shall be the act of the board or the committee, unless the act of a greater number is required by this act, the certificate of incorporation or the bylaws. Any action required to be authorized by a vote of the trustees greater than a majority shall be rescinded or modified only by a like vote.

c. Unless otherwise provided by the certificate of incorporation or bylaws, any action required or permitted to be taken pursuant to authorization voted at a meeting of the board or any committee thereof may be taken without a meeting if, prior or subsequent to the action, all members of the board or of the committee, as the case may be, consent thereto in writing and the written consents are filed with the minutes of the proceedings of the board or committee. The consents shall have the same effect as a unanimous vote of the board or committee for all purposes, and may be stated as such in any certificate or other document filed with the Secretary of State.

Source: N. J. S. 14A:6–7 amended 1973, c. 366, s. 23.

15A:6–8. Effect of Common Trusteeships and Trustees' Personal Interest.

a. No contract or other transaction between a corporation and one or more of its trustees, or between a corporation and any domestic or foreign corporation, firm, corporate business entity or association of any type or kind in which one or more of its trustees are trustees or directors or are otherwise interested, shall be void or voidable solely by reason of the common trusteeship or interest, or solely because the trustee or trustees are present at the meeting of the board or a committee thereof which authorizes or approves the contract or transaction, or solely because the trustee's or trustees' votes are counted for that purpose, if the contract or other transaction is fair and reasonable as to the corporation at the time it is authorized, approved or ratified and either:

(1) the fact of the common trusteeship or interest is disclosed or known to the board or committee and the board or committee authorizes, approves, or ratifies the contract or transaction by unanimous written consent, provided at least one trustee so consenting is disinterested, or by affirmative vote of a majority of the disinterested trustees, even though the disinterested trustees be less than a quorum; or

(2) the fact of the common trusteeship or interest is disclosed or known to the members, if any, and they authorize, approve or ratify the contract or transaction.

b. Common or interested trustees may be counted in determining the presence of a quorum at a board or committee meeting at which a contract or transaction described in subsection a. of this section is authorized, approved or ratified.

c. The board, by the affirmative vote of a majority of trustees in office and irrespective of any personal interest of any of them, shall have authority to establish reasonable compensation of trustees for services rendered to the corporation as trustees, officers, or otherwise. The approval of the members shall be required if the bylaws so provide.

Source: N. J. S. 14A:6–8 amended 1973, c. 366, s. 24.

15A:6–9. Executive Committee; Other Committees.

a. If the certificate of incorporation or the bylaws so provide, the board, by resolution adopted by a majority of the entire board, may appoint from among the trustees an executive committee and one or more other committees, each of which shall have at least one or more members. To the extent provided in the resolution, or in the certificate of incorporation or in the bylaws, each committee shall have and may exercise all the authority of the board, except that no committee shall:

(1) Make, alter or repeal any bylaw of the corporation;

(2) Elect or appoint any trustee, or remove any officer or trustee;

(3) Submit to members any action that requires members' approval; or

(4) Amend or repeal any resolution previously adopted by the board.

b. The board, by resolution adopted by a majority of the entire board, may:

(1) Fill any vacancy in any committee;

(2) Appoint one or more trustees to serve as alternate members of any committee, to act in the absence or disability of members of any committee with all the powers of the absent or disabled members;

(3) Abolish any committee at its pleasure; and

(4) Remove any trustee from membership on a committee at any time, with or without cause.

c. Actions taken at a meeting of any committee shall be reported to the board at its next meeting following the committee meeting; except that, when the meeting of the board is held within 2 days after the committee meeting, the report shall, if not made at the first meeting, be made to the board at its second meeting following the committee meeting.

d. The designation of any committee and the delegation thereto of authority shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law.

Source: N. J. S. 14A:6–9.

15A:6–10. Place and Notice of Trustees' Meetings.

a. Meetings of the board may be held either within or without this State, unless otherwise provided by the certificate of incorporation or the bylaws.

b. Regular meetings of the board may be held with or without notice as prescribed in the bylaws. Special meetings of the board shall be held upon notice as prescribed in the bylaws. Notice of any meeting need not be given to any trustee who signs a waiver of notice, whether before or after the meeting. The attendance of any trustee at a meeting without protesting prior to the conclusion of the meeting the lack of notice of the meeting shall constitute a waiver of notice by that trustee. Neither the business to be transacted at, nor the purpose of, any meeting of the board need be specified in the notice or waiver of notice of the meeting unless required by the bylaws. Notice of an adjourned meeting need not be given if the time and place are fixed at the meeting adjourning and if the period of adjournment does not exceed 10 days in any one adjournment.

c. Any or all trustees may participate in a meeting of the board or a committee of the board by means of conference telephone or any means of communication by which all persons participating in the meeting are able to hear each other, unless otherwise provided in the certificate of incorporation or the bylaws.

Source: N. J. S. 14A:6–10 amended 1969, c. 102, s. 7.

15A:6–11. Loans to Officers or Employees.

A corporation may lend money to, or guarantee any obligation of, or otherwise assist, any officer or other employee of the corporation or of any subsidiary, whenever, in the judgment of the board, the loan, guarantee or assistance may reasonably be expected to benefit the corporation, except that a corporation shall not lend money to,

guarantee any obligation of, or otherwise assist, any officer or other employee who is also a trustee of the corporation unless the loan, guarantee or assistance is authorized by the certificate of incorporation or bylaws and then only when authorized by at least two-thirds of the entire board, with the vote of the interested trustee not counted. The loan, guarantee or other assistance may be made with or without interest, and may be unsecured or secured in a manner as the board shall approve, and may be made upon other terms and conditions as the board may determine.
Source: N. J. S. 14A:6–11 amended 1973, c. 366, s. 26.

15A:6–12. Liability of Trustees in Certain Cases.

a. In addition to any other liabilities imposed by law upon trustees of a corporation, trustees who vote for, or concur in, any of the following corporate actions:

(1) The distribution or disposition of any asset in violation of this act, the certificate of incorporation, the bylaws, or the terms, conditions, or restrictions, express or implied, imposed upon the corporation upon acceptance of the asset by the corporation;

(2) The distribution of assets to members during or after dissolution of the corporation without paying, or adequately providing for, all known debts, obligations, and liabilities of the corporation, except that the trustees shall be liable only to the extent of the value of assets so distributed and to the extent that the debts, obligations and liabilities of the corporation are not thereafter paid, discharged, or barred by statute or otherwise;

(3) The complete liquidation of the corporation and distribution of all of its assets and cessation of the activities for which it was formed without dissolving or providing for the dissolution of the corporation and the payment of all fees, taxes and other expenses incidental thereto, except that the trustees shall be liable only to the extent of the value of assets so distributed and to the extent that the fees, taxes, and other expenses incidental thereto are not thereafter paid, discharged, or barred by statute or otherwise;

(4) The making of any loan to an officer, trustee or employee of the corporation contrary to the provisions of this act;

shall be jointly and severally liable to the corporation for the benefit of the corporation and its creditors, members or other interested persons to the extent of any injury suffered by those persons, respectively, as a result of the action.

b. Any trustee against whom a claim is successfully asserted under this section shall be entitled to contribution from the other

trustees who voted for or concurred in the action upon which the claim is asserted.

c. Trustees against whom a claim is successfully asserted under this section shall be entitled, to the extent of the amounts paid by them to the corporation as a result of the claim upon payment to the corporation of the value of any assets wrongfully distributed or disposed of, or upon payment to the corporation of the amount of any loan made improperly, to be subrogated to the rights of the corporation against the person who received the asset or the improper loan.

d. A trustee shall not be liable under this section if, in the circumstances the trustee discharged the duty owed by the trustee to the corporation under section 15A:6–14.

e. Every action against a trustee for recovery upon a liability imposed by subsection a. of this section shall be commenced within 6 years next after the cause of action shall have accrued.

Source: N. J. S. 14A:6–12 amended 1973, c. 366, s. 27.

15A:6–13. Liability of Trustees; Presumption of Assent to Action Taken at a Meeting.

A trustee who is present at a meeting of the board, or any committee thereof of which the trustee is a member, at which action on any corporate matter referred to in section 15A:6–12 is taken shall be presumed to have concurred in the action taken unless the dissent of the trustee shall be entered in the minutes of the meeting or unless the trustee shall file a written dissent to the action with the person acting as the secretary of the meeting before or promptly after the adjournment of the meeting. The right to dissent shall not apply to a trustee who voted in favor of the action. A trustee who is absent from a meeting of the board, or any committee thereof of which the trustee is a member, at which any action is taken shall be presumed to have concurred in the action unless the trustee shall file a dissent with the secretary of the corporation within a reasonable time after learning of the action.

Source: N. J. S. 14A:6–13 amended 1973, c. 366, s. 28.

15A:6–14. Standard of Care; Liability of Trustees; Reliance on Corporate Records.

Trustees and members of any committee designated by the board shall discharge their duties in good faith and with that degree of diligence, care and skill which ordinary prudent persons would

exercise under similar circumstances in like positions. In discharging their duties, trustees and members of any committee designated by the board shall not be liable if, acting in good faith, they rely on the opinion of counsel for the corporation or upon written reports setting forth financial data concerning the corporation and prepared by an independent public accountant or certified public accountant or firm of accountants or upon financial statements, books of account or reports of the corporation represented to them to be correct by the president, the officer of the corporation having charge of its books of account, or the person presiding at a meeting of the board.

Source: N. J. S. 14A:6–14.

15A:6–15. Officers.

a. The officers of a corporation shall consist of a president, a secretary, a treasurer, and, if desired, a chairman of the board, an executive director, one or more vice presidents, and all other officers as may be prescribed by the bylaws. Unless otherwise provided in the bylaws, the officers shall be elected or appointed by the board. A corporation may provide alternative titles for those officers; provided that the certificate of incorporation or the bylaws specify which other officer titles correspond to the president, secretary and treasurer and that the alternative titles not be used in completing the annual report filed pursuant to section 15A:4–5.

b. Any two or more offices may be held by the same person, but no officer shall execute, acknowledge, or verify any instrument in more than one capacity if the instrument is required by law or by the bylaws to be executed, acknowledged, or verified by two or more officers.

c. Any officer elected or appointed as herein provided shall hold office for the term for which that officer is so elected or appointed and until a successor is elected or appointed and has qualified, subject to earlier termination by removal or resignation.

d. All officers of the corporation, as between themselves and the corporation, shall have the authority and perform the duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board not inconsistent with the bylaws.

Source: N. J. S. 14A:6–15 amended 1973, c. 366, s. 29; R. S. 15:1–11.

15A:6–16. Removal and Resignation of Officers; Filling of Vacancies.

a. Any officer elected or appointed by the board may be removed by the board with or without cause. An officer elected by the members may be removed, with or without cause, only by vote of the members, but the authority to act as an officer may be suspended by the board for cause. The removal of an officer without cause shall be without prejudice to that officer's contract rights, if any. Election or appointment of an officer shall not of itself create contract rights.

b. An officer may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at a subsequent time as shall be specified in the notice of resignation.

c. Any vacancy occurring among the officers, however caused, shall be filled in the manner provided in the bylaws. In the absence of such a provision, any vacancy shall be filled by the board.

Source: N. J. S. 14A:6–16.

15A:6–17. Bonds; Facsimile Signatures and Seals.

The seal of the corporation, if any, and any or all signatures of the officers or other agents of the corporation upon a bond and any coupon attached thereto may be facsimiles if the bond is countersigned by an officer or other agent or a trustee or other certifying or authenticating authority. In case any officer or other agent who has signed or whose facsimile signature has been placed upon the bond or coupon shall have ceased to be an officer or agent before the bond is issued, it may be issued by the corporation with the same effect as if that officer or agent were an officer or agent at the date of its issue.

Source: N. J. S. 14A:6–17.

CHAPTER 7

Memberships

Section

15A:7–1. Certificates or other written evidence of membership.
15A:7–2. Restrictions on transfer of memberships.

15A:7-1. Certificates or Other Written Evidence of Membership.

a. Memberships in a corporation may be, but need not be, represented by certificates or other written evidence of membership. Unless the certificate of incorporation or bylaws otherwise provide, the certificates or written evidences shall be signed by, or in the name of the corporation by, the chairman of the board, or the president or a vice-president, and by the treasurer or an assistant treasurer, or the secretary or an assistant secretary of the corporation and may be sealed with the seal of the corporation or a facsimile thereof.

b. Each certificate or other written evidence representing membership delivered after the effective date of this act shall state upon the face thereof:

(1) That the corporation is organized under the laws of this State;

(2) The name of the person to whom it is issued; and

(3) The class of membership, if any, which such certificate represents.

c. Every certificate or other written evidence of membership delivered after the effective date of this act by a corporation having more than one class of members shall set forth upon the face or back of the certificate or the written evidence, either a full statement of the designations and relative rights of each class of membership to be issued or a statement that the corporation will furnish to any member, upon request and without charge, a full statement.

Source: N. J. S. 14A:7-11.

15A:7-2. Restrictions on Transfer of Memberships.

a. Memberships of a corporation shall be personal property and, unless otherwise provided in the certificate of incorporation or bylaws, are not transferable and terminate upon the death of the member.

b. If memberships are transferable, any reasonable restriction on the transfer of memberships may be enforced against the members. The restrictions shall be valid only if imposed by the certificate of incorporation or bylaws or by a written agreement among any number of members. Unless noted conspicuously on the certificate or other written evidence representing memberships, a restriction shall not be valid against a person who becomes a member without actual knowledge of the restriction.

c. In particular and without limitation of the generality of the power granted by subsection b. of this section to impose restrictions, a restriction on the transfer of memberships may be enforced, if it:

(1) Obligates the member to offer to the corporation or to any other members a prior opportunity to acquire the membership;

(2) Obligates the corporation to purchase the membership;

(3) Requires the corporation to consent to any proposed transfer of the membership or to approve the proposed transferee; or

(4) Prohibits the transfer of the membership to designated persons or classes of persons, and the designation is not manifestly unreasonable.

d. If a restriction on transfer of memberships is held not to be authorized by the law of this State, the corporation shall nevertheless have an option for a period of 30 days after the judgment setting aside the restriction becomes final, to acquire the membership at a price to be agreed upon by the parties, or if an agreement is not reached as to price, then at its fair value as determined by any court having jurisdiction. In order to determine fair value, the court may appoint an appraiser to receive evidence and report to the court the findings and recommendations as to fair value.

Source: N. J. S. 14A:7–12.

CHAPTER 8

Beneficial Provisions for Employees

Section

15A:8–1. Employee benefit plans.
15A:8–2. Formulation of plans.
15A:8–3. Amendment or termination of plans.
15A:8–4. Trust funds for employees; creation; maintenance and administration.
15A:8–5. Continuation of trust; law against perpetuities inapplicable.

15A:8–1. Employee Benefit Plans.

a. A corporation may, in the manner prescribed in section 15A:8–2, establish and carry out wholly or partly at its expense, any one or more of the following plans for the benefit of some or all employees, as hereinafter defined, and their families, dependents or beneficiaries:

(1) Plans providing for payments solely in cash or property including salary, bonus, savings, pension, retirement, deferred compensation and other plans of similar nature; and

(2) Plans for the furnishing of medical services, life, sickness, accident, disability or unemployment insurance or benefits, education, housing, social and recreational services, and other similar aids and services.

b. The term "employees" as used in this chapter means employees, officers, and agents including any of the foregoing who may also be trustees of the corporation, or other persons who are or have been actively engaged in the conduct of the activities of the corporation, including any who have retired, become disabled or died prior to the establishment of any plan heretofore or hereafter adopted.

Source: N. J. S. 14A:8–1 amended 1969, c. 102, s. 11; 1973, c. 366, s. 42.

15A:8–2. Formulation of Plans.

The board alone, by affirmative vote of a majority of the entire board, may adopt any plan described in section 15A:8–1 and may include provisions therein as the board may deem advisable.

Source: N. J. S. 14A:8–2 amended 1973, c. 366, s. 44; 1977, c. 334.

15A:8–3. Amendment or Termination of Plans.

Unless otherwise provided in the plan, the board may amend or terminate any plan described in section 15A:8–1. An amendment or termination of any plan shall not impair any rights which have accrued under the plan or deprive any employee or beneficiary of the employee of the equivalent in cash or other benefits of the contributions of the employee under the plan.

Source: N. J. S. 14A:8–4 amended 1973, c. 366, s. 46.

15A:8–4. Trust Funds for Employees; Creation; Maintenance and Administration.

Any domestic or foreign corporation which adopts a plan described in section 15A:8–1 may establish one or more trust funds of the property contributed or held by the corporation or any subsidiary thereof for the purposes of the plan. The trust fund may be held and administered by the corporation adopting the plan or by any trustee or trustees, within or without this State, appointed by the corporation for that purpose.

Source: N. J. S. 14A:8–5.

15A:8-5. CONTINUATION OF TRUST; LAW AGAINST PERPETUITIES INAPPLICABLE.

The period for which any trust may be created and maintained may be as long as may be desirable for the complete administration of any plan as originally adopted or thereafter amended, and a trust fund shall not be subject to or held to be in violation of any principle of law against perpetuities or restraints on alienation or perpetual accumulations of trusts.

Source: N. J. S. 14A:8-6.

CHAPTER 9

AMENDMENTS, CHANGES OR ALTERATIONS

Section

15A:9-1. Amendment of certificate of incorporation.
15A:9-2. Procedure to amend certificate of incorporation.
15A:9-3. Class voting on amendments.
15A:9-4. Certificate of amendment.
15A:9-5. Restated certificate of incorporation.
15A:9-6. Abandonment of amendment or restated certificate.

15A:9-1. AMENDMENT OF CERTIFICATE OF INCORPORATION.

a. A corporation may amend its certificate of incorporation from time to time in any and as many respects as may be desired as long as the amendment contains only those provisions as might lawfully be contained in an original certificate of incorporation filed at the time of making the amendment.

b. In particular, and without limitation upon the general power of amendment granted by subsection a. of this section, a corporation may amend its certificate of incorporation:

(1) To change its corporate name;

(2) To enlarge, limit or otherwise change its corporate purposes or powers;

(3) To provide for expansion or limitation on eligibility requirements for membership;

(4) To increase or decrease the number of trustees or their powers;

(5) To create new classes of members, to divide any class of members into one or more classes of members, and to transfer members from one class to another;

(6) To become a corporation with members or without members;

(7) To extend its period of duration; or

(8) To strike out, change or add any provision not inconsistent with law for the management and conduct of the affairs of the corporation, or creating, defining, limiting and regulating the powers of the corporation, its trustees and members or any class of members, including any provision which under this act is required or permitted to be set forth in the bylaws.

Source: N. J. S. 14A:9–1; R. S. 15:1–14 amended 1955, c. 206; 15:1–14.1.

15A:9–2. Procedure to Amend Certificate of Incorporation.

a. Before the organization meeting of the board of trustees, the incorporators may amend the certificate of incorporation by complying with subsection a. of section 15A:9–4.

b. An amendment of the certificate of incorporation pursuant to a plan of merger may be made in the manner provided in chapter 10 of this act.

c. An amendment of the certificate of incorporation of a corporation not having any members entitled to vote thereon shall be approved upon receipt of the affirmative vote of two-thirds of those trustees present at a meeting called for the purpose of considering and voting upon the proposed amendment unless the vote of a greater number is required by the certificate of incorporation or bylaws. Upon adoption, a certificate of amendment shall be filed in the office of the Secretary of State as provided in section 15A:9–4.

d. All other amendments of the certificate of incorporation shall be made in the following manner:

(1) The board of trustees shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the members;

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of members;

(3) At the meeting, a vote of members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of two-thirds of the votes cast by the members entitled to vote thereon

and, in addition, if any class of members is entitled to vote thereon as a class, the affirmative vote of two-thirds of the votes cast in each class vote. The voting requirements of this subsection shall be subject to the greater or lesser requirements as are adopted pursuant to section 15A:5–12;

(4) Any number of amendments may be acted upon at one meeting;

(5) Upon adoption, a certificate of amendment shall be filed in the office of the Secretary of State as provided in section 15A:9–4.

Source: N. J. S. 14A:9–2 amended 1973, c. 366, s. 47; R. S. 15:1–14 amended 1955, c. 206; 15:1–14.1; 15:2–1 amended 1950, c. 18.

15A:9–3. Class Voting on Amendments.

Notwithstanding any provision in the certificate of incorporation, the members of a class, with or without voting rights, whose voting or other rights or preferences or privileges would be subordinated or otherwise adversely affected by a proposed amendment, shall be entitled to vote as a class thereon.

Source: N. J. S. 14A:9–3.

15A:9–4. Certificate of Amendment.

a. If the amendment is made as provided by subsection a. of section 15A:9–2, a certificate of amendment shall, subject to subsection c. of section 15A:2–7, be signed by all incorporators, shall set forth the name of the corporation and the amendment so adopted, and shall recite that the amendment is made by the unanimous consent of the incorporators before the organization meeting of the board of trustees.

b. If the amendment is made as provided by subsection c. or d. of section 15A:9–2, a certificate of amendment shall be executed on behalf of the corporation and shall set forth:

(1) the name of the corporation;

(2) the amendment so adopted;

(3) whether the corporation has or does not have members;

(4) the date of the adoption of the amendment by the trustees if the corporation has no members entitled to vote thereon, or by the members, whichever is applicable;

(5) if the corporation has no members entitled to vote thereon, the number of trustees of the corporation and either the number of trustees voting for and against the amendment, respectively,

and the number of trustees present at the meeting or that the amendment was adopted by the unanimous written consent of the trustees without a meeting;

(6) if applicable, the number of members entitled to vote thereon and either the number of members voting for and against the amendment, respectively, if any class or classes of members are entitled to vote thereon as a class, the number of members in each class, the votes of each class voted for and against the amendment, respectively, and the number of members present at the meeting; or that the amendment was adopted by the unanimous written consent of the members without a meeting; and

(7) if, pursuant to subsection c. of this section, the amendment is to become effective at a time subsequent to the time of filing, the date when the amendment is to become effective.

c. An original and one copy of each certificate of amendment of the certificate of incorporation shall be filed in the office of the Secretary of State and the amendment shall become effective upon the date of filing or at a later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:9–4 amended 1973, c. 366, s. 48; R. S. 15:1–14 amended 1955, c. 206; 15:1–14.1; 15:2–1 amended 1950, c. 18.

15A:9–5. Restated Certificate of Incorporation.

a. A corporation may restate and integrate in a single certificate the provisions of its certificate of incorporation as theretofore amended, including any provision effected by a merger or consolidation and any further amendments which may be adopted concurrently with the restated certificate.

b. If the proposed restated certificate merely restates and integrates, but does not substantively amend the certificate of incorporation as theretofore amended, it may be adopted by the board.

c. If the proposed restated certificate restates and integrates and also substantively amends the certificate of incorporation as theretofore amended, such restated certificate shall be adopted pursuant to the procedure set forth in section 15A:9–2.

d. The restated certificate shall recite that it is a restated certificate and shall contain all provisions as are required in an original certificate of incorporation filed at the time the restated certificate is filed except that:

(1) It shall state the address of the corporation's then current registered office, and the name of its then current registered agent, and it shall state the number, names and addresses of the trustees constituting its then current board of trustees;

(2) It need not include statements as to the incorporator or incorporators or as to the first board of trustees or the first registered office and registered agent;

(3) If pursuant to subsection f. of this section, the restated certificate is to become effective subsequent to the time of its filing, it shall state the date when it is to become effective.

e. A restated certificate shall be executed on behalf of the corporation, and an original and a copy thereof shall be filed in the office of the Secretary of State. There shall be attached to it and filed therewith a certificate executed on behalf of the corporation and setting forth:

(1) The name of the corporation;

(2) Whether the corporation has or does not have members;

(3) If the restated certificate was adopted by the board and no amendment to the certificate of incorporation is made thereby, the date of adoption by the board;

(4) If the restated certificate was adopted by the board and an amendment to the certificate of incorporation is made by the restated certificate, the date of adoption by the board and either the number of trustees of the corporation, the number of trustees voting for and against the restated certificate, respectively, and the number of trustees present at the meeting; or that the amendment was adopted by the unanimous written consent of the trustees without a meeting; or

(5) If the restated certificate was adopted by the members, the date of adoption by the members and either the number of members entitled to vote thereon, the number of members voting for and against the adoption, respectively, if any class or classes of members are entitled to vote thereon as a class, the number of members in each class, the votes of each class voted for and against the adoption respectively and the number of members present at the meeting or that the amendment was adopted by the unanimous written consent of the members without a meeting.

f. The restated certificate shall become effective upon the date of filing with the Secretary of State or at a later time, not to exceed 30 days from the date of filing, as may be set forth therein. The Secretary of State shall forward the copy to the Attorney General.

A restated certificate adopted in the manner prescribed herein, whether by action of the board or by action of the board and the members, shall supersede for all purposes the original certificate of incorporation and all amendments made prior to the adoption of the restated certificate, and the restated certificate may be separately certified as the certificate of incorporation.

Source: N. J. S. 14A:9–5 amended 1969, c. 102, s. 13; 1973, c. 366, s. 49.

15A:9–6. Abandonment of Amendment or Restated Certificate.

Prior to the effective date of an amendment of a certificate of incorporation or of a restated certificate for which the approval of members is required by this act, the amendment or the restated certificate may be abandoned pursuant to provisions therefor, if any, set forth in the resolution of the members approving the amendment or the restated certificate or in any resolution subsequently adopted by the members. Prior to the effective date of an amendment of a certificate of incorporation or of a restated certificate for which the approval of members is not required by this act, the amendment or restated certificate may be abandoned pursuant to provisions therefor, if any, set forth in the resolution of the trustees approving the amendment or the restated certificate, or in any resolution subsequently adopted by the board. If a certificate of amendment or a restated certificate has been filed in the office of the Secretary of State prior to the abandonment, an original and a copy of a certificate of abandonment shall be filed in the office of the Secretary of State. The certificate shall state that the amendment or the restated certificate has been abandoned in accordance with the provisions set forth in the resolution therefor and shall specify whether the resolution was adopted by the board or the members and the date of adoption of the resolution. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:9–6 amended 1973, c. 366, s. 50.

CHAPTER 10

Merger, Consolidation, and Sale of Assets

Section

15A:10–1. Procedure for merger.
15A:10–2. Procedure for consolidation.
15A:10–3. Approval by corporation not having members entitled to vote.
15A:10–4. Approval by members.
15A:10–5. Certificate of merger or consolidation.
15A:10–6. Effect of merger or consolidation.
15A:10–7. Merger or consolidation of domestic and foreign corporations.
15A:10–8. Abandonment of merger or consolidation.
15A:10–9. Acquisition of shares or assets.
15A:10–10. Sale or other disposition of assets in regular course of activities and mortgage or pledge of assets.
15A:10–11. Sale or other disposition of assets other than in regular course of activities.

15A:10–1. Procedure for Merger.

a. Any two or more domestic corporations may merge into one of the corporations pursuant to a plan of merger approved in the manner provided in this act.

b. The board of each corporation shall approve a plan of merger setting forth:

(1) the names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation;

(2) the terms and conditions of the proposed merger, including a statement of any amendments in the certificate of incorporation of the surviving corporation to be affected by the merger;

(3) the manner and basis of converting the membership of each corporation, in whole or in part, into memberships or obligations of the surviving corporation, or into cash or other property;

(4) any other provisions with respect to the proposed merger as are deemed necessary or desirable.

Source: N. J. S. 14A:10–1 amended 1973, c. 366, s. 51; R. S. 15:1–17; 15:2–5 (added) 1939, c. 240; 15:2–6 (added) 1939, c. 240; 15:10–2; 15:10–3.

15A:10–2. Procedure for Consolidation.

a. Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this act.

b. The board of each corporation shall approve a plan of consolidation setting forth:

(1) the names of corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation;

(2) the terms and conditions of the proposed consolidation;

(3) the manner and basis of converting the memberships of each corporation, in whole or in part, into memberships or obligations of the new corporation or into cash or other property;

(4) with respect to the new corporation, all of the statements required to be set forth in the certificate of incorporation for corporations organized under this act, except that it shall not be necessary to set forth the name and address of each incorporator; and

(5) any other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Source: N. J. S. 14A:10–2 amended 1973, c. 366, s. 52; R. S. 15:1–17; 15:2–5 (added) 1939, c. 240; 15:2–6 (added) 1939, c. 240; 15:10–2; 15:10–3.

15A:10–3. Approval by Corporation Not Having Members Entitled to Vote.

When a corporation is without members entitled to vote thereon, a merger or consolidation shall be approved upon receipt of the affirmative vote of two-thirds of the trustees present at a meeting called for the purpose of considering and voting upon the proposed merger or consolidation, unless a greater number is fixed by the certificate of incorporation or the bylaws.

Source: R. S. 15:2–1 amended 1950, c. 18; 15:10–3.

15A:10–4. Approval by Members.

a. Where a corporation has members entitled to vote thereon, the board shall approve the plan of merger or plan of consolidation and direct that the plan be submitted to a vote at a meeting of members. Written notice shall be given not less than 20 nor more than 60 days before the meeting to each member of record entitled

to vote at that meeting, in the manner provided in this act for the giving of notice of meetings of members. The notice shall include, or shall be accompanied by, a copy or a summary of the plan of merger or consolidation.

b. At the meeting, a vote of the members entitled to vote shall be taken on the proposed plan of merger or consolidation. The plan shall be approved upon receiving the affirmative vote of two-thirds of the votes cast by the members entitled to vote thereon, and, in addition, if any class is entitled to vote thereon as a class, the affirmative vote of two-thirds of the votes cast in each class vote. Any class of members of any corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle the class of members to vote as a class, unless the provision is one which could be adopted by the board without member approval. The voting requirements of this section shall be subject to such greater or lesser requirements as are adopted pursuant to section 15A:5–12.

Source: N. J. S. 14A:10–3 amended 1973, c. 366, s. 53; R. S. 15:1–17.

15A:10–5. Certificate of Merger or Consolidation.

a. After approval of the plan of merger or consolidation, a certificate of merger or a certificate of consolidation shall be executed on behalf of each corporation. The certificate shall set forth:

(1) the name of each corporation which is a party to the merger or consolidation and, with respect to each, whether or not it has members entitled to vote on the merger or consolidation;

(2) the plan of merger or the plan of consolidation;

(3) as to each corporation without members entitled to vote thereon:

(a) that the plan of merger or plan of consolidation was approved by the board of trustees of the corporation, and

(b) the number of trustees and either the number of votes cast for and against the plan of merger or plan of consolidation and the number of trustees present at the meeting or that the plan of merger or plan of consolidation was adopted by the unanimous written consent of the trustees without a meeting;

(4) as to each corporation having members entitled to vote thereon:

(a) the number of members entitled to vote on such plan,

(b) if the members of any class are entitled to vote thereon

as a class, the designation and number of members entitled to vote thereon of each class,

(c) either the number of votes for and against such plan, respectively, if the members of any class are entitled to vote as a class, the number of votes of each class voted for and against such plan, respectively, and the number of members present at the meeting or that the plan of merger or plan of consolidation was adopted by the unanimous written consent of the members without a meeting;

(5) if, pursuant to subsection b. of this section, the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

b. The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger or consolidation shall become effective upon the date of the filing or at a later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:10–4 amended 1973, c. 366, s. 54; R. S. 15:1–17.

15A:10–6. Effect of Merger or Consolidation.

When a merger or consolidation has become effective:

a. The parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation;

b. The separate existence of all parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease;

c. The surviving or new corporation shall, to the extent consistent with its certificate of incorporation as amended or established by the merger or consolidation, possess all the rights, privileges, prerogatives, powers, immunities, purposes and franchises, both public and private, of each of the merging or consolidating corporations;

d. All real property and personal property, tangible and intangible, of every kind and description, belonging to each of the corporations so merged or consolidated shall be vested in the surviving or new corporation without further act or deed, and the title to any real estate or any interest therein, vested in any of the corporations shall not revert or be in any way impaired by reason of the

merger or consolidation, but the real and personal property shall be and remain subject to any trusts on which it may have been theretofore held;

e. The surviving or new corporation shall assume, carry and discharge and shall be liable for all the obligations and liabilities of each of the corporations so merged or consolidated, and any claim existing or action or proceeding pending by or against any of the corporations may be enforced as if the merger or consolidation had not taken place, and neither the rights of creditors nor any liens upon, or security interests in, the property of any of the corporations shall be impaired by the merger or consolidation;

f. In the case of a merger, the certificate of incorporation of the surviving corporation shall, without further act or deed, be amended to the extent, if any, stated in the plan of merger, and, in the case of a consolidation, the statements set forth in the certificate of consolidation and which are required or permitted to be set forth in the certificate of incorporation of corporations organized under this act shall be the certificate of incorporation of the new corporation;

g. The corporate entity of each corporation combined by merger or consolidation shall be continued for the sole purpose of enabling it to receive any devise made for its benefit and intended for its use and purposes as if the merger or consolidation had not been effected; the trustees of the surviving corporation or the new corporation shall for this purpose be deemed the trustees of each corporation merged or consolidated, and upon the receipt of the devise or the proceeds thereof, title to the property shall vest in the surviving or new corporation subject to any trust or other condition imposed in relation thereto.

Source: N. J. S. 14A:10-6; R. S. 15:1-18; 15:1-19; 15:2-8 (added) 1939, c. 240 amended 1953, c. 15, s. 2; 15:2-9 (added) 1939, c. 240; 15:10-7 amended 1953, c. 15, s. 6; 15:10-8.

15A:10-7. MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS.

a. One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner:

(1) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation of domestic corporations and each foreign corporation shall comply with the

applicable provisions of the laws of the jurisdiction under which it is organized;

(2) The certificate of merger or consolidation required by section 15A:10–5 shall be executed on behalf of each domestic corporation and each foreign corporation and, in addition to the information required by subsection a. of section 15A:10–5, shall set forth that the applicable provisions of the laws of the jurisdiction under which each foreign corporation was organized have been, or upon compliance with filing and recording requirements will have been, complied with;

(3) If the surviving or new corporation is to be a foreign corporation and is to conduct activities in this State, it shall comply with the provisions of this act with respect to foreign corporations, and, whether or not it is to conduct activities in this State, the certificate of merger or consolidation required by section 15A:10–5 shall, in addition to other required information, set forth:

(a) an agreement by the foreign corporation that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation or any foreign corporation, previously amenable to suit in this State, which is a party to the merger or consolidation, and

(b) an irrevocable appointment by the foreign corporation of the Secretary of State of this State as its agent to accept service of process in any proceeding, and the post office address, within or without this State, to which the Secretary of State shall mail a copy of the process in the proceeding.

b. If the surviving or new corporation is a domestic corporation, the effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations. If the surviving or new corporation is a foreign corporation, the effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except as the laws of the jurisdiction of incorporation of the foreign corporation shall provide otherwise.

Source: N. J. S. 14A:10–7 amended 1977, c. 366, s. 56; R. S. 15:1–17.

15A:10–8. Abandonment of Merger or Consolidation.

Prior to the time when a merger or consolidation authorized by this chapter shall become effective, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation. If a certificate of merger

or consolidation has been filed in the office of the Secretary of State prior to the abandonment, an original and a copy of a certificate of abandonment shall be filed in the office of the Secretary of State. The certificate shall be executed on behalf of each corporation which is a party to the plan of merger or consolidation, unless the plan permits abandonment by less than all of the corporations, in which event the certificate may be executed on behalf of the corporation or corporations exercising the right to abandon. The certificate shall state that the merger or consolidation has been abandoned in accordance with the provisions therefor set forth in the plan of merger or consolidation. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:10–8.

15A:10–9. Acquisition of Shares or Assets.

Nothing contained in this chapter shall limit the right of any corporation to acquire all or some of the shares or the assets of another domestic corporation, foreign corporation or corporate entity. The certificate of incorporation or bylaws may contain provisions which restrict or limit a corporation as to the acquisition of shares or assets.

Source: New.

15A:10–10. Sale or Other Disposition of Assets in Regular Course of Activities and Mortgage or Pledge of Assets.

The sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation in the usual and regular course of its activities as conducted by the corporation, and the mortgage or pledge of any or all the assets of a corporation whether or not in the usual and regular course of activities as conducted by the corporation, may be made upon terms and conditions and for a consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds or other securities of any domestic corporation, foreign corporation, or any corporate business entity as shall be authorized by its board. Unless otherwise provided in the certificate of incorporation or bylaws, no approval of the members shall be required.

Source: N. J. S. 14A:10–10; R. S. 15:1–4.

15A:10–11. SALE OR OTHER DISPOSITION OF ASSETS OTHER THAN IN REGULAR COURSE OF ACTIVITIES.

a. A sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation, if not in the usual and regular course of its activities as conducted by the corporation, may be made upon terms and conditions and for a consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds or other securities of any corporation, domestic or foreign, or any corporate business entity as may be authorized in the following manner:

(1) If the corporation is without members entitled to vote thereon, the board shall adopt a resolution authorizing the sale, lease, exchange, or other disposition by a vote of not less than two-thirds of the trustees present.

(2) If the corporation has members entitled to vote thereon:

(a) The board shall recommend such sale, lease, exchange, or other disposition and direct that it be submitted to a vote at a meeting of members;

(b) Written notice shall be given not less than 20 nor more than 60 days before the meeting to each member of record, whether or not entitled to vote at the meeting, in the manner provided in this act for the giving of notice of meetings of members, and the notice shall include, or shall be accompanied by a statement summarizing the principal terms of the proposed transaction;

(c) At the meeting the members may approve the sale, lease, exchange, or other disposition and may fix, or may authorize the board to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor; the sale, lease, exchange or other disposition shall be approved upon receiving the affirmative vote of two-thirds of the votes cast by the members entitled to vote thereon, and, if any class of shares is entitled to vote thereon as a class, the affirmative vote of two-thirds of the votes cast in each class vote; and the voting requirement of this paragraph shall be subject to such greater or lesser requirements as are adopted pursuant to section 15A:5–12.

b. Notwithstanding the approval or authorization by the members, the board may abandon the sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action by the members.

c. The sale, lease, exchange, or other disposition of all, or substantially all, the assets of one or more subsidiaries of a corporation, if not in the usual and regular course of activities as conducted by the subsidiary or subsidiaries, shall be treated as a disposition within the meaning of subsection a. of this section if the subsidiary or subsidiaries constitute all, or substantially all, the assets of the corporation.

Source: N. J. S. 14A:10–11 amended 1973, c. 366, s. 58; R. S. 15:1–4.

CHAPTER 11

Limitations on Rights of Dissenting Members

Section

15A:11–1. Limitations on Rights of Dissenting Members.

15A:11–1. Limitations on rights of dissenting members.

A member of a domestic corporation shall not have the right to dissent from any merger, consolidation, sale of assets, or amendment of the certificate of incorporation or bylaws, nor shall any member have the right to be paid the value of any membership held by the member of a domestic corporation effecting any transaction. The transaction shall not be enjoined, preliminarily or permanently, except upon a showing that the transaction is fraudulent or is fundamentally unfair to any member and, in the action, the member or members complaining thereof thall have the burden of showing fraud or fundamental unfairness.

Source: New.

CHAPTER 12

Dissolution

Section

15A:12–1. Methods of dissolution.
15A:12–2. Dissolution before commencing activities.
15A:12–3. Dissolution without a meeting of members.
15A:12–4. Dissolution pursuant to action of board and members.
15A:12–5. Dissolution pursuant to action of board.
15A:12–6. Dissolution pursuant to provision in certificate of incorporation.
15A:12–7. Dissolution upon expiration of period of duration.
15A:12–8. Plan of dissolution and disposition of assets.

Section

15A:12–9. Disposition of unclaimed assets.
15A:12–10. Certificate of dissolution; contents; approval.
15A:12–11. Dissolution in action brought by the Attorney General.
15A:12–12. Involuntary dissolution; other remedies.
15A:12–13. Discontinuance of action or special proceeding.
15A:12–14. Effective time of dissolution.
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15A:12–16. Revocation of dissolution proceedings.
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15A:12–18. Notice to creditors; filing claims.
15A:12–19. Barring of claims of creditors.
15A:12–20. Disposition of rejected claims.
15A:12–21. Jurisdiction of the Superior Court.
15A:12–22. Judgment of dissolution; filing copy.
15A:12–23. Dissolution upon liquidation.

15A:12–1. Methods of Dissolution.

a. A corporation may be dissolved in any one of the following ways:

(1) by action of the incorporators or trustees pursuant to section 15A:12-2;

(2) by action of the members pursuant to section 15A:12–3;

(3) by action of the board and the members pursuant to section 15A:12–4;

(4) by action of the board pursuant to section 15A:12–5;

(5) by action of the members pursuant to section 15A:12–6;

(6) by the filing of a certificate of dissolution pursuant to section 15A:12–7 upon expiration of any period of duration stated in the corporation's certificate of incorporation;

(7) by a judgment of the Superior Court in an action brought pursuant to section 15A:12–11, 15A:12–12, or 15A:14–2 or otherwise; or

(8) automatically by the Secretary of State revoking a certificate of incorporation as set forth in subsection c. of section 15A:4–5.

b. A corporation which has been dissolved in a proceeding pursuant to section 15A:12–11 or 15A:12–12, or which has been dissolved, or the certificate of incorporation of which has been revoked, for a cause or by a method not mentioned in this section, shall be subject to all the provisions of this chapter and of

chapter 14, to the extent that those provisions are compatible with a court-directed dissolution, or with the statute or common law proceeding pursuant to which the dissolution, or revocation is effected.

Source: N. J. S. 14A:12–1 amended 1973, c. 366, s. 64; R. S. 15:1–20; 15:7–11; 15:14–1 amended 1953, c. 15, s. 8.

15A:12–2. Dissolution Before Commencing Activities.

a. A corporation may be dissolved by action of its incorporators when there has been no organization meeting of the board, or by the board if there has been an organization meeting, if the corporation:

(1) has not commenced activities;

(2) has no debts or other liabilities; and

(3) has no assets or if it had assets, has distributed them according to a plan pursuant to section 15:12–8 less any part of the assets disbursed for expenses.

b. The dissolution of a corporation shall be effected when a majority of the incorporators or trustees execute and file in the office of the Secretary of State an original and a copy of a certificate of dissolution stating:

(1) the name of the corporation;

(2) the name of the registered agent of the corporation;

(3) the location of the registered office of the corporation;

(4) the names of the incorporators and trustees constituting the first board;

(5) that the corporation has not commenced activities and has no debts or other liabilities;

(6) that the corporation has no assets or if it had assets, has distributed them according to a plan pursuant to section 15A:12–8, less any part of the assets disbursed for expenses; and

(7) that a majority of the incorporators or trustees has elected that the corporation be dissolved.

c. The Secretary of State shall accept for filing a certificate of dissolution pursuant to the provisions of this section without payment of a filing fee and shall make the name of the corporation available immediately for corporate use upon the filing of a certificate of dissolution pursuant to the provisions of this section. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:12–2 amended 1973, c. 366, s. 65; 1979, c. 86, s. 4.

15A:12–3. Dissolution Without a Meeting of Members.

A corporation may be dissolved by the written consent of all its members entitled to vote thereon. To effect the dissolution, the members shall adopt a plan of dissolution pursuant to section 15A:12–8 and shall execute and file in the office of the Secretary of State an original and a copy of a certificate of dissolution which shall contain the information required by section 15A:12–10. The Secretary of State shall forward the copy to the Attorney General.

Source: N. J. S. 14A:12–3.

15A:12–4. Dissolution Pursuant to Action of Board and Members.

a. A corporation which has members entitled to vote on its dissolution may be dissolved by action of its board and its members as provided in this section.

b. The board shall recommend that the corporation be dissolved, adopt a plan of dissolution pursuant to section 15A:12–8, and direct that the plan of dissolution be submitted to a vote at a meeting of members.

c. Notice of the meeting shall be given to each member entitled to vote at the meeting within the time and in the manner provided in this act for the giving of notice of meetings of members.

d. At the meeting, a vote of the members shall be taken on the proposed plan of dissolution. The plan of dissolution shall be approved upon receiving the affirmative vote of two-thirds of the votes cast by the members of the corporation entitled to vote thereon, and, in addition, if any class is entitled to vote thereon as a class, the affirmative vote of two-thirds of the votes cast in each class vote. The voting requirements of this section shall be subject to the greater or lesser requirements as are adopted pursuant to section 15A:5–12.

Source: N. J. S. 14A:12–4; R. S. 15:1–20; 15:7–11.

15A:12–5. Dissolution Pursuant to Action of Board.

If there are no members of the corporation entitled to vote on the dissolution of the corporation, a corporation may be dissolved by the affirmative vote of two-thirds of its trustees at a meeting of the board. If dissolution is approved as provided in this section, a certificate of dissolution shall be executed on behalf of the corporation and an original and a copy shall be filed in the office of the

Secretary of State. The certificate shall contain the information required by section 15A:12–10. The Secretary of State shall forward the copy to the Attorney General.

Source: R. S. 15:14–4.

15A:12–6. Dissolution Pursuant to Provision in Certificate of Incorporation.

a. The certificate of incorporation may provide that any member, any trustee, or any specified number of members or trustees or any class of members may effect the dissolution of the corporation at will or upon the occurrence of a specified event. The provision shall specify the procedures for adopting a plan of dissolution. The dissolution of the corporation may be effected by adopting a plan of dissolution pursuant to section 15A:12–8 and by filing an original and a copy of a certificate of dissolution in the office of the Secretary of State, executed as the certificate of incorporation may provide. The certificate of dissolution shall contain the information required by section 15A:12–10. The Secretary of State shall forward the copy to the Attorney General.

b. An amendment of the certificate of incorporation which adds, amends, or deletes a provision authorized by subsection a. of this section, shall be authorized at a meeting of members by a vote of all the members, or by a lesser vote, but not less than the vote set forth in paragraph 3 of subsection d. of section 15A:9–2, as may be specifically provided for in the certificate of incorporation for such amendment.

c. If the corporation has no members entitled to vote on a dissolution of the corporation, the certificate of incorporation may provide that any trustee or any specified number of trustees may effect the dissolution of the corporation at will or upon the occurrence of a specified event. The provision shall specify the procedures for adopting a plan of dissolution. The dissolution of the corporation may be effected by adopting a plan of dissolution pursuant to section 15A:12–8 and by filing an original and a copy of a certificate of dissolution in the office of the Secretary of State, executed as the certificate of incorporation may provide. The certificate of dissolution shall contain the information required by section 15A:12–10. The Secretary of State shall forward the copy to the Attorney General.

d. An amendment of the certificate of incorporation which adds, amends, or deletes a provision authorized by subsection c. of this

section, shall be authorized at a meeting of the trustees by a vote of all the trustees, or by a lesser vote not below two-thirds, as may be specifically provided for in the certificate of incorporation for such an amendment.
Source: N. J. S. 14A:12-5.

15A:12-7. Dissolution Upon Expiration of Period of Duration.

A corporation shall not be dissolved when the period of duration stated in its certificate of incorporation expires until a plan of dissolution pursuant to subsection a. of section 15A:12-8 has been adopted and an original and a copy of a certificate of dissolution containing the information required by section 15A:12-10 executed on behalf of the corporation has been filed in the office of the Secretary of State. Upon written demand to the corporation by any trustee or member, a corporation whose duration has expired shall, within 60 days of the demand, file an original and a copy of a certificate of dissolution in the office of the Secretary of State unless within that time it amends its certificate of incorporation to extend its duration, as provided in paragraph (2) of subsection b. of section 15A:9-1. The Secretary of State shall forward the copy to the Attorney General.
Source: N. J. S. 14A:12-5.1 (added) 1973, c. 366, s. 66.

15A:12-8. Plan of Dissolution and Disposition of Assets.

a. Every corporation which dissolves pursuant to section 15A:12-2, 15A:12-3, 15A:12-4, 15A:12-5, 15A:12-6 or 15A:12-7 shall adopt a plan of dissolution for the satisfaction of its liabilities and the distribution of its assets. The plan shall implement all provisions in the certificate of incorporation or bylaws prescribing the disposition of assets.

b. The plan shall include, where appropriate, provisions to implement the following in the priority set forth below:

(1) Payment and discharge of all liabilities and obligations of the corporation;

(2) Compliance with all conditions of any tax exemption applicable to the corporation;

(3) Return, transfer or conveyance of all assets received and held by the corporation upon condition that the assets be returned, transferred or conveyed upon dissolution of the corporation;

(4) Transfer or conveyance of all assets received and held by the corporation subject to limitations permitting their use only for

charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon condition set forth in paragraph (3) of subsection b. of this section, to one or more domestic or foreign corporations engaged in activities substantially similar to those of the dissolving corporation or, if applicable, to a receiver to be held for the benefit of the public and for use in accordance with the limitations, or pursuant to a court order;

(5) Distribution of all assets required by the corporation's certificate of incorporation or bylaws to be distributed to the members in the manner so specified;

(6) Disposition of all other assets.

c. If the corporation has no disposable assets at the time of dissolution, the plan of dissolution shall include a statement to that effect.

Source: New.

15A:12-9. Disposition of Unclaimed Assets.

Any assets required to be distributed to any person who is unknown or cannot be found, or who is under a disability and for whom there is no legal representative, shall be paid into the Superior Court to be held for the benefit of the owners, subject to the order of the court.

Source: N. J. S. 14A:12-17; R. S. 15:14-3 amended 1953, c. 15, s. 10.

15A:12-10. Certificate of Dissolution; Contents; Approval.

Upon authorization of dissolution in the manner specified in this chapter, a certificate of dissolution shall be executed and an original and a copy of the certificate shall be filed in the office of the Secretary of State in accordance with the section of this act pursuant to which the dissolution is authorized. The Secretary of State shall forward the copy to the Attorney General. The certificate of dissolution shall set forth:

a. The name of the corporation;

b. The name of the registered agent of the corporation;

c. The location of the registered office of the corporation;

d. The name and address of each of its officers and trustees, which addresses shall be either the residence address of such person or other address where that person regularly receives mail and which is not the address of the corporation;

e. The plan of dissolution;

f. That the corporation elects to dissolve;

g. The manner in which the dissolution was authorized;

h. A statement that the liabilities of the corporation have been discharged, or that adequate provision has been made therefor, or that the assets of the corporation are not sufficient to discharge its liabilities, and that all the assets of the corporation have been fairly applied, to the extent possible, to pay the liabilities;

i. If the dissolution is effected by the written consent of all its members pursuant to section 15A:12–3 or of all its trustees pursuant to section 15A:12–5, that the certificate has been signed in person or by proxy by all the members entitled to vote thereon or by all the trustees of the corporation;

j. If the dissolution is effected pursuant to section 15A:12–4, the text of the board resolution authorizing dissolution, the date and place of the meeting of members called to vote upon the dissolution, the total number of members entitled to vote on the dissolution and the number of members present at the meeting, the number of votes voted for and voted against the dissolution and, where applicable, the number of votes in each class voted for and voted against the dissolution;

k. If the dissolution is effected pursuant to section 15A:12–6, that the dissolution is effected pursuant to a provision of the certificate of incorporation and that the certificate is executed and filed by the person or persons authorized by the certificate of incorporation;

l. If the dissolution is effected pursuant to section 15A:12–7, the fact that the corporation is dissolved because of expiration of the period of duration stated in its certificate of incorporation or bylaws; and

m. A statement that the plan of dissolution and the distribution of assets has been approved by a judge of the Superior Court or by a governmental body or officer if such approval is required.

Source: N. J. S. 14A:12–3; 14A:12–4; 14A:12–5; 14A:12–5.1 (added) 1973, c. 366, s. 66.

15A:12–11. Dissolution in Action Brought by the Attorney General.

a. The Attorney General may bring an action in the Superior Court for the dissolution of a corporation upon the ground that the corporation:

(1) Has procured its organization through fraudulent misrepresentation or concealment of a material fact;

(2) Has had its certificate of incorporation revoked under subsection c. of section 15A:4–5 (failure to file its annual report) or has violated subsection d. of section 15A:4–3 (failure to file change of registered agent);

(3) Has conducted activities after the period of duration specified in its certificate of incorporation and has neither amended its certificate of incorporation to extend the period nor proceeded to liquidate and cease activities;

(4) Has repeatedly exceeded the authority conferred upon it by law;

(5) Has repeatedly conducted its business in an unlawful manner;

(6) Has misused or improperly failed to use its powers, privileges or franchises;

(7) Is insolvent;

(8) Has suspended its ordinary activities for lack of funds;

(9) Is conducting its activities in violation of its certificate of incorporation or, with respect to specific assets, in violation of any terms, conditions, or restrictions applicable to those assets imposed upon it;

(10) Is conducting its activities at a great loss and with great prejudice to the interests of its creditors or members; or

(11) Is conducting activities in a manner which is prejudicial to the public.

b. The Superior Court may proceed in the action in a summary manner or otherwise. Upon a showing by clear and convincing evidence of any cause set forth in subsection a. of this section, the court may declare the corporation dissolved and a copy of the order of the court may be filed in the office of the Secretary of State as evidence thereof.

c. The enumeration in subsection a. of this section of grounds for dissolution shall not exclude any other statutory or common law action by the Attorney General for the dissolution of a corporation or the revocation or forfeiture of its corporate franchises.

Source: N. J. S. 14A:12–6.

15A:12–12. Involuntary Dissolution; Other Remedies.

a. The Superior Court, in an action brought under this section, may appoint a custodian, appoint a provisional trustee, order a sale of the corporation's assets as provided below, or enter a judgment dissolving the corporation, upon proof that:

(1) The members of the corporation are so divided in voting power that, for a period which includes the time when two consecutive annual or biennial meetings were or should have been held they have failed to elect successors to trustees whose terms have expired or would have expired upon the election and qualification of their successors; or

(2) The trustees of the corporation, or the person or persons having the management authority (if a provision in the corporation's certificate of incorporation contemplated by subsection b. of section 15A:5–19 is in effect) are unable to effect action on one or more substantial matters respecting the management of the corporation's affairs; or

(3) There is internal dissension and two or more factions of members are so divided that dissolution would be beneficial to the members; or

(4) The trustees or members in control of the corporation have looted or wasted corporate assets, have perpetuated the corporation solely for their personal benefit, or have otherwise acted in an illegal, oppressive or fraudulent manner; or

(5) The corporation is no longer able to carry out its purposes.

b. An action may be brought under this section by one or more trustees or by one or more members. In the action, in the case of appointment of a custodian or a provisional trustee, the court may proceed in summary manner or otherwise.

c. One or more provisional trustees may be appointed if it appears to the court that the appointment may be in the best interests of the corporation and its members, notwithstanding any provisions in the corporation's bylaws, certificate of incorporation, or any resolutions adopted by the board or members. A provisional trustee shall have all the rights and powers of a duly elected trustee of the corporation, including the right to notice of and to vote at meetings of trustees until the time as the provisional trustee shall be removed by order of the court, or unless otherwise ordered by the court, by a vote or written consent of a majority of the votes entitled to be cast by the members entitled to vote to elect trustees or where the corporation has no members, by a vote or written consent of a majority of the votes entitled to be cast by the trustees entitled to elect trustees.

d. A custodian may be appointed if it appears to the court that the appointment may be in the best interests of the corporation and its members, notwithstanding any provisions in the corpora-

tion's bylaws, certificate of incorporation, or any resolutions adopted by the members or the board. Subject to any limitations which the court imposes, a custodian shall be entitled to exercise all of the powers of the corporation and its officers to the extent necessary to manage the affairs of the corporation in the best interests of its members and creditors, until the time as the custodian shall be removed by order of the court or, unless otherwise ordered by the court, by the vote or written consent of a majority of the votes entitled to be cast by members entitled to vote to elect trustees or where the corporation has no members, by a vote or written consent of a majority of the votes entitled to be cast by the trustees entitled to elect trustees. The powers may be exercised directly or through, or in conjunction with, the corporation's board or officers, in the discretion of the custodian or as the court may order. If so provided in the order appointing the custodian, a custodian shall have the fact-determining powers of a receiver as provided in subsections e. and f. of section 15A:14–5.

e. Any custodian or provisional trustee shall be an impartial person who is neither a member nor a creditor of the corporation or of any subsidiary or affiliate of the corporation.

f. Any custodian or provisional trustee shall report from time to time to the court concerning the matter complained of, or the status of the deadlock, if any, and of the status of the corporation's business, as the court shall direct. In addition, that person shall submit to the court, if so directed, recommendations as to the appropriate disposition of the action. If, after the appointment of a custodian or provisional trustee, the court determines that a judgment of dissolution is in the best interests of the members of the corporation, a judgment shall be entered. The court may continue any custodian or provisional trustee in the office subsequent to the entry of a judgment of dissolution and until the time as the affairs of the corporation are wound up, or it may appoint that person or another as receiver, as provided in section 15A:12–18.

g. In any proceeding under this section, the court shall allow reasonable compensation to the custodian or provisional trustee for services and reimbursement or direct payment of the reasonable costs and expenses, which amounts shall be paid by the corporation.

h. In determining whether to enter a judgment of dissolution in an action brought under this section, the court shall take into consideration whether the corporation is operating in the best interests of its members, but shall not deny entry of a judgment solely on that ground.

i. If the court determines that any party to an action brought under this section has acted arbitrarily, vexatiously, or otherwise not in good faith, it may in its discretion award reasonable expenses, including counsel fees incurred in connection with the action, to the injured party or parties.

Source: N. J. S. 14A:12-7 amended 1973, c. 366, s. 67.

15A:12-13. Discontinuance of Action or Special Proceeding.

An action or special proceeding for the dissolution of a corporation may be discontinued at any stage when it is established that the cause for dissolution did not exist or no longer exists. In that event, the court shall dismiss the action or special proceeding and direct any receiver, appointed pursuant to this chapter, or other court appointed officer, to redeliver to the corporation all its remaining property.

Source: New.

15A:12-14. Effective Time of Dissolution.

A corporation is dissolved:

a. Upon the proclamation of the Secretary of State issued pursuant to subsection c. of section 15A:4-5; or

b. When an original and a copy of a certificate of dissolution is filed in the office of the Secretary of State pursuant to section 15A:12-2, 15A:12-7, or 15A:12-10, except when a later time not to exceed 30 days after the date of filing is specified in the certificate of dissolution; or

c. When a judgment of forfeiture of corporate existence or of dissolution is entered by a court of competent jurisdiction.

Source: N. J. S. 14A:12-8 amended 1973, c. 366, s. 68.

15A:12-15. Effect of Dissolution.

a. Except as a court may otherwise direct, a dissolved corporation shall continue its corporate existence but shall not carry on activities except for the purpose of winding up its affairs by:

(1) Collecting its assets;

(2) Fulfilling or discharging its contracts;

(3) Conveying for cash or upon deferred payments, with or without security, those of its assets as are not to be distributed in kind to its members;

(4) Paying, satisfying and discharging its debts and other liabilities; and

(5) Doing all other acts required to liquidate its activities and affairs.

b. Subject to the provisions of subsection a. of this section, and except as otherwise provided by court order, the corporation, its officers, trustees and members shall continue to function for the purpose of winding up the affairs of the corporation in the same manner as if dissolution had not occurred. In particular, and without limiting the generality of the foregoing:

(1) The trustees of the corporation shall not be deemed to be trustees of its assets and shall be held to no greater standard of conduct than that prescribed by section 15A:6–14;

(2) Title to the corporation's assets shall remain in the corporation until transferred by it in the corporate name;

(3) The dissolution shall not change quorum or voting requirements for the board or members, nor shall it alter provisions regarding election, appointment, resignation or removal of, or filling vacancies among, trustees or officers, or provisions regarding amendment or repeal of bylaws or adoption of new bylaws;

(4) Memberships which were transferable prior to the dissolution may thereafter be transferred;

(5) The corporation may sue and be sued in all courts and participate in actions and proceedings, whether judicial, administrative, arbitrative or otherwise, in its corporate name, and process may issue by and against the corporation in the same manner as if dissolution had not occurred;

(6) No action brought against any corporation prior to its dissolution shall abate by reason of the dissolution.

c. The dissolution of a corporation shall not affect any remedy available to or against the corporation, its trustees, officers or members, for any right or claim existing or any liability incurred before the dissolution, except as provided in section 15A:12–12 (jurisdiction of Superior Court to supervise dissolution and liquidation) or 15A:12–19 (filing or barring claims).

Source: N. J. S. 14A:12–9 amended 1973, c. 366, s. 69; R. S. 15:1–20; 15:14–5 amended 1953, c. 15, s. 11.

15A:12-16. Revocation of Dissolution Proceedings.

a. Dissolution proceedings commenced pursuant to section 15A:12-3, 15A:12-4, 15A:12-5, 15A:12-6, or 15A:12-7 may be revoked at any time within 60 days after the effective time of dissolution, as determined pursuant to section 15A:12-14, if no disposition of corporate assets has been made and no proceeding pursuant to section 15A:12-21 is pending, by filing in the office of the Secretary of State an original and a copy of a certificate of revocation signed, in person or by proxy, by all of the members or, if there are no members entitled to vote thereon, by all of the trustees, stating that revocation is effective pursuant to subsection a. of this section and that all the members or, if there are no members entitled to vote thereon, all of the trustees of the corporation have signed the certificate, in person or by proxy. In the case of a corporation dissolved pursuant to section 15A:12-7, the certificate must be accompanied by an original and a copy of a certificate of amendment executed by the same persons executing the certificate of revocation containing the information set forth in subsection b. of section 15A:9-4 and extending the period of duration for a specified or indefinite period of time. The Secretary of State shall forward the copy of the certificate to the Attorney General.

b. In addition to the procedures for revocation of dissolution set forth in subsection a. of this section, corporations having dissolved pursuant to section 15A:12-3, 15A:12-4 or 15A:12-5 may also revoke the dissolution at any time within 60 days after the effective time of dissolution, as determined pursuant to section 15A:12-14, if no disposition of corporate assets has been made and no proceeding pursuant to section 15A:12-21 is pending, in the following manner:

(1) The board of trustees shall call a meeting of members to vote upon the question of revocation of the dissolution proceedings, and in connection with the meeting, the members shall be given the same notice, and the revocation shall be approved by the same vote, as that required by section 15A:12-4 for the approval of dissolution; if there are no members entitled to vote on the revocation, the trustees must approve the revocation at a meeting of the board by the same vote as that required by section 15A:12-5 for the approval of the dissolution;

(2) If the members or trustees approve the revocation, an original and a copy of a certificate of revocation shall be executed on behalf of the corporation and shall be filed in the office of the Secretary of State, and the certificate shall state:

(a) that dissolution is revoked pursuant to subsection b. of section 15A:12–16;

(b) the matters required by subsections a., b., c., and d. of section 15A:12–10;

(c) if the revocation of the dissolution is effected by the written consent of all of its members or all of its trustees, that the certificate has been signed in person or by proxy by all the members entitled to vote thereon or by all of the trustees of the corporation; and

(d) if the revocation of the dissolution is effected by action of its board and its members, the text of the board resolution authorizing revocation, the date and place of the meeting of members called to vote upon the revocation, the total number of members entitled to vote on the revocation, the number of members present at the meeting, the number of votes voted for and voted against the revocation and, where applicable, the number of votes in each class voted for and voted against the revocation.

The Secretary of State shall forward the copy to the Attorney General;

(3) If approval of the dissolution of a corporation is required by a governmental body or officer, and the approval has been given, approval of the revocation of that body or officer must be filed with the certificate of revocation.

Source: N. J. S. 14A:12–10 amended 1969, c. 102, s. 14.

15A:12–17. Effect of Revocation of Dissolution.

a. Upon the filing of an original and a copy of a certificate of revocation as authorized by this act, the revocation of dissolution proceedings shall become effective, and the corporation may, subject to the provisions of subsection b. of this section, again conduct activities in the same manner as if the dissolution proceedings had never been commenced.

b. If, pursuant to subsection d. of section 15A:2–2, a dissolved corporation has filed a written consent to the adoption of its name or a confusingly similar name by another, the subsequent revocation of dissolution proceedings pursuant to this section shall not restore the dissolved corporation's right to the use of its name.

Source: N. J. S. 14A:12–11.

15A:12–18. Notice to Creditors; Filing Claims.

a. At any time after a corporation has been dissolved, the corporation, or a receiver appointed for the corporation pursuant to this chapter, may give notice requiring all creditors to present their claims in writing. The notice shall be published three times, once in each of 3 consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims to the corporation or the receiver, as the case may be, at a place and on or before a date named in the notice, which date shall not be less than 6 months after the date of the first publication.

b. On or before the date of the first publication of the notice as provided in subsection a. of this section, the corporation, or the receiver, as the case may be, shall mail a copy of the notice to each known creditor of the corporation. The giving of the notice shall not constitute recognition that any person to whom the notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

c. As used in this section, "creditor" means all persons to whom the corporation is indebted, and all other persons who have claims or rights against the corporation, whether liquidated or unliquidated, matured or unmatured, direct or indirect, absolute or contingent, secured or unsecured.

d. Proof of the publication and mailing authorized by this section shall be made by an affidavit filed in the office of the Secretary of State.

Source: N. J. S. 14A:12–12 amended 1973, c. 366, s. 72.

15A:12–19. Barring of Claims of Creditors.

a. Any creditor as defined in subsection c. of section 15A:12–18 who does not file a claim as provided in the notice given pursuant to section 15A:12–18, and all those claiming through or under that creditor, shall be forever barred from suing on the claim or otherwise realizing upon or enforcing it except, in the case of a creditor who shows good cause for not having previously filed a claim, to the extent as the Superior Court may allow:

(1) Against the corporation to the extent of any undistributed assets; or

(2) If the undistributed assets are not sufficient to satisfy the claim, against a member or other person, corporation or corporate

business entity to the extent of the distributee's ratable part of the claim, out of the assets of the corporation distributed to the distributee in liquidation or dissolution.

b. This section shall not apply to claims which are in litigation on the date of the first publication of the notice pursuant to section 15A:12–18.

Source: N. J. S. 14A:12–13 amended 1973, c. 366, s. 71.

15A:12–20. Disposition of Rejected Claims.

If the corporation, or the receiver of a corporation appointed pursuant to this chapter, rejects in whole or in part any claim filed by a creditor, as defined in subsection c. of section 15A:12–18, the corporation or the receiver, as the case may be, shall mail notice of the rejection to the creditor. If the creditor does not bring suit upon the claim within 60 days from the time the notice was mailed, the creditor and all those claiming through or under that creditor shall, except as otherwise provided in this chapter, be forever barred from suing on the claim or otherwise realizing upon or enforcing it. Proof of the mailing required by this section shall be made by an affidavit filed in the office of the Secretary of State.

Source: N. J. S. 14A:12–14.

15A:12–21. Jurisdiction of the Superior Court.

At any time after a corporation has been dissolved in any manner, a creditor, as defined in subsection c. of section 15A:12–18, or a member of the corporation, or, where there are no members, a trustee of the corporation, or the corporation itself, may apply to the Superior Court for a judgment that the affairs of the corporation and the liquidation of its assets continue under the supervision of the court. The court shall have power to proceed in a summary manner or otherwise upon the application, and shall make orders and judgments as may be required including, but not limited to, the continuance of the liquidation of the corporation's assets by its officers and trustees under the supervision of the court, or the appointment of a receiver of the corporation, who shall be vested with all the powers provided in Chapter 14 to be exercised by receivers appointed to liquidate the affairs of a corporation.

Source: N. J. S. 14A:12–15 amended 1973, c. 366, s. 72.

15A:12-22. JUDGMENT OF DISSOLUTION; FILING COPY.

A copy of every judgment dissolving a corporation or forfeiting its charter shall be forthwith filed by the clerk of the court in the office of the Secretary of State, and a notation thereof shall be made by the Secretary of State on the charter or certificate of incorporation of the corporation affected. The Secretary of State shall notify the Attorney General of the action.

Source: N. J. S. 14A:12-18.

15A:12-23. DISSOLUTION UPON LIQUIDATION.

No corporation shall be completely liquidated and all of its assets distributed unless provision is made for the dissolution of the corporation and the payment of all fees, taxes, and other expenses incidental thereto.

Source: N. J. S. 14A:12-19 (added) 1973, c. 366, s. 73; R. S. 15:1-20.

CHAPTER 13

FOREIGN CORPORATIONS

Section

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15A:13-1. Holding and Conveying Real Estate.

A foreign corporation shall have the same powers with respect to real property located in this State, or any interest therein, as a domestic corporation.

Source: N. J. S. 14A:13-1.

15A:13-2. Application of Act to Foreign Corporations.

a. Foreign corporations which were duly authorized to conduct activities in this State prior to January 1, 1969, and which did not thereafter withdraw from this State and which remain so authorized on the effective date of this act, for a purpose or purposes for which a corporation might secure authority under this act, are deemed to be authorized to conduct activities under this act and shall be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this State under this act; and from the time this act takes effect those corporations shall be subject to all the duties, restrictions, penalties and liabilities prescribed herein for foreign corporations procuring certificates of authority to transact business in this State under this act.

b. A foreign corporation which receives a certificate of authority under this act shall, until a certificate of revocation or of withdrawal is issued as provided in this act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which the certificate of authority is issued; and, except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

c. A foreign corporation which conducts activities in this State without a certificate of authority under this act shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a foreign corporation procuring a certificate of authority.

Source: N. J. S. 14A:13-2.

15A:13-3. Admission of Foreign Corporation.

a. A foreign corporation shall not have the right to conduct activities in this State until it shall have procured a certificate of authority so to do from the Secretary of State. The preceding sentence shall not be operative until 90 days after the effective date

of this act. A foreign corporation may be authorized to conduct in this State any activities which may be done lawfully in this State by a domestic corporation, to the extent that it is authorized to conduct those activities in the jurisdiction of its incorporation, but no other activities.

b. Without excluding other activities which may not constitute conducting activities in this State, a foreign corporation shall not be considered to be conducting activities in this State, for the purposes of this act, by reason of carrying on in this State any one or more of the following activities:

(1) Maintaining, defending or otherwise participating in any action or proceeding, whether judicial, administrative, arbitrative or otherwise, or effecting the settlement thereof or the settlement of claims or disputes;

(2) Holding meetings of its trustees or members;

(3) Maintaining bank accounts or borrowing money, with or without security, even if the borrowings are repeated and continuous transactions and even if the security has a situs in this State;

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositories with relation to its securities.

c. The specification in subsection b. of this section does not establish a standard for activities which may subject a foreign corporation to service of process or taxation in this State.

Source: N. J. S. 14A:13–3.

15A:13–4. Application for Certificate of Authority.

a. To procure a certificate of authority to conduct activities in this State, a foreign corporation shall file in the office of the Secretary of State an original and a copy of an application executed on behalf of the corporation setting forth:

(1) The name of the corporation and the jurisdiction of its incorporation;

(2) The date of incorporation and the period of duration of the corporation;

(3) The address of the main office or headquarters of the corporation;

(4) The address of the registered office of the corporation in this State, and the name of its registered agent in this State at that address, together with a statement that the registered agent is an

agent of the corporation upon whom process against the corporation may be served; and

(5) The character of the activities it is to conduct in this State, together with a statement that it is authorized to conduct those activities in the jurisdiction of its incorporation.

b. Attached to the application shall be a certificate setting forth that the corporation is in good standing under the laws of the jurisdiction of its incorporation, executed by the official of that jurisdiction who has custody of the records pertaining to corporations and dated not earlier than 30 days prior to the filing of the application. If the certificate is in a foreign language, a translation thereof under oath of the translator shall be attached thereto.

c. Upon the filing of the original and the copy of the application, the Secretary of State shall forward the copy to the Attorney General and shall issue to the foreign corporation a certificate of authority to conduct activities in this State.

Source: N. J. S. 14A:13-4.

15A:13-5. Effect of Certificate of Authority.

Upon the issuance of a certificate of authority by the Secretary of State, the foreign corporation shall be authorized to conduct in this State any activities of the character set forth in its application. The authority shall continue so long as it retains authority to conduct those activities in the jurisdiction of its incorporation and its authority to conduct activities in this State has not been surrendered or revoked.

Source: N. J. S. 14A:13-5.

15A:13-6. Amended Certificate of Authority.

a. A foreign corporation authorized to conduct activities in this State shall procure an amended certificate of authority in the event it desires to change its corporate name, or to enlarge, limit or otherwise change the character of the activities which it proposes to conduct in this State, by making application therefor to the Secretary of State.

b. The requirements in respect to the form and contents of the application, the manner of its execution, the filing thereof in the office of the Secretary of State, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

Source: N. J. S. 14A:13-6.

15A:13-7. Change of Name by Foreign Corporation.

Whenever a foreign corporation which is authorized to conduct activities in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of the corporation shall be suspended and the corporation shall not thereafter conduct any activities in this State until it has changed its name to a name which is available to it under the laws of this State or has otherwise complied with the provisions of this act.

Source: N. J. S. 14A:13-7.

15A:13-8. Withdrawal of Foreign Corporation.

a. A foreign corporation authorized to conduct activities in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal. In order to procure a certificate of withdrawal, the foreign corporation shall file in the office of the Secretary of State an original and a copy of an application for withdrawal, executed on behalf of the corporation, setting forth:

(1) the name of the corporation and the jurisdiction of its incorporation;

(2) that the corporation is not conducting activities in this State;

(3) that the corporation surrenders its authority to conduct activities in this State; and

(4) a post-office or street address within or without this State to which the Secretary of State may mail a copy of any process against the corporation that may be served on the Secretary of State.

b. Upon the filing of the original and the copy of an application for withdrawal, the Secretary of State shall forward the copy to the Attorney General and shall issue to the corporation a certificate of withdrawal, whereupon:

(1) the authority of the corporation to conduct activities in this State shall cease;

(2) the authority of its registered agent in this State to accept service of any process against the corporation shall be deemed revoked;

(3) the corporation shall be deemed to have irrevocably consented that service of process in any action or proceeding based upon any liability or obligation incurred by it within this State before the issuance of the certificate of withdrawal may thereafter

be made on the corporation by service thereof on the Secretary of State or the person designated by the Secretary of State; and

(4) the Secretary of State shall be charged with the duties and shall be entitled to receive fees with respect to any process which may be served hereunder on the Secretary of State or the chief clerk of the office of the Secretary of State, as is provided in N. J. S. 2A:15–26 to 2A:15–30.

c. The post-office address specified in paragraph (4) of subsection a. of this section may be changed from time to time by filing in the office of the Secretary of State an original and a copy of a certificate executed on behalf of the corporation setting forth:

(1) the name of the foreign corporation;

(2) the jurisdiction of its incorporation;

(3) the date of the issuance of its certificate of withdrawal by the Secretary of State; and

(4) the changed post-office address.

The Secretary of State shall forward the copy of the certificate to the Attorney General.

Source: N. J. S. 14A:13–8.

15A:13–9. Termination of Existence of Foreign Corporation.

a. When a foreign corporation authorized to conduct business in this State is dissolved, or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation, or it is merged into or consolidated with another corporation, there shall be filed in the office of the Secretary of State:

(1) a certificate of the official of the jurisdiction of incorporation of the foreign corporation who has custody of the records pertaining to corporations, attesting to the occurrence of the event; or

(2) a certified copy of an order or decree of a court of competent jurisdiction directing the dissolution of the foreign corporation, the termination of its existence, or the cancellation of its authority, together with a statement executed on behalf of the corporation of the post-office address within or without this State to which the Secretary of State may mail a copy of any process against the corporation that may be served on the Secretary of State.

b. Upon the filing of the certificate, order or decree and the statement of the post-office address, the Secretary of State shall issue a certificate of withdrawal with like effect as provided in subsection b. of section 15A:13–8 and shall notify the Attorney General of the action.

c. The post-office address specified in subsection a. of this section may be changed from time to time in the same manner as is provided in subsection c. of section 15A:13–8.

Source: N. J. S. 14A:13–9.

15A:13–10. Revocation of Certificate of Authority; Issuance of Certificate of Revocation.

a. In addition to any other ground for revocation provided by law, the certificate of authority of a foreign corporation to conduct activities in this State may be revoked by the Secretary of State upon the conditions prescribed in this section when:

(1) The corporation has failed to apply for an amended certificate of authority within 90 days after it was required to do so under this act; or

(2) The corporation has failed to maintain a registered agent in this State as required by this act; or

(3) The corporation has failed, after change of its registered office or registered agent to file in the office of the Secretary of State a statement of the change as required by this act.

b. A certificate of authority of a foreign corporation shall not be revoked by the Secretary of State unless:

(1) The Secretary of State has given the corporation not less than 90 days' notice that the default exists and that its certificate of authority will be revoked unless the default is cured within 90 days after the mailing of the notice; and

(2) The corporation shall fail prior to revocation to cure the default.

The notice shall be sent by certified mail to the corporation at its registered office in this State and at its main office or headquarters as those offices are on record in the office of the Secretary of State.

c. Upon revoking any certificate of authority the Secretary of State shall issue a certificate of revocation and shall mail a copy to the corporation at each of the addresses designated in subsection b. of this section and shall forward a copy to the Attorney General.

d. The issuance of the certificate of revocation shall have the same force and effect as the issuance of a certificate of withdrawal under subsection b. of section 15A:13–8.

Source: N. J. S. 14A:13–10.

15A:13-11. Conducting Activities Without Certificate of Authority.

a. A foreign corporation conducting activities in this State without a certificate of authority shall not maintain any action or proceeding in any court of this State, until the corporation obtains a certificate of authority. This prohibition shall apply to:

(1) Any successor in interest of the foreign corporation, except any receiver, trustee in bankruptcy or other representative of creditors of the corporation; and

(2) Any assignee of the foreign corporation, except an assignee for value who accepts an assignment without knowledge that the foreign corporation should have but has not obtained a certificate of authority in this State.

b. The failure of a foreign corporation to obtain a certificate of authority to conduct activities in this State shall not impair the validity of any contract or act of the corporation, and shall not prevent the corporation from defending any action or proceeding in any court of this State.

c. In addition to any other liabilities imposed by law, a foreign corporation which conducts activities in this State without a certificate of authority shall forfeit to the State a penalty of not less than $200.00, nor more than $1,000.00 for each calendar year from and after the effective date of this act in which it shall have conducted activities in this State without a certificate of authority, provided that the number of years for which a penalty may be forfeited shall not exceed five. The penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in the action in a summary manner or otherwise.

d. The prohibitions of this section shall not be operative until 90 days after the effective date of this act.

Source: N. J. S. 14A:13-11.

15A:13-12. Injunction Against Foreign Corporation.

a. The Attorney General may bring an action in the Superior Court in the name of the State to enjoin a foreign corporation from conducting activities in this State:

(1) Without having first obtained a certificate of authority pursuant to this chapter;

(2) Of a character not set forth in its application for a certificate of authority or for an amended certificate of authority;

(3) After its authority to conduct activities in this State has been surrendered or revoked;

(4) After it is dissolved or its authority or existence is otherwise terminated or canceled in the jurisdiction of its incorporation;

(5) If it has procured its organization certificate of authority through fraudulent misrepresentation or concealment of a material fact;

(6) If it has repeatedly exceeded the authority conferred upon it by law;

(7) If it has repeatedly conducted its business in an unlawful manner;

(8) If it has misused or failed to use its powers, privileges or franchises;

(9) If it is insolvent;

(10) If it is conducting its activities in violation of its certificate of incorporation or its application for certificate of authority, or, with respect to specific assets, in violation of any restrictions applicable to those assets imposed upon it;

(11) If it is conducting its activities at a great loss and with great prejudice to the interests of its creditors or members; or

(12) If it is conducting activities in a manner which is prejudicial to the public.

b. The Superior Court may proceed in the action in a summary manner or otherwise. Upon a showing by clear and convincing evidence of any cause set forth in subsection a. of section 15A:12–11, the court may declare the corporation's certificate of authority revoked and a copy of the order of the court shall be filed in the office of the Secretary of State as evidence thereof, but the failure to file the order with the Secretary of State shall not affect the enforceability of the order.

c. The provisions of this section shall not exclude any other ground provided by law for injunctive relief against a foreign corporation to restrain it from the exercise of any franchise or the conducting of any activities within this State.

Source: N. J. S. 14A:13–12.

15A:13-13. Vesting of Title to Real Property Upon Merger or Consolidation of Foreign Corporations.

a. As used in this section:

(1) "Surviving foreign corporation" means a foreign corporation into which one or more other foreign corporations have merged;

(2) "New foreign corporation" means a foreign corporation formed by the consolidation of two or more other foreign corporations;

(3) "Certificate of merger" means the instrument, by whatever name it is called, filed or issued under any statute to merge one or more foreign corporations into a new foreign corporation;

(4) "Certificate of consolidation" means the instrument, by whatever name it is called, filed or issued under any statute to consolidate two or more foreign corporations into a new foreign corporation;

(5) "Certified copy", when used with reference to a certificate of merger or a certificate of consolidation, means a copy of the certificate of merger or of the certificate of consolidation, as the case may be, which was filed in or issued by the jurisdiction of the surviving corporation, as the case may be, to make the merger or consolidation effective, certified by the official of the jurisdiction having custody of its records pertaining to corporations.

b. Whenever a foreign corporation merges into or consolidates with another foreign corporation, and a certified copy of the certificate of merger or certificate of consolidation, as the case may be, is filed in the office of the Secretary of State of New Jersey, all real property in New Jersey and all interests therein, owned by each of the merging or consolidating foreign corporations, shall be deemed to vest in the surviving foreign corporation or the new foreign corporation, as the case may be, upon the effective date of the merger or consolidation, without further act or deed. The merger or consolidation shall be valid and effectual to vest title to the real property and interests therein in the surviving foreign corporation or the new foreign corporation, as the case may be, as fully and completely as if regularly conveyed to it by deed.

c. The provisions of this section shall apply to every merger and to every consolidation of foreign corporations which become effective before the effective date of this act, as well as to every merger and every consolidation of foreign corporations which shall become effective after the effective date of this act, whether the certified copy of the certificate of merger or of the certificate of con-

solidation, as the case may be, was filed in the office of the Secretary of State of New Jersey before the effective date of this act or shall be filed thereafter. In the case of mergers or consolidations of foreign corporations which became effective before the effective date of this act, the title of each surviving foreign corporation and of each new foreign corporation to all real property in New Jersey and to all interests in real property in New Jersey which at the time of the merger or consolidation was owned by each foreign corporation which was a party to the merger or consolidation is hereby confirmed and made valid and effectual, provided a certified copy of the certificate of merger or of the certificate of consolidation, as the case may be, is filed in the office of the Secretary of State of New Jersey.

Source: N. J. S. 14A:13-13.

CHAPTER 14

Insolvency, Receivers and Reorganization

Section

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15A:14–1. DEFINITIONS.

As used in this chapter:

a. "Corporation" means a domestic corporation or a foreign corporation;

b. "Creditor" means the holder of any claim, of whatever character, against a corporation, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute or contingent;

c. "Debt" includes any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent;

d. "Encumbrance" means a mortgage, security interest, lien or charge of any nature in or upon property;

e. "Fair consideration" is given for property or an obligation when, in exchange for the property or obligation, as a fair equivalent therefor, and in good faith, property is transferred or an antecedent debt is satisfied, or when the property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared with the value of the property or obligation obtained;

f. "Insolvent", a corporation shall be deemed to be insolvent for the purposes of this chapter (1) when the aggregate of its property, exclusive of any property which it may have conveyed, transferred, concealed, removed or permitted to be concealed or removed, with intent to defraud, hinder or delay its creditors, shall not at a fair valuation be sufficient in amount to pay its debts, or (2) when the corporation is unable, by its available assets or the honest use of credit, to pay its debts as they become due;

g. "Property" means real property, tangible and intangible personal property, and rights, claims and franchises of every nature;

h. "Receiver" means a receiver of a corporation appointed pursuant to this chapter, and includes corporations authorized by law to act as receivers in this State, as well as individuals;

i. "Receivership action" means an action brought pursuant to this chapter for the appointment of a receiver of a corporation;

j. "Transfer" means the sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security, or otherwise, and the retention of security title to property delivered to a corporation shall be deemed a transfer suffered by the corporation.

Source: N. J. S. 14A:14–1.

15A:14–2. Jurisdiction of the Superior Court; Appointment of Receiver.

a. A receivership action may be brought in the Superior Court by:

(1) a creditor whose claim is for a sum certain or for a sum which can by computation be made certain;

(2) a member or members who individually or in combination constitute at least 10% of the members of any class of members of the corporation;

(3) the corporation, pursuant to resolution of its board; or

(4) the Attorney General.

b. The action shall be based upon at least one of the following grounds:

(1) the corporation has misused or improperly failed to use its powers, privileges or franchises;

(2) the corporation is insolvent;

(3) the corporation has suspended its ordinary activities for lack of funds;

(4) the activities of the corporation are being conducted in violation of its certificate of incorporation or, with respect to specific assets, in violation of any terms, conditions, or restrictions applicable to those assets imposed upon the corporation;

(5) the activities of the corporation are being conducted at a great loss and with great prejudice to the interests of its creditors or members;

(6) the board has determined that it is advisable that the corporation be dissolved, its affairs settled, and its estate and effects divided and distributed by the court pursuant to this chapter; or

(7) if brought by the Attorney General, that the continued conduct of activities by the corporation is prejudicial to the public.

c. The court may proceed in the action in a summary manner or otherwise. It shall have power to appoint and remove one or more receivers of the corporation from time to time, and to enjoin the corporation, its officers and agents, from exercising any of its privileges and franchises, and from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its property, except to a receiver, and except as the court may otherwise order. One or more receivers so appointed may be selected from among the trustees of the corporation. In an action by the Attorney General, the court may take action only upon a showing by clear and convincing evidence of any cause set forth in subsection b. of this section. The court shall have all powers as shall be appropriate for the fulfillment of the purposes of this chapter including the power, if equitable, to set aside any transfer in violation of any terms, conditions, or restrictions, applicable to assets imposed upon the corporation.

d. Every receiver shall, before assuming the receiver's duties, execute and file a bond in the office of the clerk of the Superior Court, with sureties and in form as the court shall approve.

Source: N. J. S. 14A:14–2.

15A:14–3. Multiple Receivers.

When more than one receiver of a corporation is appointed:

(a) the provisions of this chapter applicable to one receiver shall be applicable to all;

(b) the debts and property of the corporation may be collected and received by any of them; and

(c) the powers and rights conferred upon them may be exercised by a majority of them.

Source: N. J. S. 14A:14–3.

15A:14–4. Title to Corporate Property and Franchises.

a. Upon appointment, the receiver shall become vested with the title to all the property of the corporation, of every nature, including its franchises.

b. For the purpose of avoiding encumbrances, transfers and preferences, the right and title of a receiver shall relate back to the date upon which the receivership action commenced.

Source: N. J. S. 14A:14–4.

15A:14–5. Powers of Receivers; General.

Subject to the general supervision of the Superior Court and pursuant to specific order where appropriate, a receiver may:

a. take into possession all the property of the corporation including its books, records and papers;

b. institute and defend actions by or on behalf of the corporation;

c. sell, assign, convey or otherwise dispose of all or any part of the property of the corporation;

d. settle or compromise with any debtor or creditor of the corporation, including any taxing authority;

e. summon and examine under oath, which the receiver may administer, or by affirmation, any persons concerning any matter pertaining to the receivership or to the corporation, its property and its transactions, and require that person to produce books, records, papers and other tangible things and to be examined thereon;

f. take testimony within or without the State, and, if without the State, apply to courts of other jurisdictions for compulsory process to obtain the attendance of witnesses;

g. continue the activities of the corporation, and, to that end, enter into contracts, borrow money, pledge, mortgage or otherwise encumber the property of the corporation as security for the repayment of the receiver's loans;

h. do all further acts as shall best fulfill the purposes of this chapter.

Source: N. J. S. 14A:14–5.

15A:14–6. Powers of Receiver; Contempt of Court.

If any person summoned to be examined pursuant to section 15A:14–5 shall refuse to be sworn, or to affirm, or to testify, or to answer a proper question, or to produce the books, papers, documents or tangible things demanded, or shall otherwise engage in misconduct, the Superior Court may, on motion, and after affording that person the opportunity to be heard, punish that person in the same manner as like failure is punishable in a case pending in the court.

Source: N. J. S. 14A:14–6.

15A:14–7. Powers of Receiver; Sale of Property Free of Encumbrances.

When property of a corporation for which a receiver has been appointed is, at the time of the appointment, subject to one or more encumbrances, the Superior Court, upon the application of the receiver, may authorize the receiver to sell the property at public or at private sale, clear of encumbrances, for a price and upon terms as the court may approve. A sale shall not be authorized nor made except upon prior notice to the holders of the encumbrances affecting the property, and unless the receiver demonstrates to the satisfaction of the court that the sale of the property may be reasonably expected to benefit general creditors of the corporation without adversely affecting the interests of the holders of the encumbrances. The proceeds of the sale shall be paid into court, there to remain until the further order of the court, subject to the same encumbrances which affected the property at the time of the sale.

Source: N. J. S. 14A:14–7.

15A:14–8. Rights of Debtors; Setoff; Counterclaim.

a. In all cases of mutual debts or mutual credits between the corporation and a creditor, the account shall be stated and one debt shall be set off against the other, and the balance only shall be allowed or paid.

b. A right of setoff or counterclaim shall not be allowed in favor of any debtor of the corporation if it was acquired by the debtor after the commencement of the receivership action, or within 4 months before the commencement, with a view to the use and with knowledge or notice that the corporation was insolvent.

Source: N. J. S. 14A:14–8.

15A:14–9. Payment or Delivery to Corporation.

a. After the commencement of a receivership action, but before the appointment of a receiver, a debtor of the corporation may make payment to the corporation of the debt, and a person holding property of the corporation may deliver it to the corporation, and the payment and the delivery shall have the same effect as if the receivership action were not pending.

b. If the payment or the delivery is made after the appointment of a receiver by a person acting in good faith the payment and the delivery shall have the same effect as if a receiver had not been appointed.

Source: N. J. S. 14A:14–9.

15A:14–10. FRAUDULENT TRANSFERS.

a. Every transfer made and every obligation incurred by a corporation which is or will be thereby rendered insolvent, is fraudulent as to creditors without regard to its actual intent if the transfer is made or the obligation is incurred without a fair consideration.

b. Every transfer made without fair consideration, when the corporation making it is engaged or is about to engage in an activity or transaction for which the assets remaining in its hands after the transfer are unreasonably small, is fraudulent as to creditors and as to other persons who become creditors during the continuance of the business or transaction without regard to its actual intent.

c. Every transfer made and every obligation incurred without fair consideration when the corporation making the transfer or entering into the obligation intends to or believes that it will incur debts beyond its ability to pay as they mature, is fraudulent as to both present and future creditors.

d. Every transfer made and every obligation incurred by a corporation with actual intent, as distinguished from intent presumed in law, to hinder, or defraud either present or future creditors of the corporation, is fraudulent as to both present and future creditors.

e. Every transfer made and every obligation incurred by a corporation which is or will thereby be rendered insolvent, within 4 months prior to the commencement of a receivership action by or against the corporation, is fraudulent as to the then existing and future creditors: (1) if made or incurred in contemplation of the commencement of the action or in contemplation of liquidation of all or the greater portion of the corporation's property, with intent to use the consideration obtained for the transfer or obligation to enable any creditor of the corporation to obtain a greater percentage of a debt than some other creditor of the same class; and (2) if the transferee or obligee of the transfer or obligation, at the time of the transfer or obligation, knew or believed that the corporation intended to make that use of the consideration.

f. For the purposes of this section, a transfer shall be deemed to have been made at the time when it became so far perfected that no purchaser from the corporation could thereafter have acquired any rights in the property so transferred superior to the rights of the transferee therein, but, if the transfer is not so perfected prior to the commencement of the receivership action by or against the

corporation, it shall be deemed to have been made immediately before the filing of the action.

Source: N. J. S. 14A:14–10.

15A:14–11. FRAUDULENT TRANSFERS; CONTINUED.

a. A transfer or an obligation incurred which is fraudulent under section 15A:14–10 against a creditor, is fraudulent against the receiver, except as to a purchaser for a fair consideration, without knowledge of the fraud at the time of the purchase.

b. When a transfer made or an obligation incurred is fraudulent as to a creditor whose claim has matured, the receiver may, as against any person except a purchaser for a fair consideration without knowledge of the fraud at the time of the purchase, or one who has derived title immediately, or immediately from the purchaser:

(1) Disregard the transfer and attach or levy execution upon the property conveyed or the obligation; or

(2) Have the transfer set aside or the obligation annulled to the extent necessary to satisfy the creditor's claim.

c. A purchaser who, without actual fraudulent intent, has given less than a fair consideration for the transfer or obligation, may retain the property or obligation as security for repayment.

d. When a transfer made or an obligation incurred is fraudulent as to a creditor whose claim has not matured, the receiver may proceed in the Superior Court against any person against whom the receiver could have proceeded if the claim were matured, and the court may:

(1) Restrain the defendant from disposing of the property covered or affected by the conveyance or of the obligation;

(2) Direct that the property or obligation be delivered to the custody of the receiver;

(3) If equitable, set aside the conveyance or annul the obligation to the extent necessary to satisfy the claim.

Source: N. J. S. 14A:14–11.

15A:14–12. FRAUDULENT TRANSFERS; CONTINUED.

Nothing contained in section 15A:14–10 or 15A:14–11 shall be construed to validate a transfer which is voidable under section 15A:14–13.

Source: N. J. S. 14A:14–12.

15A:14–13. Liens by Legal Process.

a. Every lien against the property of a corporation shall be void if:

(1) The lien is obtained by attachment, judgment, levy or other legal process; and

(2) A receivership action against the corporation is commenced within 4 months after the date on which the lien was obtained, or if the lien is obtained after the commencement of the receivership action; and

(3) The assets of the corporation are distributed in the receivership action.

b. The property affected by any lien shall be discharged from the lien and shall pass to the receiver, but the court may order that lien to be preserved for the benefit of the corporation's creditors. The Superior Court may direct the conveyance of the property affected as may be proper or adequate to evidence title thereto of the receiver. The title of a bona fide purchaser of the property shall be valid, but, if the title is acquired otherwise than by a judicial sale held to enforce the lien, it shall be valid only to the extent of the present consideration paid for the property.

Source: N. J. S. 14A:14–13.

15A:14–14. Preferences.

a. For the purpose of this chapter, a preference arises when:

(1) A corporation which, while insolvent, and within 4 months of the commencement of a receivership action by or against it, transfers any property to or for the benefit of a creditor for or on account of an antecedent debt; and

(2) The effect of the transfer will be to enable the creditor to obtain a greater percentage of a debt than some other creditor of the same class; and

(3) The creditor receiving or to be benefited by the transfer, or the creditor's agent acting with reference thereto, has, at the time when the transfer is made, reasonable cause to believe that the corporation is insolvent.

b. For the purpose of determining whether a preference has arisen:

(1) A transfer of property other than real property shall be deemed to have been made or suffered at a time when it became so far perfected that no subsequent lien obtainable by legal or equit-

able proceedings on a simple contract could become superior to the rights of the transferee;

(2) A transfer of real property shall be deemed to have been made or suffered when it became so far perfected that no subsequent bona fide purchase from the corporation could create rights in the property superior to the rights of the transferee.

c. If any transfer of real property is not so perfected against a bona fide purchase, or if any transfer of other property is not so perfected against liens by legal or equitable proceedings prior to the commencement of a receivership action it shall be deemed to have been made immediately before the commencement of the action.

d. When a preference has arisen, the receiver may recover the property or, if it has been converted, its value, from any person who has received or converted the property, except a bona fide purchaser from or lienor of the corporation's transferee for a present fair consideration. Where the bona fide purchaser or lienor has given less than that value, the person shall nevertheless have a lien upon the property, but only to the extent of the consideration actually given by that person. When a preference is by way of lien or security title, the Superior Court may on due notice order the lien or title to be preserved for the benefit of the insolvent corporation's estate, in which event the lien or title shall pass to the receiver.

e. If a creditor has been preferred and afterward in good faith gives the corporation further credit without security of any kind for property which becomes a part of the insolvent corporation's property, the amount of the new credit remaining unpaid at the time of the commencement of the receivership action may be set off against the amount which would otherwise be recoverable from the creditor.

Source: N. J. S. 14A:14–14.

15A:14–15. Notice to Creditors.

a. The receiver shall, within 30 days following the date of appointment, give notice requiring all creditors to present their claims in writing. The notice shall be published twice, once in each of 2 consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the corporation is located and shall state that all persons who are creditors of the corporation shall present written proof of their claims, under oath, to the receiver at a place and on or before a date named in the notice,

which date shall not be less than 6 months after the date of the first publication. By order of the Superior Court, the time for giving the notice to creditors and the time within which creditors shall be required to file proofs of claims may be extended or limited, or the giving of the notice to creditors may be entirely excused.

b. Any creditor who does not file a claim as provided in the notice given pursuant to subsection a. of this section, and all those claiming through or under that creditor, shall be forever barred from suing on the claim or otherwise realizing upon or enforcing it except, in the case of a creditor who shows good cause for not having previously filed a claim, to the extent as the Superior Court may allow:

(1) Against the corporation to the extent of any undistributed assets; or

(2) If the undistributed assets are not sufficient to satisfy the claim, against a member to the extent of the ratable part of the claim, out of the assets of the corporation distributed to the member in liquidation or dissolution.

c. On or before the date of the first publication of the notice as provided in subsection a. of this section, the receiver shall mail a copy of the notice to each known creditor of the corporation. The giving of the notice shall not constitute recognition that any person to whom the notice is directed is a creditor of the corporation other than for the purpose of receipt of notice hereunder.

d. Proof of the publication and mailing required by this section shall be made by an affidavit filed in the office of the Clerk of the Superior Court.

Source: N. J. S. 14A:14–15 amended 1973, c. 366, s. 74.

15A:14–16. Claims; Presentation; Approval or Rejection.

Creditors shall, if required by the receiver, submit themselves to examination by the receiver and produce before the receiver the records and proof relating to their claims as the receiver may direct. The receiver may also examine under oath all witnesses produced before the receiver relating to the claims, and the receiver shall pass upon, and allow or disallow, the claims, and shall notify the creditors of that determination.

Source: N. J. S. 14A:14–16.

15A:14–17. Claims; Jury Trial.

A creditor who presents a claim to a receiver pursuant to this chapter and whose claim is disallowed in whole or in part by the

receiver shall, on demand in writing, be entitled to trial by jury on any issue triable of right by jury.
Source: N. J. S. 14A:14–17.

15A:14–18. Review of Receiver's Actions.

Any person aggrieved by the proceedings or determination of the receiver in the discharge of his duties shall be entitled to a review of the receiver's action in a summary manner in the Superior Court.
Source: N. J. S. 14A:14–18.

15A:14–19. Discontinuance of Receivership Action.

A receivership action against a corporation may be discontinued at any time when it is established that cause for the action no longer exists. In that event, the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its property remaining in the receiver's hands. Upon the redelivery, the corporation shall be revested with full rights in the property and in its franchises as if the receiver had not been appointed.
Source: N. J. S. 14A:14–19.

15A:14–20. Allowances to Receiver and Others; Costs and Expenses.

In any proceeding under this chapter, the court shall allow a reasonable compensation to the receiver for services, costs and expenses in the receivership action. It shall also allow reasonable compensation to the following for their services in the receivership action and their costs and expenses: the attorney for the receiver, the appraiser, the auctioneer, the accountant and other persons appointed by the court in connection with the receivership action.
Source: N. J. S. 14A:14–20.

15A:14–21. Distribution of Assets; Priorities.

a. After payment of all allowances, expenses and costs, and, subject to the laws of the United States and to subsection c. of this section, the satisfaction of all liens upon the funds of the corporation to the extent of their lawful priority, the creditors shall be paid proportionately to the amount of their respective debts, excepting mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors. The creditors shall be entitled to distribution on debts not due, making

in that case a rebate of interest, when interest is not accruing on those debts.

b. The surplus funds, if any, after payment to the creditors and the costs, expenses and allowances, as aforesaid, shall be divided and distributed as in the case of a voluntary dissolution of the corporation.

c. In any distribution to creditors all persons doing labor or service of any character, in the regular employment of the corporation, shall be entitled to priority of payment for the wages, not to exceed $600.00 for each claimant, due them respectively for all labor, work and services performed within 3 months before the institution of a receivership action under this chapter. A claim under this subsection shall have priority over all other claims against the corporation, but shall be subordinate to (1) a security interest in personal property perfected prior to the date when the receivership action was instituted, which perfected security interest cannot be set aside by the receiver under the provisions of this chapter; (2) mortgages upon the real property of the corporation; and (3) all claims entitled to higher priority by law.

Source: N. J. S. 14A:14–21 amended 1973, c. 366, s. 75.

15A:14–22. Judgment of Dissolution.

After distribution of the corporation's assets as provided in section 15A:14–21, the Superior Court may make a judgment dissolving the corporation and declaring its certificate of incorporation forfeited and void. The judgment shall be forthwith filed by the clerk of the court in the office of the Secretary of State, and a notation thereof shall be made by the Secretary of State on the certificate of incorporation of the corporation affected. The Secretary of State shall notify the Attorney General of the action.

Source: N. J. S. 14A:14–22.

15A:14–23. Reorganization Under Act of Congress; "Plan of Reorganization" Defined.

As used in sections 15A:14–24 and 15A:14–25, "plan of reorganization" means a plan of corporate reorganization which has been ordered or confirmed by a court or by a commission or other agency of the United States, in a proceeding brought under any act of Congress providing for the reorganization of corporations.

Source: N. J. S. 14A:14–23.

15A:14–24. Reorganization Under Act of Congress; Implementation of Plan of Reorganization.

a. A corporation shall have the power to do any act required or permitted by a plan of reorganization in order to put the plan in effect according to its terms.

b. The power conferred by subsection a. of this section shall be exercised by the trustee or trustees, or other person or persons acting in similar capacities, appointed in the reorganization proceeding resulting in the plan of reorganization, or, if none be then acting, by any other person or persons designated or appointed for that purpose in the organization proceeding, or, if no other person or persons be then acting, by an officer or officers of the corporation.

c. The exercise of the power to put in effect a plan of reorganization by those designated in subsection b. of this section shall have the same effect as if done with the unanimous consent of the trustees and the members.

Source: N. J. S. 14A:14–24.

15A:14–25. Reorganization Under Act of Congress; Certificates.

When any plan of reorganization provides for any action to be taken, which, if taken pursuant to any provisions of this act, would require the filing of a certificate or other document in the office of the Secretary of State, the certificate or other document shall be executed on behalf of the corporation by the persons specified in subsection b. of section 15A:14–24 and shall be filed in the office of the Secretary of State. The certificate or other document shall recite that its making and filing are authorized pursuant to a plan of reorganization, and shall make reference to the proceeding in which the plan of reorganization was ordered or confirmed.

Source: N. J. S. 14A:14–26 amended 1973, c. 366, s. 77.

15A:14–26. Reorganization Under Act of Congress; Powers and Duties of State Instrumentalities.

Nothing contained in sections 15A:14–24 and 15A:14–25 shall be construed to abrogate, limit or restrict the powers and duties over any corporation imposed or conferred by law on any State officer, board, commission or other agency.

Source: N. J. S. 14A:14–27.

CHAPTER 15

Fees of Secretary of State

Section

15A:15–1. Filing fees of the Secretary of State.
15A:15–2. Additional miscellaneous fees.

15A:15–1. Filing Fees of the Secretary of State.

On filing any certificate or other papers relative to corporations in the office of the Secretary of State, there shall be paid to the Secretary of State for the use of the State, filing fees as follows:

a. Certificate of incorporation and amendments thereto:

(1) for filing the original certificate of incorporation $10.00

(2) for filing a certificate of amendment of the certificate of incorporation including any number of amendments $50.00

(3) for filing a certificate of abandonment of one or more amendments of the certificate of incorporation $50.00

(4) for filing a certificate of merger or a certificate of consolidation $50.00

(5) for filing a certificate of abandonment of a merger or consolidation $50.00

b. Restated certificate of incorporation:

for filing a restated certificate of incorporation including any amendments of the certificate of incorporation concurrently adopted $50.00

c. Dissolution of corporation:

(1) for filing a certificate of dissolution $35.00

(2) for filing an affidavit of the publication and of the mailing of a notice to creditors $10.00

(3) for filing a certificate of revocation of dissolution proceedings $35.00

d. Admission and withdrawal of foreign corporation:

(1) for filing an application for a certificate of authority to conduct activities in this State and issuing a certificate of authority $15.00

(2) for filing an application for an amended certificate of authority to conduct activities in this State and issuing an amended certificate of authority $50.00

(3) for filing an application for withdrawal from this State and issuing a certificate of withdrawal $50.00

(4) for filing a certificate of change of post office address to which process may be mailed by the Secretary of State $25.00

(5) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal $50.00

e. Registered office and registered agent:

(1) for filing a certificate of change of address of registered office, or change of registered agent or both $10.00

(2) for filing a certificate of change of address of registered agent where such certificate effects a change in the address of the registered office of one or more corporations, for each corporation named in the certificate $10.00

(3) for filing an affidavit of resignation of a registered agent $10.00

f. Annual report:

for each such report required to be filed $15.00

Source: N. J. S. 14A:15–2 amended 1971, c. 253, s. 4; 1977, c. 34, s. 2; 1982, c. 52, s. 5.

15A:15–2. Additional Miscellaneous Fees.

The Secretary of State shall also charge and collect for:

a. filing an application to reserve a specified corporate name and issuing a certificate of reservation $25.00

(1) if application is for first name available for corporate use among not more than three specified names $25.00

b. filing a notice of transfer of a reserved corporate name $25.00
c. filing an application by a foreign corporation to register its corporate name $50.00
d. filing an application by a foreign corporation to renew the registration of its corporate name $50.00
e. issuing a certificate of standing, including registered agent and registered office $15.00
f. issuing a certificate of standing, same as above, but including incorporators, officers and trustees $25.00
g. issuing a certificate of standing, listing charter documents $25.00
h. issuing a certificate of availability of corporate name (1 to 3 names) $10.00
i. filing a certificate of registration of alternate name.. $30.00
j. filing a certificate of renewal of registration of alternate name $30.00
k. filing a certificate of correction $10.00
l. all other certificates issued or papers filed, but not otherwise provided for $15.00
m. corporate status reports—per name $2.00

Source: N. J. S. 14A:15–3 amended 1971, c. 253, s. 5; 1973, c. 306, s. 78; 1979, c. 295; 1982, c. 52, s. 6.

CHAPTER 16

Acts Saved From Repeal; Repealer.

Section

15A:16–1. Acts saved from repeal.
15A:16–2. Acts repealed.

15A:16–1. Acts Saved From Repeal.

The following are saved from repeal:

R. S. 15:1–6 is saved from repeal. This section deals with specially incorporated boards of trade;

R. S. 15:1–23 is saved from repeal. This section preserves certain nonprofit corporations in existence prior to July 4, 1898;

R. S. 15:4–1 to R. S. 15:4–4 inclusive are saved from repeal.

These sections govern detective associations;

R. S. 15:5–1 to R. S. 15:5–7 inclusive are saved from repeal. These sections provide for a procedure for owners to drain swamp and meadow grounds and provide assessments for their drainage;

"An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788, together with all amendments and supplements thereto which were saved from repeal by R. S. 15:5–8 is saved from repeal;

P. L. 1957, c. 201 (C. 15:5–8 (58)) is saved from repeal. This act supplements "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788;

P. L. 1880, c. 163, entitled "An act for incorporation of companies for draining and improving meadows and lands overflowed by tide water," together with the supplements thereto, saved from repeal by R. S. 15:5–9, is saved from repeal;

"An act to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this State, using a common road to the fast land, to support the same," passed November 18, 1822 together with the supplement thereto, saved from repeal by R. S. 15:5–10, is saved from repeal;

P. L. 1881, c. 146, entitled "An act to enable the owners of any island, or part thereof, to improve the same and to protect the same from damage by high tides," saved from repeal by R. S. 15:5–11, is saved from repeal;

R. S. 15:8–4 is saved from repeal. This section provides for the appointment by a volunteer fire company of members to perform police duties, their qualifications, and their power to arrest offenders;

R. S. 15:8–5 is saved from repeal. This section provides for the issuance of exempt certificates to volunteer firemen on establishment of a paid fire department;

R. S. 15:8–7 is saved from repeal. This section provides for disposition of accumulated fire department funds on expiration of the charter of the volunteer fire department;

R. S. 15:11–7 and R. S. 15:11–8 are saved from repeal. These sections deal with land acquisition rights of certain nonprofit corporations created for educational purposes, including the power to acquire by condemnation;

R. S. 15:13–3 is saved from repeal. This section deals with the taxability of patriotic societies;

P. L. 1969, c. 291 (C. 15:11–4.1 is saved from repeal. This section deals with trustees of certain colleges and universities created by special charter and authorizes the appointment or election of additional members to the board of trustees;

P. L. 1975, c. 26, ss. 1 to 10 (C. 15:18–15 to C. 15:18–24 inclusive) are saved from repeal. These sections enacted the "Uniform Management of Institutional Funds Act";

P. L. 1971, c. 337, ss. 1 to 6 (C. 15:19–1 to C. 15:19–6 inclusive) are saved from repeal. These sections deal with private foundations and split interest trusts as defined by the Internal Revenue Code of 1954, as amended and supplemented.

15A:16–2. Acts Repealed.

The following are repealed:

R. S. 15:1–1 to R. S. 15:1–5 inclusive;
R. S. 15:1–7 to R. S. 15:1–14.1 inclusive;
R. S. 15:1–16 to R. S. 15:1–22 inclusive;
R. S. 15:2–1 to R. S. 15:2–9 inclusive;
R. S. 15:3–1 to R. S. 15:3–12 inclusive;
R. S. 15:6–1 to R. S. 15:6–3 inclusive;
R. S. 15:7–1 to R. S. 15:7–12 inclusive;
R. S. 15:8–1 to R. S. 15:8–3 inclusive;
R. S. 15:8–6 and R. S. 15:8–8;
R. S. 15:10–1 to R. S. 15:10–11 inclusive;
R. S. 15:11–1 to R. S. 15:11–6 inclusive;
R. S. 15:11–9 to R. S. 15:11–15 inclusive;
R. S. 15:12–1;
R. S. 15:13–1 and R. S. 15:13–2;
R. S. 15:14–1 to R. S. 15:14–8 inclusive;
R. S. 15:15–1 and R. S. 15:15–2;
R. S. 15:16–1 to R. S. 15:16–6 inclusive;
P. L. 1947, c. 100 (C. 15:1–11.1);
P. L. 1945, c. 109, ss. 1 to 4 inclusive (C. 15:8–9 to C. 15:8–12 inclusive);
P. L. 1946, c. 226 (C. 15:17–1 and C. 15:17–2).

2. There is appropriated from the General State Fund to the Department of State the sum of $250,000.00 for use during the fiscal year ending June 30, 1984.

Section 3.

EFFECTIVE DATE.

This act shall take effect on the first day of the sixth calendar month following enactment.

Approved April 7, 1983.

TITLE 15A. CORPORATIONS, NONPROFIT

Schedule of Allocations of Source Material

Source Sections		*Revised Sections*
R. S. 15:1–1		15A:2–1 15A:2–7 15A:2–8
R. S. 15:1–2	As am. L. 1946, c. 288, s. 1	15A:2–8
R. S. 15:1–3		Not Enacted
R. S. 15:1–4		15A:3–1 15A:5–18 15A:10–10 15A:10–11
R. S. 15:1–5	As am. L. 1946, c. 288, s. 2; L. 1971, c. 343, s. 1	15A:4–1 15A:4–2 15A:4–3
R. S. 15:1–6		15A:16–1
R. S. 15:1–7	As am. L. 1946, c. 288, s. 3	15A:2–8 15A:5–20 15A:6–1 15A:6–3
R. S. 15:1–8		15A:1–2
R. S. 15:1–9		15A:5–10 15A:5–20
R. S. 15:1–10		15A:5–20
R. S. 15:1–11		15A:6–15
C. 15:1–11.1	L. 1947, c. 100; As am. L. 1971, c. 343, s. 2	15A:4–5
R. S. 15:1–12		15A:1–4
R. S. 15:1–13		15A:1–4

Source Sections		*Revised Sections*
R. S. 15:1–13.1		15A:1–4
R. S. 15:1–14	As am. L. 1955, c. 206	15A:9–1 15A:9–2 15A:9–4
R. S. 15:1–14.1		15A:9–1 15A:9–2 15A:9–4
R. S. 15:1–15		Repealed L. 1981, c. 252
R. S. 15:1–16		Not Enacted
R. S. 15:1–17		15A:10–1 15A:10–2 15A:10–4 15A:10–5 15A:10–7
R. S. 15:1–18		15A:10–6
R. S. 15:1–19		15A:10–6
R. S. 15:1–20		15A:12–1 15A:12–4 15A:12–15 15A:12–23
R. S. 15:1–21		15A:1–5 15A:2–1
R. S. 15:1–22		15A:1–3 15A:2–1
R. S. 15:1–23		15A:16–1
R. S. 15:2–1	As am. L. 1950, c. 18	15A:9–2 15A:9–4 15A:10–3
R. S. 15:2–2	As am. L. 1953, c. 15, s. 1	Not Enacted
R. S. 15:2–3		Not Enacted
R. S. 15:2–4		Not Enacted
R. S. 15:2–5	Added L. 1939, c. 240	15A:10–1 15A:10–2
R. S. 15:2–6	Added L. 1939, c. 240	15A:10–1 15A:10–2
R. S. 15:2–7	Added L. 1939, c. 240	Not Enacted
R. S. 15:2–8	Added L. 1939, c. 240; As am. L. 1953, c. 15, s. 2	15A:10–6

Source Sections		*Revised Sections*
R. S. 15:2-9	...Added L. 1939, c. 240	15A:10-6
R. S. 15:3-1		Not Enacted
R. S. 15:3-2		Not Enacted
R. S. 15:3-3		Not Enacted
R. S. 15:3-4		Not Enacted
R. S. 15:3-5		Not Enacted
R. S. 15:3-6		Not Enacted
R. S. 15:3-7		Not Enacted
R. S. 15:3-8		Not Enacted
R. S. 15:3-9		Not Enacted
R. S. 15:3-10		Not Enacted
R. S. 15:3-11		Not Enacted
R. S. 15:3-12		Not Enacted
R. S. 15:4-1		15A:16-1
R. S. 15:4-2		15A:16-1
R. S. 15:4-3		15A:16-1
R. S. 15:4-4	...As am. L. 1953, c. 15, s. 3	15A:16-1
R. S. 15:5-1		15A:16-1
R. S. 15:5-2		15A:16-1
R. S. 15:5-3		15A:16-1
R. S. 15:5-4		15A:16-1
R. S. 15:5-5		15A:16-1
R. S. 15:5-6	...As am. L. 1953, c. 15, s. 4	15A:16-1
R. S. 15:5-7		15A:16-1
R. S. 15:5-8		15A:16-1
C. 15:5-8 (58)	L. 1957, c. 201	15A:16-1
R. S. 15:5-9		15A:16-1
R. S. 15:5-10		15A:16-1
R. S. 15:5-11		15A:16-1
R. S. 15:6-1		15A:1-4
R. S. 15:6-2		Not Enacted
R. S. 15:6-3		Not Enacted
R. S. 15:7-1		15A:2-1 15A:2-7
R. S. 15:7-2		Not Enacted
R. S. 15:7-3		Not Enacted
R. S. 15:7-4		Not Enacted
R. S. 15:7-5		Not Enacted
R. S. 15:7-6		Not Enacted
R. S. 15:7-7		Not Enacted

Source Sections		*Revised Sections*
R. S. 15:7–8		Not Enacted
R. S. 15:7–9		Not Enacted
R. S. 15:7–10		Not Enacted
R. S. 15:7–11		15A:12–1 15A:12–4
R. S. 15:7–12		Not Enacted
R. S. 15:8–1		15A:2–1 15A:2–7
R. S. 15:8–2		Not Enacted
R. S. 15:8–3		15A:2–7
R. S. 15:8–4	As am. L. 1940, c. 235; L. 1947, c. 293; L. 1953, c. 15, s. 5; L. 1953, c. 292; L. 1979, c. 53	15A:16–1
R. S. 15:8–5		15A:16–1
R. S. 15:8–6		Not Enacted
R. S. 15:8–7		15A:16–1
R. S. 15:8–8		Not Enacted
C. 15:8–9	L. 1945, c. 109, s. 1; As am. L. 1948, c. 55; L. 1951, c. 310; L. 1955, c. 123; L. 1956, c. 40; L. 1958, c. 5, s. 2	Not Enacted
C. 15:8–10	L. 1945, c. 109, s. 2; As am. L. 1958, c. 5, s. 3	Not Enacted
C. 15:8–11	L. 1945, c. 109, s. 3	Not Enacted
C. 15:8–12	L. 1945, c. 109, s. 4	Not Enacted
R. S. 15:9–1		Repealed L. 1973, c. 50
R. S. 15:9–2		Repealed L. 1973, c. 50
R. S. 15:9–3		Repealed L. 1973, c. 50

Source Sections		*Revised Sections*
R. S. 15:9–4		Repealed L. 1973, c. 50
R. S. 15:9–5		Repealed L. 1973, c. 50
R. S. 15:9–6		Repealed L. 1973, c. 50
R. S. 15:9–7		Repealed L. 1973, c. 50
R. S. 15:9–8		Repealed L. 1973, c. 50
R. S. 15:9–9		Repealed L. 1973, c. 50
R. S. 15:9–10		Repealed L. 1973, c. 50
R. S. 15:9–11		Repealed L. 1973, c. 50
R. S. 15:9–12		Repealed L. 1973, c. 50
R. S. 15:9–13		Repealed L. 1973, c. 50
R. S. 15:10–1		Not Enacted
R. S. 15:10–2		15A:10–1 15A:10–2
R. S. 15:10–3		15A:10–1 15A:10–2 15A:10–3
R. S. 15:10–4		Not Enacted
R. S. 15:10–5		Not Enacted
R. S. 15:10–6		Not Enacted
R. S. 15:10–7	As am. L. 1953, c. 15, s. 6	15A:10–6

Source Sections		*Revised Sections*
R. S. 15:10–8		15A:10–6
R. S. 15:10–9		Not Enacted
R. S. 15:10–10		Not Enacted
R. S. 15:10–11		Not Enacted
R. S. 15:11–1		Not Enacted
R. S. 15:11–2		Not Enacted
R. S. 15:11–3		Not Enacted
R. S. 15:11–4		Not Enacted
C. 15:11–4.1	L. 1969, c. 291	15A:16–1
R. S. 15:11–5		Not Enacted
R. S. 15:11–6		Not Enacted
R. S. 15:11–7		15A:16–1
R. S. 15:11–8		15A:16–1
R. S. 15:11–9		15A:2–1
R. S. 15:11–10		Not Enacted
R. S. 15:11–11	As am. L. 1953, c. 15, s. 7	Not Enacted
R. S. 15:11–12		Not Enacted
R. S. 15:11–13	As am. L. 1970, c. 19	Not Enacted
R. S. 15:11–14		Not Enacted
R. S. 15:11–15		Not Enacted
R. S. 15:11–16		Repealed L. 1970, c. 211, s. 8
R. S. 15:11–17		Repealed L. 1970, c. 211, s. 8
R. S. 15:11–18		Repealed L. 1970, c. 211, s. 8
R. S. 15:11–19		Repealed L. 1970, c. 211, s. 8
R. S. 15:11–20		Repealed L. 1970, c. 211, s. 8
R. S. 15:12–1		Not Enacted
R. S. 15:13–1		15A:2–1
R. S. 15:13–2		Not Enacted
R. S. 15:13–3		15A:16–1

Source Sections		*Revised Sections*
R. S. 15:14–1	...As am. L. 1953, c. 15, s. 8	15A:1–3 15A:12–1
R. S. 15:14–2	...As am. L. 1953, c. 15, s. 9	Not Enacted
R. S. 15:14–3	...As am. L. 1953, c. 15, s. 10	15A:12–9
R. S. 15:14–4	.....	15A:12–5
R. S. 15:14–5	...As am. L. 1953, c. 15, s. 11	15A:12–15
R. S. 15:14–6	.....	Not Enacted
R. S. 15:14–7	...As am. L. 1953, c. 15, s. 12	Not Enacted
R. S. 15:14–8	...As am. L. 1953, c. 15, s. 13	Not Enacted
R. S. 15:14–9	.....	Repealed L. 1953, c. 15, s. 14
R. S. 15:14–10	.....	Repealed L. 1953, c. 15, s. 15
R. S. 15:14–11	.....	Repealed L. 1953, c. 15, s. 16
R. S. 15:15–1	.....	Not Enacted
R. S. 15:15–2	...Added L. 1944, c. 237	15A:2–1
R. S. 15:16–1	.....	15A:2–12
R. S. 15:16–2	.....	15A:2–12
R. S. 15:16–3	.....	15A:2–12
R. S. 15:16–4	.....	15A:2–12
R. S. 15:16–5	...As am. L. 1953, c. 15, s. 17	15A:2–12
R. S. 15:16–6	.....	15A:2–12
C. 15:17–1	..... L. 1946, c. 226, s. 1;... As am. L. 1953, c. 15, s. 18.....	Not Enacted
C. 15:17–2	..... L. 1946, c. 226, s. 2.....	Not Enacted
C. 15:18–1	..... L. 1971, c. 256, s. 1.....	Repealed L. 1975, c. 26, s. 11
C. 15:18–2	..... L. 1971, c. 256, s. 2.....	Repealed L. 1975, c. 26, s. 11
C. 15:18–3	..... L. 1971, c. 256, s. 3.....	Repealed L. 1975, c. 26, s. 11

Source Sections		*Revised Sections*
C. 15:18–4	L. 1971, c. 256, s. 4	Repealed L. 1975, c. 26, s. 11
C. 15:18–5	L. 1971, c. 256, s. 5	Repealed L. 1975, c. 26, s. 11
C. 15:18–6	L. 1971, c. 256, s. 6	Repealed L. 1975, c. 26, s. 11
C. 15:18–7	L. 1971, c. 256, s. 7	Repealed L. 1975, c. 26, s. 11
C. 15:18–8	L. 1971, c. 256, s. 8	Repealed L. 1975, c. 26, s. 11
C. 15:18–9	L. 1971, c. 256, s. 9	Repealed L. 1975, c. 26, s. 11
C. 15:18–10	L. 1971, c. 256, s. 10	Repealed L. 1975, c. 26, s. 11
C. 15:18–11	L. 1971, c. 256, s. 11	Repealed L. 1975, c. 26, s. 11
C. 15:18–12	L. 1971, c. 256, s. 12	Repealed L. 1975, c. 26, s. 11
C. 15:18–13	L. 1971, c. 256, s. 13	Repealed L. 1975, c. 26, s. 11
C. 15:18–14	L. 1971, c. 256, s. 14	Repealed L. 1975, c. 26, s. 11
C. 15:18–15	L. 1975, c. 26, s. 1	15A:16–1
C. 15:18–16	L. 1975, c. 26, s. 2	15A:16–1
C. 15:18–17	L. 1975, c. 26, s. 3	15A:16–1
C. 15:18–18	L. 1975, c. 26, s. 4	15A:16–1
C. 15:18–19	L. 1975, c. 26, s. 5	15A:16–1
C. 15:18–20	L. 1975, c. 26, s. 6	15A:16–1
C. 15:18–21	L. 1975, c. 26, s. 7	15A:16–1

Source Sections		*Revised Sections*
C. 15:18–22	L. 1975, c. 26, s. 8	15A:16–1
C. 15:18–23	L. 1975, c. 26, s. 9	15A:16–1
C. 15:18–24	L. 1975, c. 26, s. 10	15A:16–1
C. 15:19–1	L. 1971, c. 337, s. 1	15A:16–1
C. 15:19–2	L. 1971, c. 337, s. 2	15A:16–1
C. 15:19–3	L. 1971, c. 337, s. 3	15A:16–1
C. 15:19–4	L. 1971, c. 337, s. 4	15A:16–1
C. 15:19–5	L. 1971, c. 337, s. 5	15A:16–1
C. 15:19–6	L. 1971, c. 337, s. 6	15A:16–1

TITLE 15A. CORPORATIONS, NONPROFIT

Treatment of Source Material

Revised Section	*Source*	*Treatment of Source*
15A:1–1	N. J. S. 14A:1–1	Revised section derived from source
15A:1–2	N. J. S. 14A:1–2 R. S. 15:1–8	Revised section derived from sources
15A:1–3	N. J. S. 14A:1–3 R. S. 15:1–22 R. S. 15:14–1	Revised section derived from sources
15A:1–4	N. J. S. 14A:1–4 R. S. 15:1–12 R. S. 15:1–13 R. S. 15:1–13.1 R. S. 15:6–1	Revised section derived from sources
15A:1–5	R. S. 15:1–21	Editorial; provides means to adopt sections of act
15A:1–6	N. J. S. 14A:1–5	Revised section derived from source
15A:1–7	N. J. S. 14A:1–6	Revised section derived from source
15A:1–8	N. J. S. 14A:1–7	Revised section derived from source
15A:1–9	N. J. S. 14A:1–8	Revised section derived from source
15A:1–10	N. J. S. 14A:1–9	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:2-1	N. J. S. 14A:2-1 R. S. 15:1-1 R. S. 15:1-21 R. S. 15:1-22 R. S. 15:7-1 R. S. 15:8-1 R. S. 15:11-9 R. S. 15:13-1 R. S. 15:15-2	Revised section derived from sources
15A:2-2	N. J. S. 14A:2-2 C. 14A:2-2a C. 14A:2-2b	Revised section derived from sources
15A:2-3	N. J. S. 14A:2-2.1	Revised section derived from source
15A:2-4	N. J. S. 14A:2-3	Revised section derived from source
15A:2-5	N. J. S. 14A:2-4	Revised section derived from source
15A:2-6	N. J. S. 14A:2-5	Revised section derived from source
15A:2-7	N. J. S. 14A:2-6 R. S. 15:1-1 R. S. 15:7-1 R. S. 15:8-1 R. S. 15:8-3	Revised section derived from sources
15A:2-8	N. J. S. 14A:2-7 R. S. 15:1-1 R. S. 15:1-2 R. S. 15:1-7	Revised section derived from sources
15A:2-9	N. J. S. 14A:2-8	Revised section derived from source
15A:2-10	N. J. S. 14A:2-9	Revised section derived from source
15A:2-11	N. J. S. 14A:2-10	Revised section derived from source
15A:2-12	R. S. 15:16-1 R. S. 15:16-2 R. S. 15:16-3 R. S. 15:16-4 R. S. 15:16-5 R. S. 15:16-6	Revised to consolidate source sections

Revised Section	*Source*	*Treatment of Source*
15A:3-1	N. J. S. 14A:3-1 R. S. 15:1-4	Revised section derived from sources
15A:3-2	N. J. S. 14A:3-2	Revised section derived from source
15A:3-3	N. J. S. 14A:3-4	Revised section derived from source
15A:3-4	N. J. S. 14A:3-5	Revised section derived from source
15A:3-5	N. J. S. 14A:3-6	Revised section derived from source
15A:4-1	N. J. S. 14A:4-1 R. S. 15:1-5	Revised section derived from sources
15A:4-2	N. J. S. 14A:4-2 R. S. 15:1-5	Revised section derived from sources
15A:4-3	N. J. S. 14A:4-3 R. S. 15:1-5	Revised section derived from sources
15A:4-4	N. J. S. 14A:4-4	Revised section derived from source
15A:4-5	N. J. S. 14A:4-5 C. 15:1-11.1	Revised section derived from sources
15A:5-1	N. J. S. 14A:5-1	Revised section derived from source
15A:5-2	N. J. S. 14A:5-2	Revised section derived from source
15A:5-3	N. J. S. 14A:5-3	Revised section derived from source
15A:5-4	N. J. S. 14A:5-4	Revised section derived from source
15A:5-5	N. J. S. 14A:5-5	Revised section derived from source
15A:5-6	N. J. S. 14A:5-6	Revised section derived from source
15A:5-7	N. J. S. 14A:5-7	Revised section derived from source
15A:5-8	N. J. S. 14A:5-8	Revised section derived from source
15A:5-9	N. J. S. 14A:5-9	Revised section derived from source
15A:5-10	N. J. S. 14A:5-10 R. S. 15:1-9	Revised section derived from sources

Revised Section	*Source*	*Treatment of Source*
15A:5–11	N. J. S. 14A:5–11	Revised section derived from source
15A:5–12	N. J. S. 14A:5–12	Revised section derived from source
15A:5–13	N. J. S. 14A:5–13	Revised section derived from source
15A:5–14	N. J. S. 14A:5–14	Revised section derived from source
15A:5–15	N. J. S. 14A:5–15	Revised section derived from source
15A:5–16	N. J. S. 14A:5–16	Revised section derived from source
15A:5–17	N. J. S. 14A:5–17	Revised section derived from source
15A:5–18	N. J. S. 14A:5–19 R. S. 15:1–4	Revised section derived from sources
15A:5–19	N. J. S. 14A:5–21	Revised section derived from source
15A:5–20	N. J. S. 14A:5–24 R. S. 15:1–7 R. S. 15:1–9 R. S. 15:1–10	Revised section derived from sources
15A:5–21	N. J. S. 14A:5–25	Revised section derived from source
15A:5–22	N. J. S. 14A:5–26	Revised section derived from source
15A:5–23	N. J. S. 14A:5–27	Revised section derived from source
15A:5–24	N. J. S. 14A:5–28	Revised section derived from source
15A:5–25	New	Prescribes liabiliy of members for corporate debts
15A:6–1	N. J. S. 14A:6–1 R. S. 15:1–7	Revised section derived from sources
15A:6–2	N. J. S. 14A:6–2	Revised section derived from source
15A:6–3	N. J. S. 14A:6–3 R. S. 15:1–7	Revised section derived from sources

Revised Section	*Source*	*Treatment of Source*
15A:6–4	N. J. S. 14A:6–4	Revised section derived from source
15A:6–5	N. J. S. 14A:6–5	Revised section derived from source
15A:6–6	N. J. S. 14A:6–6	Revised section derived from source
15A:6–7	N. J. S. 14A:6–7	Revised section derived from source
15A:6–8	N. J. S. 14A:6–8	Revised section derived from source
15A:6–9	N. J. S. 14A:6–9	Revised section derived from source
15A:6–10	N. J. S. 14A:6–10	Revised section derived from source
15A:6–11	N. J. S. 14A:6–11	Revised section derived from source
15A:6–12	N. J. S. 14A:6–12	Revised section derived from source
15A:6–13	N. J. S. 14A:6–13	Revised section derived from source
15A:6–14	N. J. S. 14A:6–14	Revised section derived from source
15A:6–15	N. J. S. 14A:6–15 R. S. 15:1–11	Revised section derived from sources
15A:6–16	N. J. S. 14A:6–16	Revised section derived from source
15A:6–17	N. J. S. 14A:6–17	Revised section derived from source
15A:7–1	N. J. S. 14A:7–11	Revised section derived from source
15A:7–2	N. J. S. 14A:7–12	Revised section derived from source
15A:8–1	N. J. S. 14A:8–1	Revised section derived from source
15A:8–2	N. J. S. 14A:8–2	Revised section derived from source
15A:8–3	N. J. S. 14A:8–4	Revised section derived from source
15A:8–4	N. J. S. 14A:8–5	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:8–5	N. J. S. 14A:8–6	Revised section derived from source
15A:9–1	N. J. S. 14A:9–1 R. S. 15:1–14 R. S. 15:1–14.1	Revised section derived from sources
15A:9–2	N. J. S. 14A:9–2 R. S. 15:1–14 R. S. 15:1–14.1 R. S. 15:2–1	Revised section derived from sources
15A:9–3	N. J. S. 14A:9–3	Revised section derived from source
15A:9–4	N. J. S. 14A:9–4 R. S. 15:1–14 R. S. 15:1–14.1 R. S. 15:2–1	Revised section derived from sources
15A:9–5	N. J. S. 14A:9–5	Revised section derived from source
15A:9–6	N. J. S. 14A:9–6	Revised section derived from source
15A:10–1	N. J. S. 14A:10–1 R. S. 15:1–17 R. S. 15:2–5 R. S. 15:2–6 R. S. 15:10–2 R. S. 15:10–3	Revised section derived from sources
15A:10–2	N. J. S. 14A:10–2 R. S. 15:1–17 R. S. 15:2–5 R. S. 15:2–6 R. S. 15:10–2 R. S. 15:10–3	Revised section derived from sources
15A:10–3	R. S. 15:2–1 R. S. 15:10–3	Revised section derived from sources
15A:10–4	N. J. S. 14A:10–3 R. S. 15:1–17	Revised section derived from sources
15A:10–5	N. J. S. 14A:10–4 R. S. 15:1–17	Revised section derived from sources

Revised Section	*Source*	*Treatment of Source*
15A:10–6	N. J. S. 14A:10–6 R. S. 15:1–18 R. S. 15:1–19 R. S. 15:2–8 R. S. 15:2–9 R. S. 15:10–7 R. S. 15:10–8	Revised section derived from sources
15A:10–7	N. J. S. 14A:10–7 R. S. 15:1–17	Revised section derived from sources
15A:10–8	N. J. S. 14A:10–8	Revised section derived from source
15A:10–9	New	Authorizes the acquisition of shares of other corporations
15A:10–10	N. J. S. 14A:10–10 R. S. 15:1–4	Revised section derived from sources
15A:10–11	N. J. S. 14A:10–11 R. S. 15:1–4	Revised section derived from sources
15A:11–1	New	Limits the rights of members to dissent as to certain corporate actions
15A:12–1	N. J. S. 14A:12–1 R. S. 15:1–20 R. S. 15:7–11 R. S. 15:14–1	Revised section derived from sources
15A:12–2	N. J. S. 14A:12–2	Revised section derived from source
15A:12–3	N. J. S. 14A:12–3	Revised section derived from source
15A:12–4	N. J. S. 14A:12–4 R. S. 15:1–20 R. S. 15:7–11	Revised section derived from sources
15A:12–5	R. S. 15:14–4	Editorial and made applicable to all corporations without members
15A:12–6	N. J. S. 14A:12–5	Revised section derived from source
15A:12–7	N. J. S. 14A:12–5.1	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:12–8	New	Provides that every corporation upon dissolution shall adopt a plan for the payment of liabilities and distribution of assets
15A:12–9	N. J. S. 14A:12–17 R. S. 15:14–3	Revised section derived from sources
15A:12–10	N. J. S. 14A:12–3 N. J. S. 14A:12–4 N. J. S. 14A:12–5 N. J. S. 14A:12–5.1	Revised section derived from sources
15A:12–11	N. J. S. 14A:12–6	Revised section derived from source
15A:12–12	N. J. S. 14A:12–7	Revised section derived from source
15A:12–13	New	Provides for discontinuance of dissolution action
15A:12–14	N. J. S. 14A:12–8	Revised section derived from source
15A:12–15	N. J. S. 14A:12–9 R. S. 15:1–20 R. S. 15:14–5	Revised section derived from sources
15A:12–16	N. J. S. 14A:12–10	Revised section derived from source
15A:12–17	N. J. S. 14A:12–11	Revised section derived from source
15A:12–18	N. J. S. 14A:12–12	Revised section derived from source
15A:12–19	N. J. S. 14A:12–13	Revised section derived from source
15A:12–20	N. J. S. 14A:12–14	Revised section derived from source
15A:12–21	N. J. S. 14A:12–15	Revised section derived from source
15A:12–22	N. J. S. 14A:12–18	Revised section derived from source
15A:12–23	N. J. S. 14A:12–19 R. S. 15:1–20	Revised section derived from sources
15A:13–1	N. J. S. 14A:13–1	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:13–2	N. J. S. 14A:13–2	Revised section derived from source
15A:13–3	N. J. S. 14A:13–3	Revised section derived from source
15A:13–4	N. J. S. 14A:13–4	Revised section derived from source
15A:13–5	N. J. S. 14A:13–5	Revised section derived from source
15A:13–6	N. J. S. 14A:13–6	Revised section derived from source
15A:13–7	N. J. S. 14A:13–7	Revised section derived from source
15A:13–8	N. J. S. 14A:13–8	Revised section derived from source
15A:13–9	N. J. S. 14A:13–9	Revised section derived from source
15A:13–10	N. J. S. 14A:13–10	Revised section derived from source
15A:13–11	N. J. S. 14A:13–11	Revised section derived from source
15A:13–12	N. J. S. 14A:13–12	Revised section derived from source
15A:13–13	N. J. S. 14A:13–13	Revised section derived from source
15A:14–1	N. J. S. 14A:14–1	Revised section derived from source
15A:14–2	N. J. S. 14A:14–2	Revised section derived from source
15A:14–3	N. J. S. 14A:14–3	Revised section derived from source
15A:14–4	N. J. S. 14A:14–4	Revised section derived from source
15A:14–5	N. J. S. 14A:14–5	Revised section derived from source
15A:14–6	N. J. S. 14A:14–6	Revised section derived from source
15A:14–7	N. J. S. 14A:14–7	Revised section derived from source
15A:14–8	N. J. S. 14A:14–8	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:14–9	N. J. S. 14A:14–9	Revised section derived from source
15A:14–10	N. J. S. 14A:14–10	Revised section derived from source
15A:14–11	N. J. S. 14A:14–11	Revised section derived from source
15A:14–12	N. J. S. 14A:14–12	Revised section derived from source
15A:14–13	N. J. S. 14A:14–13	Revised section derived from source
15A:14–14	N. J. S. 14A:14–14	Revised section derived from source
15A:14–15	N. J. S. 14A:14–15	Revised section derived from source
15A:14–16	N. J. S. 14A:14–16	Revised section derived from source
15A:14–17	N. J. S. 14A:14–17	Revised section derived from source
15A:14–18	N. J. S. 14A:14–18	Revised section derived from source
15A:14–19	N. J. S. 14A:14–19	Revised section derived from source
15A:14–20	N. J. S. 14A:14–20	Revised section derived from source
15A:14–21	N. J. S. 14A:14–21	Revised section derived from source
15A:14–22	N. J. S. 14A:14–22	Revised section derived from source
15A:14–23	N. J. S. 14A:14–23	Revised section derived from source
15A:14–24	N. J. S. 14A:14–24	Revised section derived from source
15A:14–25	N. J. S. 14A:14–26	Revised section derived from source
15A:14–26	N. J. S. 14A:14–27	Revised section derived from source
15A:15–1	N. J. S. 14A:15–2	Revised section derived from source
15A:15–2	N. J. S. 14A:15–3	Revised section derived from source

Revised Section	*Source*	*Treatment of Source*
15A:16–1	R. S. 15:1–6 R. S. 15:1–23 R. S. 15:4–1 to R. S. 15:4–4 inclusive R. S. 15:5–1 to R. S. 15:5–11 inclusive R. S. 15:8–4, R. S. 15:8–5 and R. S. 15:8–7 R. S. 15:11–7 and R. S. 15:11–8 R. S. 15:13–3 P. L. 1957, c. 201 (C. 15:5–8 (58)) P. L. 1969, c. 291 (C. 15:11–4.1) P. L. 1975, c. 26, ss. 1 to 10 (C. 15:18–15 to C. 15:18–24 inclusive) P. L. 1971, c. 337, ss. 1 to 6 (C. 15:19–1 to C. 15:19–6 inclusive)	Saved from repeal
15A:16–2		Acts repealed

CHAPTER 128

AN ACT to require persons operating a motor vehicle and transporting children under the age of 5 years to use a child passenger restraint system or safety belts and making an appropriation therefor.

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

C. 39:3-76.2a Child passenger restraint required.

1. Every person operating a motor vehicle equipped with safety belts who is transporting a child under the age of 5 years on roadways, streets or highways of this State, shall be responsible for

the protection of the child by properly using a child passenger restraint system that complies with the federal motor vehicle safety standard applicable when it was manufactured, or where the child is 18 months of age or more but under 5 years of age by securing the child with a safety belt in a rear seat. If there are no rear seats, a child restraint system must be used. In no event shall failure to wear a child passenger restraint system be considered as contributory negligence, nor shall the failure to wear the child passenger restraint system be admissible as evidence in the trial of any civil action.

C. 39:3-76.2b Insufficient number of safety belts.

2. Where the number of children in one family under the age of 5 in the motor vehicle exceeds the number of safety belts available in the motor vehicle, the children who are not restrained shall be seated in a rear seat.

C. 39:3-76.2c Information on restraint systems.

3. The Division of Motor Vehicles shall print such materials as to adequately inform the public about the types of child passenger restraint systems meeting federal motor vehicle safety standards. These materials may be made available to car dealers, parent groups, hospitals and the general public.

C. 39:3-76.2d Penalties.

4. Any person guilty of violating any of the provisions of this act shall be fined not less than $10.00 and not more than $25.00. The court shall suspend any fine imposed for failure to use a child restraint system if the defendant demonstrates that he possesses a child restraint system that complies with the federal standard applicable when it was manufactured and is using it according to the manufacturer's instructions.

5. There is appropriated to the Division of Motor Vehicles the sum of $10,000.00 for the purpose of implementing this act.

6. This act shall take effect immediately.

Approved April 7, 1983.

CHAPTER 129

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs and amending R. S. 39:4–50 and P. L. 1951, c. 23.

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

1. R. S. 39:4–50 is amended to read as follows:

Penalties for driving while intoxicated.

39:4–50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or operates a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control or permits another to operate a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood, shall be subject, for the first offense, to a fine of not less than $250.00 nor more than $400.00 or imprisonment for a term of not more than 30 days, or both, in the discretion of the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year. Except as hereinafter provided, for a second violation, a person shall be subject to a fine of not less than $500.00 nor more than $1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, or may be sentenced to imprisonment for a term of not more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section. Except as hereinafter provided, for a third or subsequent violation, a person shall be subject to a fine of $1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days,

except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Motor Vehicles.

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) In addition to any other requirements provided by law, a person convicted under this section must satisfy the requirements of a program of alcohol education or rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8–2 of the N. J. Court Rules, 1969, or R. S. 39:5–22. A fee, not to exceed $40.00, shall be payable to the director from every person required to satisfy the requirements of a program of alcohol education or rehabilitation under the provisions of this section.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. The court shall inform the person convicted that if he is convicted of personally operating

a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R.S. 39:3-40. In the event that a person convicted under this section is the holder of any out-of-state driver's license, the court shall not collect the license but shall notify forthwith the director, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section.

(d) The Director of the Division of Motor Vehicles shall promulgate administrative rules and regulations in order to effectuate the purposes of this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing Criminal Practice, as set forth in the Rules Governing the Courts of the State of New Jersey.

2. Section 30 of P. L. 1951, c. 23 (C. 39:4–50.1) is amended to read as follows:

C. 39:4-50.1 Presumptions.

30. In any prosecution for a violation of R. S. 39:4–50 relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(2) If there was at that time in excess of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

The foregoing provisions of this section shall not be construed as requiring that evidence of the amount of alcohol in the defendant's blood must be presented, nor shall they be construed as limiting the introduction of any other competent evidence bearing

upon the question whether or not the defendant was under the influence of intoxicating liquor.

3. This act shall take effect immediately.

Approved April 7, 1983.

CHAPTER 130

AN ACT appropriating funds from the Correctional Facilities Construction Fund for the construction and renovation of correctional facilities.

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

1. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund" created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $9,800,000 for the following renovation projects:

DEPARTMENT OF CORRECTIONS

Annandale, Youth Correctional Institution	180 Beds	$2,200,000
Trenton State Prison	680 Beds	$7,000,000
Yepsen	128 Beds	$600,000
Total Appropriation		$9,800,000

2. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund" created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $36,000,000.00 and there is appropriated from the amounts appropriated but not expended under P. L. 1981, c. 209 the sum of $204,958.00 for the following purpose:

DEPARTMENT OF CORRECTIONS

County Assistance		$36,204,958
Atlantic	50 Beds	4,983,023
Bergen	50 Beds	3,930,729
Cumberland	40 Beds	2,950,500

DEPARTMENT OF CORRECTIONS (cont.)

Essex	72 Beds	4,615,318
Gloucester	20 Beds	1,382,360
Hudson	50 Beds	6,000,000
Monmouth	50 Beds	3,960,000
Morris	40 Beds	2,156,676
Ocean	40 Beds	4,762,800
Passaic	30 Beds	1,463,552
Total		$36,204,958

3. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund" created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $19,150,000 for the following new modular construction projects:

DEPARTMENT OF CORRECTIONS

Clinton Segregation Unit	6 Beds	$600,000
Leesburg State Prison	448 Beds	$13,600,000
Adult Diagnostic & Treatment Center	16 Beds	$350,000
Annandale Segregation Unit	55 Beds	$1,200,000
Arneytown	48 Beds	$900,000
Bordentown, Youth Correctional Institution	48 Beds	$500,000
Correctional Institution for Women—Clinton	48 Beds	$500,000
High Point	48 Beds	$1,000,000
Youth Reception & Correction Center, Yardville	48 Beds	$500,000
Total		$19,150,000

4. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund" created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the following sum for the following purpose:

Site purchase and planning for conventional construction prisons	$11,700,000

The architectural designs, plans and specifications of the medium security prison proposed for construction at Camden City shall be

used, to the maximum extent feasible, as prototype designs, plans and specifications of the two medium security prisons with respect to which the amount above appropriated provides funds for site purchase and planning.

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

5. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund" created pursuant to the "Correctional Facilities Construction Bond Act of 1982," P. L. 1982, c. 120, the sum of $3,350,000.00 as a fund to be used for any one or more of the projects set forth in sections 1 and 3 of this act as the department may determine, where the costs of those projects may exceed the amounts specifically set forth in sections 1 and 3, and the provisions of section 27 of P. L. 1982, c. 120 shall not apply.

6. The items set forth in section 3 of this act shall not be expended until the Subcommittee on Transfers of the Joint Appropriations Committee shall have reviewed the modalities of construction to ensure they are of a usable life consistent with other capital facilities construction financed by State bond issues and may be constructed as soon as practicable, and have approved the project plans.

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

a. The availability and use of a specific number of beds to be reserved for prisoners remanded by the State; and

b. Per diem rates favorable to the State in recognition of its contribution to the construction costs of the facility.

8. There is also appropriated from each fund, such items as may be necessary to meet any expense incurred by the issuing officials under P. L. 1982, c. 120 and P. L. 1980, c. 119 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of those acts.

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

10. In order to provide flexibility in administering the provisions of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the Correctional Facilities Construction Fund. The transfers shall be made in a manner consistent with section 27 of P. L. 1982, c. 120.

11. This act shall take effect immediately.

Approved April 11, 1983.

CHAPTER 131

AN ACT permitting the permanent appointment of certain persons to the position of sheriff's officer without having to take the civil service examination.

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

C. 40A:9-117.14 Competitive examination waiver.

1. In any county, except a county of the first class, any person who on the effective date of this act is employed in the position of sheriff's officer as a provisional employee, who has at least five years as a sworn police officer or has at least two years' experience as a provisional sheriff's officer, and who, prior to July, 1982, is enrolled in or who has successfully completed a certified Police Academy Training Course in the State of New Jersey, shall be eligible for permanent appointment by the sheriff, at his discretion, to the position of sheriff's officer without having to take the civil service open competitive examination, upon passage of a qualifying examination for the position administered by the Department of Civil Service.

2. This act shall take effect immediately.

Approved April 11, 1983.

CHAPTER 132

AN ACT concerning special motor vehicle registration plates for certain retired members of the New Jersey National Guard and amending P. L. 1979, c. 456.

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

1. Section 1 of P. L. 1979, c. 456 (C. 39:3–27.13) is amended to read as follows:

C. 39:3-27.13 National Guard plates.

1. Upon the application of any person who is an active member of the New Jersey National Guard, or former active member who has been honorably separated from the New Jersey National Guard, as certified in either case by the State Department of Defense, the Director of the Division of Motor Vehicles shall issue for the motor vehicle owned by such person special registration plates, at a fee to be prescribed by the director, identifying the holder as a member or former member of the "Air National Guard" or "Army National Guard," as the case may be, in addition to the registration number and other markings or identification otherwise prescribed by law.

2. Section 2 of P. L. 1979, c. 456 (C. 39:3–27.14) is amended to read as follows:

C. 39:3-27.14 Interdepartmental rules, regulations.

2. The Director of the Division of Motor Vehicles and the Chief of Staff of the State Department of Defense shall promulgate and adopt interdepartmental rules and regulations governing the issuance and use of such registration plates and providing for their surrender by persons who cease to be members of the New Jersey National Guard for reasons other than honorable separation.

3. This act shall take effect on the one hundred and eightieth day following enactment.

Approved April 13, 1983.

CHAPTER 133

AN ACT concerning wetlands permit notification requirements and amending P. L. 1970, c. 272.

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

1. Section 4 of P. L. 1970, c. 272 (C. 13:9A–4) is amended to read as follows:

C. 13:9A-4 Regulated activity.

4. a. For purposes of this section "regulated activity" includes but is not limited to draining, dredging, excavation or removal of soil, mud, sand, gravel, aggregate of any kind or depositing or dumping therein any rubbish or similar material or discharging therein liquid wastes, either directly or otherwise, and the erection of structures, drivings of pilings, or placing of obstructions, whether or not changing the tidal ebb and flow. "Regulated activity" shall not include continuance of commercial production of salt hay or other agricultural crops or activities conducted under section 7 of this act.

b. No regulated activity shall be conducted upon any wetland without a permit.

c. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe and shall provide notice to each electric or gas public utility in the State and to each owner of all real property as shown on the current tax duplicate, located in the State and within 200 feet in all directions of the property which is the subject of such application in the manner prescribed by section 7.1 of P. L. 1975, c. 291 (C. 40:55D–12). Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of rights in or adjacent to the wetlands of whom the applicant has notice. All applications, with any maps and documents relating thereto, shall be open for inspection at the office of the Department of Environmental Protection.

d. In granting, denying or limiting any permit the commissioner shall consider the effect of the proposed work with reference to

the public health and welfare, marine fisheries, shell fisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in section 1a. of this act.

2. This act shall take effect immediately.

Approved April 13, 1983.

CHAPTER 134

AN ACT to establish the age at which a person is authorized to purchase and consume alcoholic beverages as the minimum age for attendance and participation in casino gaming and amending P. L. 1972, c. 81 and P. L. 1977, c. 110.

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

1. Section 1 of P. L. 1972, c. 81 (C. 9:17B–1) is amended to read as follows:

C. 9:17B-1 Drinking age minimum for casino gaming.

1. The Legislature finds and declares and by this act intends, pending the revision and amendment of the many statutory provisions involved, to:

a. Extend to persons 18 years of age and older the basic civil and contractual rights and obligations heretofore applicable only to persons 21 years of age or older, including the right to contract, sue, be sued and defend civil actions, apply for and be appointed to public employment, apply for and be granted a license or authority to engage in a business or profession subject to State regulation, serve on juries, marry, adopt children, attend and participate in horse race meetings and parimutuel betting and other legalized games and gaming, except as otherwise provided in subsection c. of this section, sell alcoholic beverages, act as an incorporator, registered agent or director of a corporation, consent to medical and surgical treatment, execute a will, and to inherit, purchase, mortgage or otherwise encumber and convey real and personal property.

b. Extend to persons 21 years of age and older the right to purchase and consume alcoholic beverages on January 1, 1983,

provided that anyone attaining the age to purchase and consume alcoholic beverages legally prior to January 1, 1983, shall retain that right. Nothing in this act shall preclude any licensee under R. S. 33:1–1 et seq. from making purchases in the regular course of his licensed activities.

c. Extend to persons at or over the age at which a person is authorized to purchase and consume alcoholic beverages, heretofore applicable only to persons 18 years of age or older, the right to attend and participate in casino gaming. Nothing in this act shall preclude any licensee under the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12–1 et seq.) from attending and participating in casino gaming in the regular course of his licensed activities.

d. Abolish the right of a person between the ages of 18 and 21 years to disaffirm and be relieved of contractual obligations by reason of age.

2. 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, other than a person licensed under the provisions of this act in the regular course of his licensed activities, shall enter a licensed casino except by way of passage to another room.

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 a casino is a disorderly person; 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.

3. This act shall take effect immediately.

Approved April 13, 1983.

CHAPTER 135

AN ACT concerning the resale of tickets of admission to places of entertainment supplementing P. L. 1960, c. 39 (C. 56:8–1 et seq.) and repealing P. L. 1947 c. 385 (C. 40:48–2.18 through 40:48–2.25).

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

C. 56:8-26 Definitions.

1. As used in this act:

a. "Director" means the director of the Division of Consumer Affairs in the Department of Law and Public Safety.

b. "Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

c. "Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

d. "Place of private entertainment" means any privately owned and operated entertainment facility within the State of New Jersey such as a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games or contests are held for which an entry fee is charged.

e. "Place of public entertainment" means the Garden State Arts Center, Rutgers University Athletic Center and any present or future facility, owned, operated or funded by the New Jersey Sports and Exposition Authority.

f. "Ticket" means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of entertainment, public or private.

g. "Ticket agent" means any person who is involved in the business of selling or reselling tickets of admission to places of public entertainment who charges a premium in excess of the price, plus taxes, printed on the tickets.

C. 56:8-27 Place of business in State, license to resell required.

2. No person shall engage in or continue in the business of reselling tickets for admission to a place of public or private entertainment without:

a. Owning, operating or maintaining an office, branch office, bureau, agency, or other place of business, not including a post office box, for the purpose of reselling tickets in this State; and

b. Obtaining a license to resell or engage in the business of reselling tickets from the director.

C. 56:8-28 Application forms, requirements.

3. a. The division shall prepare and furnish to applicants for licenses application forms and requirements prescribed by the director pertaining to the applications for and the issuances of licenses.

b. Every applicant for a license to engage in the business of reselling tickets shall file his written application with the division on the form furnished by, and consistent with, the regulations prescribed by the director.

c. Each application shall be accompanied by a fee which shall be determined by the director, and a description of the location where the applicant proposes to conduct his business.

C. 56:8-29 License issuance; renewal.

4. a. Upon receipt of the completed application, fee and bond, if any, and when the director is satisfied that the applicant has complied with all of the requirements of this act, the director shall grant and issue a license to the applicant.

b. The license granted may be renewed for a period of two years upon the payment of a renewal fee which shall be determined by the director.

c. No license shall be transferred or assigned. No change in the location of the premises operated by the licensee shall be made except by permission of the director, and upon payment of a fee established by the director. The license shall run to January 1 in the second year next ensuing the date thereof unless sooner revoked by the director.

C. 56:8-30 $10,000 bond.

5. The director shall require the applicant for a license to file with the application a bond in the amount of $10,000.00 with two or more sufficient sureties or an authorized surety company, which bond shall be approved by the director.

Each bond shall be conditioned on the promise that the applicant, his agents or employees will not be guilty of fraud or extortion, will not violate any of the provisions of this act, will comply with the rules and regulations promulgated by the director, and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful act or omission in connection with the provisions of this act and the business conducted under this act.

C. 56:8-31 Revocation or suspension.

6. The director, after notice to the licensee and reasonable opportunity for the licensee to be heard, may revoke his license or may suspend his license for any period which the director deems proper, upon satisfactory proof that the licensee has violated this act, any condition of his license or any rule or regulation of the division promulgated pursuant to this act.

C. 56:8-32 Display of license.

7. Immediately upon the receipt of the license issued pursuant to this act, the licensee shall display and maintain his license in a conspicuous place in his principal office for reselling tickets. He shall request copies of the license from the director for the purpose of displaying a copy of the license in each branch office, bureau or agency and the director may charge a fee for the copies.

C. 56:8-33 Maximum premium.

8. Each place of public entertainment shall print on the face of each ticket and include in any advertising for any event the price charged therefor. Except for tickets printed prior to the enactment of this act, each ticket shall have endorsed thereon the maximum premium not to exceed 20% of the ticket price or $3.00, whichever is greater, plus lawful taxes, at which the ticket may be resold. No person shall resell, offer to resell, or purchase with the intent to resell a ticket at any premium in excess of the maximum premium as set forth in this act.

C. 56:8-34 Sales banned in vicinity of entertainment places.

9. No person shall sell, offer to sell, resell, offer to resell or purchase with the intent to resell any ticket, in or on any street, highway, driveway, sidewalk, parking area, or common area owned by a place of public entertainment, or any other area adjacent to or in the vicinity of any place of public entertainment as determined by the director; except that a person may resell, in an area which may be designated by the place of public entertainment, any ticket or tickets originally purchased for his own per-

sonal or family use at no greater than the lawful price permitted under this act.

C. 56:8-35 No payments allowed for special treatment.

10. Any person who gives or offers anything of value to an employee of a place of public entertainment in exchange for, or as an inducement to, special treatment with respect to obtaining tickets, or any employee of a place of public entertainment who receives or solicits anything of value in exchange for special treatment with respect to issuing tickets, shall be in violation of this act.

C. 56:8-36 Rules, regulations.

11. The director, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), shall promulgate rules and regulations necessary to implement this act.

C. 56:8-37 Crime of 4th degree.

12. Any person who violates any provision of this act shall be guilty of a crime of the fourth degree.

C. 56:8-38 Nonprofit, political organizations exempt.

13. The provisions of this act shall not apply to any person who sells, raffles or otherwise disposes of the ticket for a bona fide nonprofit or political organization when the premium proceeds are devoted to the lawful purposes of the organization.

Repealer.

14. P. L. 1947, c. 385 (C. 40:48–2.18 through 40:48–2.25 inclusive) is repealed.

15. This act shall take effect on the one hundred twentieth day after enactment.

Approved April 13, 1983.

CHAPTER 136

AN ACT concerning self-service storage facilities.

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

C. 2A:44-187 Short title.

1. This act shall be known and may be cited as the "Self-Service Storage Facility Act."

C. 2A:44-188 Definitions.

2. As used in this act:

"Last known address" means that address provided by the occupant in the latest rental agreement, or the address provided by the occupant in a subsequent written notice of a change of address.

"Occupant" means a person, the person's sublessee, successor, or assignee, entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

"Owner" means the proprietor, operator, lessor, or sublessor of a self-service storage facility, the owner's agent, or any other person authorized by the owner to manage the facility, or to receive rent from an occupant under a rental agreement.

"Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, and household items.

Rental agreement means any written agreement or lease, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-service storage facility.

"Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse as used in chapter 7 of Title 12A of the New Jersey Statutes.

C. 2A:44-189 Lien for charges due.

3. Except as specified in this subsection, the owner of a self-service storage facility or the owner's heirs, successors or assigns shall have a lien upon all personal property located at a self-service storage facility for rent, labor, or other reasonable charges due as specified in the rental agreement in relation to the personal property, and for expenses necessary for its preservation, or expenses reasonably incurred in its sale under this act. The lien provided for in this section is superior to any other lien or security interest except those prior liens established pursuant to N. J. S. 2A:37–20, sections 3 and 12 of P. L. 1966, c. 30 (C. 54:32B–3, C. 54:32B–12) and R. S. 54:35–19 and those as to which the occupant has notified the owner in writing. The lien attaches as of the

date the personal property is brought to the self-service storage facility.

C. 2A:44-190 Documents of title provisions apply.

4. If an owner issues a warehouse receipt, a bill of lading, or other document of title for the personal property stored at the self-service storage facility, the owner and the occupant shall be subject to the provisions of chapter 7 of Title 12A of the New Jersey Statutes and the provisions of this act shall not apply.

C. 2A:44-191 Satisfaction of lien for claim.

5. An owner's lien for a claim which is more than 30 days overdue may be satisfied as follows:

a. The occupant and the Division of Taxation in the Department of the Treasury shall be notified;

b. The notice shall be delivered in person or sent by certified mail to the last known address of the occupant;

c. The notice shall include:

(1) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(2) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, except that any container including, but not limited to a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described without listing its contents;

(3) A notice of denial of access to the personal property, if this denial is permitted under the terms of the rental agreement, which provides the name, street address, and telephone number of the owner, or the owner's designated agent, whom the occupant may contact to respond to this notice;

(4) A demand for payment within a specified time not less than 14 days after delivery of the notice; and

(5) A conspicuous statement that unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale. The notice shall specify time and place of the sale;

d. Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service, and properly addressed with postage prepaid;

e. After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two consecutive weeks in a newspaper of general circulation where the

self-service storage facility is located. The advertisement shall include:

(1) A brief and general description of the personal property reasonably adequate to permit its identification as provided for in subsection c. (2) of this section;

(2) The address of the self-service storage facility and the number, if any, of the space where the personal property is located and the name of the occupant; and

(3) The time, place, and manner of the sale. The sale shall take place not sooner than 15 days after the final publication. If there is no newspaper of general circulation where the self-service storage facility is located, the advertisement shall be posted at least 10 days before the date of sale in not less than six conspicuous places in the neighborhood where the self-service storage facility is located;

f. A sale of the personal property shall conform to the terms of the notification;

g. A sale of the personal property shall be public and shall be held at the self-service storage facility, or at the nearest suitable place to where the personal property is held or stored;

h. Before a sale of personal property the occupant may pay the amount necessary to satisfy the lien, and the reasonable expenses incurred by the owner to redeem the personal property. Upon receipt of this payment, the owner shall return the personal property, and the owner shall have no liability to any person with respect to the personal property;

i. A purchaser in good faith of the personal property sold to satisfy a lien, as provided for in section 3 of this act, takes the property free of any rights of persons against whom the lien is valid, despite noncompliance by the owner with the requirements of this section; and

j. The owner may satisfy his lien from the proceeds of the sale, but shall deposit the balance, if any, in an interest-bearing account with notice given to the occupant of the amount and place of the deposit and of his right to secure the funds.

C. 2A:44-192 Prior agreements remain valid.

6. All rental agreements entered into before, and not extended or renewed after, the enactment of this act, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other law of this State.

7. This act shall take effect immediately.

Approved April 14, 1983.

New Jersey State Library

CHAPTER 137

AN ACT concerning certain property tax refunds, amending P. L. 1975, c. 361 and supplementing Title 54 of the Revised Statutes.

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

1. Section 2 of P. L. 1975, c. 361 (C. 54:3–27.2) is amended to read as follows:

C. 54:3-27.2 Refund following successful appeal.

2. In the event that a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess taxes paid, together with interest thereon from the date of payment at a rate of 5% per annum, less any amount of taxes, interest, or both, which may be applied against delinquencies pursuant to section 2 of P. L. 1983, c. 137 (C. 54:4–134), within 60 days of the date of final judgment.

C. 54:4-134 Application of refund to delinquency.

2. (New section) Whenever the owner of real property shall be entitled, pursuant to a determination of a county board of taxation or a judgment of the tax court, to a refund of all or any portion of the property taxes paid against the property in any given year, and any property taxes imposed against that property are delinquent at the time of the determination or judgment, the governing body of the municipality constituting the taxing district in which the property is located may apply the refund, or such portion thereof as may be necessary, including any accrued interest, against the delinquency.

If the total amount of the refund is equal to or exceeds the total amount of the delinquency, the lien against the property for unpaid taxes shall be extinguished, and the balance, if any, remaining after the application of the refund against the delinquency shall be forwarded to the owner not later than 60 days after the date of the determination of the county board of taxation or the tax court judgment, as the case may be. If the total amount of the delinquency exceeds the total amount of the refund, the balance of the delinquency remaining shall remain a lien against the property.

C. 54:4-135 Real property taxes generally not personal debt.

3. (New section) Nothing in this amendatory and supplementary act shall be construed as defining real property taxes, generally, as

constituting a personal debt of the owner of the property against which the taxes are assessed and levied, or as authorizing the enforcement of that assessment and levy, other than where prescribed by law, by any legal action against that owner personally.

C. 54:4-136 Application of act.

4. This amendatory and supplementary act shall apply to:

a. Any action initiated on or after the effective date of this amendatory and supplementary act;

b. Any action pending before a county board of taxation or the tax court on or after that date; and

c. Any appeal of a determination of a county tax board or a judgment of the tax court, which appeal is pending before any court of this State on or after that date.

5. This act shall take effect immediately.

Approved April 14, 1983.

CHAPTER 138

AN ACT to amend and supplement the "New Jersey Building Authority Act," approved April 16, 1981 (P. L. 1981, c. 120).

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

1. Section 2 of P. L. 1981, c. 120 (C. 52:18A–78.2) is amended to read as follows:

C. 52:18A-78.2 Definitions.

2. As used in this act, unless the context clearly indicates otherwise:

a. "Authority" means the New Jersey Building Authority created under this act.

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

c. "Building" includes any portion thereof, such as an apartment created under the "Horizontal Property Act," P. L. 1963, c. 168 (C. 46:8A–1 et seq.) or a unit created under the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

d. "Local governmental agency" means any municipality, county, school district, or any agency, department or instrumentality

of any of the foregoing, or any other public body having local or regional jurisdiction or powers and not constituting a State agency.

e. "Notes" means notes issued by the authority pursuant to this act.

f. "Project" means any building or buildings primarily for the use of State agencies and suitable for office space and related facilities necessary for the conduct of official business, for storage and warehouse facilities, for motor vehicle inspection stations, for testing and research laboratories, and for public television operations, including related structures, parking facilities, improvements, real and personal property or any interest therein, including lands under water, space rights and air rights, and other appurtenances and facilities necessary or convenient to the use or operation of the building or buildings, acquired, owned, constructed, reconstructed, extended, rehabilitated or improved by the authority.

g. "State agency" means the Executive, Legislative or Judicial branch of the State Government or any officer, department, board, commission, bureau, division, public authority or corporation, agency or instrumentality of the State.

2. Section 3 of P. L. 1981, c. 120 (C. 52:18A–78.3) is amended to read as follows:

C. 52:18A-78.3 Findings, declarations.

3. The Legislature finds and declares the following:

a. That for many years the functions of the State Government have grown and that during this period of rapid expansion no definite program has been adopted for the housing and carrying out of the operations of the many State agencies.

b. That many State agencies have their offices in privately owned or inadequate State owned buildings and that these buildings are inadequate to meet the needs of these State agencies and the needs of the people of the State.

c. That it is to the economic benefit and general welfare of the citizens of the State to provide sufficient office space and related facilities for these State agencies and thus provide for a more efficient and economic operation of State Government.

d. That in order to provide for office space and related facilities at a cost that these State agencies can afford, it is necessary to create and establish a building authority for the purposes of constructing, operating, selling and leasing office buildings and related facilities to meet the needs of State agencies.

e. It is necessary and in the public interest that this building authority have the necessary funds to provide for predevelopment cost, temporary financing, land development expenses, construction and operation of office buildings and related facilities for the use of, and sale or rental to, State agencies.

f. For these purposes, there should be created a corporate governmental agency to be known as the "New Jersey Building Authority" which, through issuance of bonds and notes to the private, investing public may provide or obtain the capital resources necessary to acquire, construct, reconstruct, rehabilitate or improve these office buildings and related facilities necessary or convenient to the operation of any State agency.

g. That the acquisition, construction, reconstruction, rehabilitation or improvement of these office buildings and related facilities necessary or convenient to the operation of any State agency are public uses and public purposes for which public money may be loaned and private property may be acquired and tax exemptions granted, and that the powers and duties of the New Jersey Building Authority as set forth in this act are necessary and proper for the purpose of achieving the ends here recited.

h. That the construction, reconstruction, rehabilitation and improvement activities of the authority will provide a much needed stimulus for the construction industry, and related industries and professions, particularly in urban areas.

3. Section 4 of P. L. 1981, c. 120 (C. 52:18A–78.4) is amended to read as follows:

C. 52:18A-78.4 New Jersey Building Authority established.

4. a. There is established in the Department of the Treasury a public body corporate and politic, with corporate succession, to be known as the "New Jersey Building Authority." The authority is constituted an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority thereof of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The membership of the authority shall consist of 12 directors as follows: the State Treasurer, the Comptroller of the Treasury, the Chairman of the Commission on Capital Budgeting and Planning who shall be members ex officio; two persons appointed by the Governor upon the recommendation of the President of the Senate and two persons appointed by the Governor upon the recommendation of the Speaker of the General Assembly, of whom no more than one of each group of two shall be of the same political

party, and who shall serve during the two-year legislative term in which they are appointed and until their successors shall have been appointed and qualified; and five directors appointed by the Governor with the advice and consent of the Senate for terms of four years no more than three of whom shall be of the same political party. The directors of the authority first appointed by the Governor shall serve for terms of one year, two years, three years and two for four years, respectively, and thereafter directors shall be appointed by the Governor for terms of four years. Each such director shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A director shall be eligible for reappointment. Any vacancy on the board of directors occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. Each director appointed by the Governor, except those appointed upon recommendation of the President of the Senate and Speaker of the General Assembly, 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 the hearing. Each director 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 the oaths shall be filed in the office of the Secretary of State.

d. The authority shall not be deemed to be constituted and shall not take action or adopt motions or resolutions until all original authorized members shall have been appointed and qualified in the manner provided in this section. A chairman shall be appointed by the Governor with the advice and consent of the Senate from the directors of the authority other than the ex officio directors, and the directors of the authority shall annually elect one of their number as vice chairman thereof. The directors shall elect a secretary and a treasurer who need not be directors, and the same person may be elected to serve both as secretary and treasurer. The powers of the authority shall be vested in the directors thereof in office from time to time and seven directors 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 seven directors of the authority. No vacancy on the board of directors of the authority shall impair the right of a quorum of

the directors to exercise all the powers and perform all the duties of the authority.

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

f. The directors of the authority shall serve without compensation, but the authority shall reimburse its directors 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 director of the authority or his services therein.

g. The State Treasurer and the Comptroller of the Treasury of the State, as ex officio directors of the authority, may each designate an officer or employee of the Department of the Treasury to represent him at meetings of the authority, and the Chairman of the Commission on Capital Budgeting and Planning, as ex officio director of the authority, may designate a member or the executive director of the Commission on Capital Budgeting and Planning to represent him at meetings of the authority. Each designee may lawfully vote and otherwise act on behalf of the director for whom he constitutes the designee. The designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended in writing delivered to the authority.

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 these debts or obligations. Upon any dissolution of the authority all property, funds and assets thereof shall be vested in the State. In addition, subject to any property rights of a person, firm, partnership or corporation resulting from the sale or leasing of a project by the authority to the person, firm, partnership or corporation, any project shall be vested in the State upon the payment or retirement of all debts or obligations for the project or upon the assumption by the State of liability for any outstanding debts or obligations for the project.

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 and the presiding officers of both houses of the Legislature. No action taken at any meeting by the authority shall have effect until 15 days after a copy of the minutes has been so delivered unless during the 15-day period the Governor shall approve the same in which case the action shall become effective upon the approval. If, in the 15-day period, the Governor returns the copy of the minutes with veto of any action taken by the authority or any member thereof at that meeting, the action shall be of no effect. The powers conferred in this subsection 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 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.

4. Section 5 of P. L. 1981, c. 120 (C. 52:18A–78.5) is amended to read as follows:

C. 52:18A-78.5 Powers of authority.

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

a. To make and alter bylaws for its organization and internal management and, subject to agreements with noteholders and bondholders, to make rules and regulations with respect to its projects, operations, properties and facilities.

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

c. To sue and be sued.

d. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this act.

e. To enter into agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or any State agency in furtherance of the purposes of this act, including but not limited to the development, maintenance, operation and financing of any project and to do any and all things necessary in order to avail itself of this aid and cooperation.

f. To receive and accept aid or contributions from any source of

money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which this aid and these contributions may be made, including but not limited to, gifts or grants from any department or agency of the United States or any State agency for any purpose consistent with this act.

g. To acquire, own, hold, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property or any interest therein in the exercise of its powers and the performance of its duties under this act.

h. To appoint an executive director and such other officers, employees and agents as it may require for the performance of its duties, and to fix their compensation, promote and discharge them, all without regard to the provisions of Title 11 of the Revised Statutes.

i. To acquire, construct, reconstruct, rehabilitate, improve, alter or repair or provide for the construction, reconstruction, improvement, alteration or repair of any project and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto in such manner as the authority shall determine.

j. To arrange or contract with a county or municipality for the planning, replanning, opening, grading or closing of streets, roads, roadways, alleys or other places, or for the furnishing of facilities or for the acquisition by a county or municipality of property or property rights or for the furnishing of property or services, in connection with a project.

k. To sell, lease, assign, transfer, convey, exchange, mortgage or otherwise dispose of or encumber any project or other property no longer needed to carry out the public purposes of the authority and, in the case of the sale of any project or property, to accept a purchase money mortgage in connection therewith; and to lease, repurchase or otherwise acquire and hold any project or property which the authority has theretofore sold, leased or otherwise conveyed, transferred or disposed of.

l. To grant options to purchase any project or to renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it deems advisable.

m. To acquire by purchase, lease 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, except with respect to lands owned by the State or any public lands reserved for

recreation and conservation purposes, any land and other property, including railroad lands and land under water, which it may determine is reasonably necessary for any of its projects or for the relocation or reconstruction of any highway by the authority and any and all rights, title and interest in that land and other property, including public lands, highways or parkways, owned by or in which a State agency or local governmental agency has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon or the benefit of restrictions upon, abutting property to preserve and protect any project.

n. To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any project, and from time to time to modify these plans, specifications, designs or estimates.

o. To sell, lease, rent, sublease or otherwise dispose of any project or any space embraced in any project to any State agency or to any person, firm, partnership or corporation for sale, leasing, rental or subleasing to any State agency, and, where applicable, to establish and revise the purchase price, rents or other charges therefor; provided, however, that the incurrence of any liabilities by a State agency under any agreement entered into with the authority pursuant to the aforesaid authorization, including, without limitation, the payment of any and all rentals or other amounts required to be paid by the agency thereunder, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for that purpose and approval by the presiding officers, or such other officers as may be provided by law, of both houses of any such lease.

p. To sell, lease, rent, sublease or otherwise dispose of, to any person, firm, partnership or corporation, any surplus space in any project over and above that sold, leased, rented, subleased or otherwise disposed of to State agencies and to establish and revise the purchase price, rents or charges therefor.

q. To approve of the selection of any tenant not a State agency under a lease or sublease agreement for the use or occupation of any portion of a building in which a project is located.

r. To manage or operate any project or real or personal property related thereto whether owned or leased by the authority or any State agency or any person, firm, partnership or corporation,

and to enter into agreements with any State agency, or any local governmental agency, or with any person, firm, association, partnership or corporation, either public or private, for the purpose of causing any project or related property to be managed.

s. To provide advisory, consultative, training and educational services, technical assistance and advice to any person, firm, association, partnership or corporation, either public or private, in order to carry out the purposes of this act.

t. Subject to the provisions of any contract with noteholders or bondholders to consent to any modification, amendment or revision of any kind of any contract, lease or agreement of any kind to which the authority is a party.

u. To determine after holding a public hearing in the municipality in which the project is to be located, except as otherwise provided in section 6 of this act, the location, type and character of the project or any part thereof and all other matters in connection with all or any part of the project, notwithstanding any land use plan, zoning regulation, building code or similar regulation heretofore or hereafter adopted by any municipality, county, public body corporate and politic, or any other political subdivision of the State.

v. To borrow money and to issue its bonds and notes and to secure the same and provide for the rights of the holders thereof as provided in this act.

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

x. To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

y. To engage the services of architects, engineers, attorneys, accountants, building contractors, urban planners, landscape architects and financial experts and such other advisers, consultants and agents as may be necessary in its judgment and to fix their compensation.

z. To do any act necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

5. Section 6 of P. L. 1981, c. 120 (C. 52:18A–78.6) is amended to read as follows:

C. 52:18A-78.6 Project report; review.

6. Prior to the acquisition or construction of any project, or any reconstruction, rehabilitation, repair or improvement of a project, the cost of which undertaking is estimated to exceed $100,000.00 the authority shall:

a. Prepare a project report which shall describe the nature and scope of the project, including but not limited to its location, size, cost, and purpose, a list of all entities which will occupy the project and the amount of space each will occupy, the anticipated annual State appropriation for lease agreements, the total State appropriations necessary in each year until the total indebtedness attributable to the project is paid or retired and a statement of anticipated annual receipts and expenditures for the project;

b. Submit the project report to the Commission on Capital Budgeting and Planning for its review and its findings as to whether the project is necessary and convenient to meet the needs of the State agencies which are to utilize the project, whether the project is consistent with the State Capital Improvement Plan, and whether it meets the criteria otherwise established by the Commission for its approval of State capital projects;

c. Conduct a public hearing in the municipality in which the project is to be located as provided in section 7 of this act, and make all responses required by that section; except that this requirement shall not apply in the case of the reconstruction, rehabilitation, repair or improvement of an existing building or facility owned by the State and which will continue to be used for substantially the same purpose after completion of the project, nor shall it apply to a project which qualifies as a State investment project under section 4 of P. L. 1983, c. 139 (C. 40:55C–46a);

d. Submit to the Legislature the project report, the findings of the Commission on Capital Budgeting and Planning, the transcript of the public hearing, and all responses required by section 7 of this act;

e. Submit to the Legislature documentation that:

(1) Plans and specifications for the project assure, or will assure adequate light, air, sanitation, and fire protection;

(2) There is a feasible method for the relocation of families and individuals displaced from the project area into decent, safe and sanitary dwellings in accordance with the provisions of the "Relocation Assistance Act of 1967," P. L. 1967, c. 79 (C. 52:31B–1 et seq.) and the "Relocation Assistance Act," P. L. 1971, c. 362 (C. 20:4–1 et seq.), whichever is applicable;

(3) Plans and specifications for the project assure that the project will comply with all applicable standards and requirements prescribed by State and federal law which promote the public health, protect the environment or promote the conservation of energy, and that, where practicable and appropriate, consideration shall be given to the generation or cogeneration of electrical power on the project site or in conjunction with other facilities;

(4) Plans and specifications for the project assure that it will comply with the requirements of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.);

(5) The location of the project is consistent with the State's urban policy of concentrating public investments in distressed urban centers and assisting in the revitalization of the older municipalities, except for a project intended to serve a region which contains no such urban center.

For the purposes of this section "cost" means, in addition to the usual connotations thereof, the cost of acquisition, construction, reconstruction, rehabilitation, repair, improvement and operation of all or any part of a project, and includes, but is not limited to, the cost or fair market value of construction, machinery and equipment, property rights, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient therewith, discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, reconstruction, rehabilitation, repair or improvement, and all other expenses as may be necessary or incident to the financing, acquisition, construction, rehabilitation, repair or improvement and completion of the project or part thereof, and also provision for reserves for payment or security of principal of, or interest on, the bonds during any such undertaking.

6. Section 9 of P. L. 1981, c. 120 (C. 52:18A–78.9) is amended to read as follows:

C. 52:18A-78.9 Lease agreement.

9. a. No lease agreement entered into for space in any project shall be executed without prior written approval of the presiding officers, or such other officers as may be provided by law, of both houses of the Legislature.

b. The authority shall submit the following to the presiding officers, or other officers as provided by law, where the lease agreement is a part of a sale by the authority to a person, firm, partnership or corporation for lease, rental or sublease to a State agency:

(1) A statement setting forth the terms and conditions of the sale and lease, rental or sublease;

(2) A statement from the Attorney General that the obligations of the State or authority in the lease, sublease or sales agreement are not in conflict with any applicable State or federal law or regulations; and

(3) A certification from the State Treasurer that on the basis of a comparison of costs and an analysis of the financing, which shall also be submitted, the sale and lease, rental or sublease is more advantageous to the State than the ownership of a project by the authority for lease, rental or sublease to State agencies, under the conditions and assumptions prevailing at the time of certification.

7. Section 10 of P. L. 1981, c. 120 (C. 52:18A–78.10) is amended to read as follows:

C. 52:18A-78.10 Municipal role limited.

10. a. No municipality shall modify or change the drawings, plans or specifications for the construction, reconstruction, rehabilitation, alteration or improvement of any project of the authority, or the construction, plumbing, heating, lighting or other mechanical branch of work necessary to complete the work in question, nor to require that any person, firm or corporation employed on any such work shall perform the work in any other or different manner than that provided by the drawings, plans and specifications, nor to require that any person, firm or corporation obtain any other or additional authority, approval, permit or certificate from the municipality in relation to the work being done, and the doing of the work by any person, firm or corporation in accordance with the terms of the drawings, plans, specifications or contracts shall not subject the person, firm or corporation to any liability or penalty, civil or criminal, other than as may be stated in the contracts or incidental to the proper enforcement thereof; nor shall any municipality require the authority or any State agency which leases or purchases the project, or any person, firm, partnership or corporation which leases or purchases the project for lease or purchase to a State agency, to obtain any other or additional authority, approval, permit, certificate or certificate of occupancy from the municipality as a condition of owning, using, maintaining,

operating or occupying any project acquired, constructed, reconstructed, rehabilitated, altered or improved by the authority or by any subsidiary thereof. The foregoing provisions shall not preclude any municipality from exercising the right of inspection for the purpose of requiring compliance by any project with local requirements for operation and maintenance, affecting the health, safety and welfare of the occupants thereof, provided that the compliance does not require changes, modifications or additions to the original construction of the project.

b. Each municipality in which any project of the authority is located shall provide for the project, whether then owned by the authority, any subsidiary, any State agency or any person, firm, partnership or corporation, police, fire, sanitation, health protection and other municipal services of the same character and to the same extent as those provided for other residents of the municipality.

c. In carrying out any project, the authority may enter into contractual agreements with local governmental agencies with respect to the furnishing of any community, municipal or public facilities or services necessary or desirable for the project, and any local governmental agency may enter into these contractual agreements with the authority and do all things necessary to carry out its obligations under the same.

8. Section 11 of P. L. 1981, c. 120 (C. 52:18A–78.11) is amended to read as follows:

C. 52:18A-78.11 $7,500 bid threshold.

11. a. The authority, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing rules and procedures providing that no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of $7,500.00 unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder. Advertising shall not be required where the contract to be entered into is one for the furnishing or performing of services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities and tariffs and schedules of the charges made, charged, or exacted by the public utility for any products to be supplied or

services to be rendered are filed with the board. This section shall not prevent the authority from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the accomplishment of the projects will not allow advertisement. In that case, the board of directors of the authority shall, by resolution, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

b. In undertaking any project where the cost of construction, reconstruction, rehabilitation or improvement will exceed $25,000.00, the authority shall be subject to the rules and regulations of the Division of Building and Construction concerning procedural requirements for the making, negotiating or awarding of purchases, contracts or agreements; and the authority, with the assistance of the division, shall prepare, or cause to be prepared, separate plans and specifications for:

(1) The plumbing and gas fitting and all work and materials kindred thereto,

(2) The steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto,

(3) The electrical work,

(4) Structural steel and ornamental iron work and materials, and

(5) All other work and materials required to complete the building; and the authority shall receive (a) separate bids for each of these branches of the work and (b) bids for all the work and materials required to complete the project to be included in a single overall contract, in which case there shall be set forth in the bid the name or names of all subcontractors to whom the bidder will subcontract for the furnishing of any of the work and materials specified in (a) above.

If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all of the work and materials, the authority shall award separate contracts for each of branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the authority shall award a single over-all contract to the lowest responsible bidder for all of the work and materials.

Whenever a contract is awarded under (b) above, all payments required to be made by the authority under the contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

All construction, reconstruction, rehabilitation or improvement undertaken by the authority pursuant to this act shall be subject during such undertaking to the supervision of the Division of Building and Construction to the same extent as any project undertaken by the State.

c. With respect to the lease or sale of any project or portion thereof to any person, firm, partnership or corporation, for subsequent lease to or purchase by a State agency, no agreement for that lease or sale shall be entered into, unless the authority shall first publicly advertise for bids therefor. The authority shall employ a person, firm, partnership or corporation, independent from any other aspect or component of the financing of or any ownership or leasehold interest in that project, to assist in the bid procedure and evaluation.

9. Section 14 of P. L. 1981, c. 120 (C. 52:18A–78.14) is amended to read as follows:

C. 52:18A-78.14 Issuance of bonds, notes.

14. a. The authority may from time to time issue its bonds or notes in such principal amounts as in the opinion of the authority shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due, the establishment or increase of such reserves to secure or to pay the bonds or notes or interest thereon and all other costs or expenses of the authority incident to and necessary to carry out its corporate purposes and powers; provided, however, that the aggregate principal amount of bonds and notes of the authority outstanding at any time may not exceed $250,000,000.00. In computing the principal amount of bonds and notes outstanding for purposes of the foregoing limitation there shall not be included any bonds or notes, the principal of and interest on which have been paid or the payment of which has been provided for by the issuance of refunding bonds or otherwise. In addition, if the authority has issued bonds or notes to finance the total cost of a project based on estimates prepared by

an independent consultant and it shall later be determined by the consultant that the costs of the project as initially approved have increased, the authority shall be authorized to issue the additional bonds or notes required to finance the increased costs, even if the aforementioned $250,000,000.00 limitation is exceeded by the issuance.

b. Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, of the New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of Title 12A, subject only to the provisions of the bonds and notes for registration.

c. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates of interest per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources, in such medium of payment, at such place or places within or without the State, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide.

d. Bonds or notes of the authority may be sold at public or private sale at such price or prices and in such manner as the authority shall determine. Every bond shall mature and be paid not later than 35 years from the date thereof.

e. Bonds or notes may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by this act.

f. Bonds or notes of the authority issued under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all such bonds and notes, unless funded or refunded by bonds or notes of the authority, shall be payable solely from revenues or funds pledged or available for their payment as au-

thorized in this act. Each bond and note shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment as authorized in this act and that neither the State nor any political subdivision thereof is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds or notes.

g. Each issue of bonds or notes of the authority may, if it is determined by the authority, be general obligations thereof payable out of any revenues, receipts or funds of the authority subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds, and shall be secured by one or more of the following:

(1) Pledge of rentals, receipts and other revenues to be derived from leases, sales agreements, service contracts or similar contractual arrangements with one or more State agencies, or one or more persons, firms, partnerships or corporations, whether or not the same relate to the project or part thereof financed with the bonds or notes, or a pledge or assignment of the leases, sales agreements, service contracts or instruments evidencing similar arrangements and the rights and interests of the authority; provided that such leases, sales agreements, service contracts or similar contractual arrangements shall be in effect at the time of the issuance of the bonds or notes;

(2) Pledge of grants, subsidies, contributions or other payments to be received from the United States of America or any instrumentality thereof or from the State or any State agency;

(3) A first mortgage on all or any part of the property, real or personal, of the authority then owned or thereafter to be acquired; provided that the property so mortgaged as improved and developed by application of the proceeds of the bonds or notes shall be appraised as at least equal to the amount of the bonds or notes;

(4) Pledge of the revenues and receipts estimated to be thereafter derived from the ownership or operation of the project or part thereof or from the lease or sale thereof, including any income from investment of the funds and moneys held in connection therewith and pledged to the payment of the bonds or notes and the interest thereon or a pledge of any lease, sales agreement, service contract or instrument evidencing similar arrangements to be entered into subsequent to the issuance of the bonds or notes;

(5) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds or notes.

10. Section 22 of P. L. 1981, c. 120 (C. 52:18A–78.22) is amended to read as follows:

C. 52:18A-78.22 Agreements between State agencies and authority.

22. All State agencies may purchase, lease, rent, sublease or otherwise acquire any project or any space embraced in any project and pay such amount as may be agreed upon between the State agency and the authority or a person, firm, partnership or corporation as the purchase price, rent or other charge therefor. Any agreement entered into by any State agency with the authority or a person, firm, partnership or corporation pursuant to the aforesaid authorization, shall expressly provide that the incurrence of any liabilities by the agency under the agreement, including, without limitation, the payment of any and all rentals or other amounts required to be paid by the agency thereunder, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for that purpose and upon the approval of the lease agreement by the presiding officers of both houses of the Legislature or by such other officers of both houses as may be provided by law.

11. Section 23 of P. L. 1981, c. 120 (C. 52:18A–78.23) is amended to read as follows:

C. 52:18A-78.23 Tax exemption.

23. a. All projects and other property of the authority, and projects erected upon land owned by the authority if the projects have been financed, in whole or in part, directly or indirectly, by bonds or notes of the authority and the projects are used and occupied by State agencies, are declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes of the State or any political subdivision thereof; provided that when all or any part of a project is leased, subleased or licensed to, or otherwise used under an arrangement providing for the acquisition thereof by any person, firm, association, partnership or corporation, other than a State agency, a local governmental agency or other public body the interest created by the lease or other arrangement and the appurtenances thereto shall be listed as the property of the lessee or the user under the other arrangement, or their respective assignees, and be assessed and taxed as real estate, but this provision shall not be deemed to modify or repeal in any respect any tax exemption

or tax abatement that the person, firm or corporation shall otherwise be entitled to with respect to the property of the project or part thereof. All bonds or notes issued pursuant to this act are declared to be issued by a body corporate and politic of the State and for an essential public and governmental purpose and these bonds and notes, and the interest thereon and the income therefrom and from the sale, exchange or other transfer thereof, and all funds, revenues, income and other moneys received or to be received by the authority shall at all times be exempt from taxation, except for transfer inheritance and estate taxes.

b. Projects and property of the authority, and projects erected upon land owned by the authority if the projects have been financed, in whole or in part, directly or indirectly, by bonds or notes of the authority and the projects are used and occupied by State agencies, shall be deemed to be "State property" under P. L. 1977, c. 272 (C. 54:4–2.2a et seq.) and shall be assessed and subject to an in lieu tax payment provided in that act unless the interest created by a lease, sublease or license or other arrangement is subject to tax as real estate under this section.

C. 52:18A-78.9a Authority approval of tenants.

12. (New section) A lease or sublease agreement for the use or occupation of any portion of a building in which a project is located shall include a provision that any tenant thereof shall be subject to the approval of the authority, but that the approval shall not be unreasonably withheld.

C. 52:18A-78.23a Apartments considered real property.

13. (New section) An apartment created under the "Horizontal Property Act," P. L. 1963, c. 168 (C. 46:8A–1 et seq.), together with its undivided interest in the general common elements and limited common elements, or unit created under the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B–1 et seq.), together with its undivided interest in the common elements and limited elements, which is financed under the provisions of this act shall constitute a parcel of real property for all purposes under the laws of this State.

14. This act shall take effect immediately.

Approved April 14, 1983.

CHAPTER 139

AN ACT to designate certain areas as State investment blighted areas under the "Urban Renewal Corporation and Association Law of 1961," amending P. L. 1967, c. 114 and P. L. 1978, c. 93, and amending and supplementing P. L. 1961, c. 40.

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

C. 40:55C-41.1 Findings and declarations.

1. (New section) The Legislature finds and declares that:

a. The problems affecting the deteriorating urban areas of the State are of such severity that their resolution requires the concentrated investment of State, as well as local, federal and private resources;

b. The objective of the State's urban policy is to concentrate public investment in distressed urban centers to assist the rehabilitation of the older municipalities of this State;

c. State construction of new office buildings primarily for the use of State agencies in urban areas provides a unique source of investment capital which can be strategically utilized to redress the deterioration of those areas by serving as a catalyst for inducing other public and private investment therein and inducing the rental or occupancy of office facilities by private business concerns;

d. The areas designated by this act as State investment blighted areas are deemed to be areas within the meaning of Article VIII, Section III, paragraph 1 of the Constitution since they are located in older, economically declining urban areas in which only a combination of the financial incentives authorized by Article VIII, Section III, paragraph 1 and the joint use of State, private, local and federal financial resources can meet the constitutional objective of (1) improving the economic condition of the public, (2) eliminating the lack of use or underutilization of land by encouraging the proper utilization thereof, and (3) developing, stimulating, encouraging and increasing the employment of private capital and labor in redevelopment;

e. A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this act, should afford maximum opportunity, consistent with the needs of the munici-

pality as a whole, to the conservation or rehabilitation or redevelopment of areas by private enterprise; and

f. All powers conferred by this act are for public uses and purposes for which public money may be expended and other powers exercised, and the necessity in the public interest for the provisions of this act is hereby declared as a matter of legislative determination.

C. 40:55C-45.1 Definition of State investment blighted area.

2. (New section) "State investment blighted area" means an area in any municipality which is unlikely to be developed without State or federal assistance, is declared to be a State investment blighted area in accordance with the provisions of section 3 of this amendatory and supplementary act and wherein there exists any of the conditions enumerated in section 1 of P. L. 1949, c. 187 (C. 40:55–21.1) or any of the following conditions:

a. Deterioration of industrial, manufacturing or commercial buildings or housing;

b. Unproductive utilization of property; or

c. Where the infusion of State, federal and private capital will assist in the alleviation of blighted area in the municipality as defined by section 1 of P. L. 1949, c. 187 (C. 40:55–21.1).

C. 40:55C-53.1 Municipal declaration.

3. a. A municipality, by resolution of its governing body, may declare an area a State investment blighted area if it is an area as defined in section 2 of this amendatory and supplementary act, and

(1) The municipality qualifies for State aid under P. L. 1978, c. 14 (C. 52:27D–178 et seq.);

(2) The area has been determined to be an area in need of rehabilitation in accordance with standards and procedures set forth in P. L. 1977, c. 12 (C. 54:4–3.95 et seq.);

(3) Which has been designated by the New Jersey Building Authority established pursuant to P. L. 1981, c. 120 (C. 52:18A–78.1 et seq.), or by any agency or authority of this State, either for the construction or the lease wholly or in part, of one or more buildings for office space and related facilities to be constructed by an urban renewal entity or a State agency primarily for use by State agencies, as defined in section 2 of P. L. 1981, c. 120 (C. 52:18A–78.2); and

(4) In which there is, or is to be located, a project approved or conditionally approved for financial assistance by the federal

government as an Urban Development Action Grant pursuant to 42 U. S. C. § 5318 or laws amendatory or supplementary thereto.

b. The provisions of sections 2 through 11 of P. L. 1949, c. 187 (C. 40:55–21.2 through 40:55–21.11) shall not apply to the municipal determination under this section.

C. 40:55C-46a Definition of State investment project.

4. (New section) "State investment project" means an improvement, including the construction of buildings and related facilities, landscaping, construction of streets and access roads and utilities in a State investment blighted area or a blighted area which has:

a. A commitment for the lease or other disposition of more than 50% of the rentable area in the project to State agencies;

b. A commitment or conditional commitment for federal financial assistance under the Urban Development Action Grant Program established pursuant to 42 U. S. C. § 5318 or laws amendatory or supplementary thereto; and

c. An agreement for cooperation with the New Jersey Building Authority established pursuant to P. L. 1981, c. 120 (C. 52:18A–78.1 et seq.), or other State agency responsible for the construction or lease of buildings for office space and related facilities principally for the use of State agencies.

5. Section 7 of P. L. 1961, c. 40 (C. 40:55C–46) is amended to read as follows:

C. 40:55C-46 Definition of project.

7. "Project" means the undertaking and execution of the redevelopment of a blighted area, in whole or in part, in accordance with an agreement with respect to the land and improvements concerned between the corporation or association and a municipality, or agency, or authority, and in connection with a redevelopment plan adopted pursuant to the procedures specified in section 17(b) of P. L. 1949, c. 306 (C. 40:55C–17(b)), including the work to be done in reference thereto, the designation of the particular proposed buildings to be constructed and their uses and purposes, the landscaping of the premises, the streets and access roads, recreational facilities, if any, the furnishing of the public utilities, the financial arrangements and the terms and conditions of the proposed municipal cooperation and approval, and also means a "State investment project."

6. Section 14 of P. L. 1961, c. 40 (C. 40:55C–53) is amended to read as follows:

C. 40:55C-53 Sale, lease to urban renewal corporation.

14. When any municipality or agency or authority thereof has acquired land or land and improvements constituting or being a part of a blighted area, pursuant to P. L. 1949, c. 187 (C. 40:55–21.1 et seq.), P. L. 1949, c. 300 (C. 55:14A–31 et seq.), or P. L. 1949, c. 306 (C. 40:55C–1 et seq.), the governing body of the municipality, or the agency or authority, by resolution, may make such land, or land and improvements available for use for a project by an urban renewal corporation or association, qualified under this act or any supplement thereto, by private sale or lease of not less than 15 years, upon such terms and conditions as shall be agreed upon by the said governing body or said agency or authority and said corporation or association. Any such resolution shall include a determination of the use value of the said land and the price to be paid therefor by the said corporation or association shall not be less than the amount so determined.

Land acquired by any municipality or agency thereof in a State investment blighted area, or adjacent to an area that has been determined to be blighted in accordance with P. L. 1949, c. 187 (C. 40:55–21.1 et seq.) may also be made available to an urban renewal corporation or association on those terms and conditions, but only in connection with a State investment project.

7. Section 15 of P. L. 1961, c. 40 (C. 40:55C–54) is amended to read as follows:

C. 40:55C-54 Corporations qualifying under this act.

15. Any corporation formed, or which shall be formed, under Title 14 of the Revised Statutes or Title 14A of the New Jersey Statutes may qualify to operate under the provisions of this act, if its certificate of incorporation, originally or by amendment thereof, shall contain the following provisions:

(a) The name of the corporation shall include the words "urban renewal".

(b) The object for which it is formed shall be to operate under this act and to initiate and conduct projects for the clearance, replanning, development and redevelopment of blighted areas or areas adjacent thereto or State investment blighted areas in municipalities and, when so authorized by financial agreement with a municipality pursuant to this act, to acquire by purchase or lease of not less than 15 years from a public or private owner, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects or any

combination of any two or more such types of improvement in a single project, under such conditions as to use, ownership, management and control as shall be regulated pursuant to this act.

(c) A provision that so long as the corporation is obligated under a financial agreement with a municipality made pursuant to this act, it shall engage in no business other than the development, redevelopment, ownership, operation and management of a single project.

(d) A declaration that the corporation has been organized to serve a public purpose, that its operations shall be directed toward providing for and making possible the clearance, replanning, development or redevelopment of blighted areas or areas adjacent thereto or State investment blighted areas or the acquisition, management and operation of a project hereunder; and that it shall, as provided herein, be subject to regulation by the municipality in which its project is situated, and to a limitation on profits and dividends for so long as it remains the owner of a project subject to the provisions of this act, or is by contract or resolution charged with responsibility for administration and management of a condominium or condominium property pursuant to the provisions of P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(e) A provision that the corporation shall not voluntarily transfer the project undertaken by it under the terms of this act, until it has first removed both itself and the project from all restrictions hereunder in the manner hereinafter set forth; but with a proviso that the foregoing restriction shall not be applied to prevent the transfer of a project to another urban renewal corporation which, with the consent of the municipality in which the project is located, shall assume all the contractual obligations of the transferor corporation under its financial agreement with the said municipality.

8. Section 13 of P. L. 1967, c. 114 (C. 40:55C–55.1) is amended to read as follows:

C. 40:55C-55.1 Qualification of unincorporated association.

13. Any two or more persons may qualify to operate as a partnership, limited partnership, limited partnership association or other unincorporated association or entity by filing such certificate or statement as may be required by any statute governing the form selected and in addition to any other requirement contained therein incorporate the following provisions:

(a) The name of the association or the trade name under which the association shall conduct its business shall include the words "urban renewal".

(b) The object for which it is formed shall be to operate under this act or the act to which this is a supplement and to initiate and conduct projects for the clearance, replanning, development and redevelopment of blighted areas or areas adjacent thereto or State investment blighted areas in municipalities and, when so authorized by financial agreement with a municipality pursuant to this act or the act to which this is a supplement, to acquire, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects or any combination of any two or more such types of improvement in a single project, under such conditions as to use, ownership, management and control as shall be regulated pursuant to this act or the act to which this is a supplement.

(c) A provision that so long as the association is obligated under a financial agreement with a municipality made pursuant to this act or the act to which this is a supplement, it shall engage in no business other than the ownership, development, redevelopment, operation and management of a single project.

(d) A declaration that the association has been organized to serve a public purpose, that its operations shall be directed toward providing for and making possible the clearance, replanning, development or redevelopment of blighted areas or areas adjacent thereto or State investment blighted areas or the acquisition, management and operation of a project hereunder; and that it shall, as provided herein, be subject to regulation by the municipality in which its project is situated, and to a limitation on profits for so long as it remains the owner of a project subject to the provisions of this act or the act to which this is a supplement, or is by contract charged with responsibility for administration and management of a condominium or condominium property pursuant to the provisions of P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(e) A provision that the association shall not voluntarily transfer the project undertaken by it under the terms of this act or the act to which this is a supplement, until it has first removed both itself and the project from all restrictions hereunder in the manner hereinafter set forth; but with a proviso that the foregoing restriction shall not be applied to prevent the transfer of a project to another urban renewal association or corporation which, with the consent of the municipality in which the project is located, shall

assume all the contractual obligations of the transferor association or corporation under its financial agreement with the said municipality.

If the association shall not by reason of any other law be required to file a certificate or statement, then the said association in addition to the requirements set forth above shall file a certificate in the office of the clerk of the county in which its principal place of business is located setting forth its full name and the name under which it shall do business, its duration, the location of its principal offices and the name of a person or persons upon whom service may be effected and the name and address and extent of each person having any ownership or proprietary interest therein.

9. Section 18 of P. L. 1961, c. 40 (C. 40:55C–57) is amended to read as follows:

C. 40:55C-57 Loans, grants; insurance.

18. An urban renewal corporation or association in carrying out projects may:

(a) Accept loans and grants from the federal government, the State or a political subdivision thereof or other public agency in aid of a development or redevelopment project owned or to be acquired or undertaken by the corporation or association.

(b) Obtain, or aid in obtaining, from the federal government any insurance or guarantee, or commitment therefor, as to, or for the payment or repayment of interest or principal, or both, or any part thereof, of any loan or other extension of credit, or of any instrument evidencing or securing the same, obtained or to be obtained or entered into by it, and to enter into any agreement or contract, or execute any instrument whatsoever with respect to any such insurance or guarantee.

10. Section 2 of P. L. 1978, c. 93 (C. 40:55C–46.1) is amended to read as follows:

C. 40:55C-46.1 Definition of redevelopment.

2. As used in this act, "redevelopment" means, in the case of a residential condominium project to be undertaken pursuant to this amendatory and supplementary act, the process of repairing, renovating, restoring or reconstructing those elements of any buildings or structures which have fallen into decay and disuse so that such buildings or structures may be utilized for residential use; provided that:

a. The portion of the total project cost attributable to redevelopment, as certified by a licensed architect, is 20% or more of the assessed valuation of the land and improvements to be redeveloped as established in the tax year immediately prior to the undertaking of the project; and

b. The land and improvements after redevelopment are all subject to a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

11. Section 1 of P. L. 1978, c. 93 (C. 40:55C–58.1) is amended to read as follows:

C. 40:55C-58.1 Tax exemption on condominium unit.

1. Notwithstanding anything to the contrary contained in the act to which this act is amendatory and supplementary, when an urban renewal corporation or an urban renewal association, being a party to a financial agreement prepared in compliance with sections 20 to 25, inclusive, of said act (C. 40:55C–59 to 40:55C–64), files a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.) creating a condominium as to all or a portion of a project which has been approved for tax exemption under section 19 of said act (C. 40:55C–58), each unit of the condominium whether owned by the urban renewal corporation, urban renewal association or a successor unit purchaser of either, shall continue to be subject to the provisions of said act, as modified in this section, and the tax exemption previously approved under the provisions of said act with respect to the property converted to condominium ownership shall be unaffected by the recording of the master deed or any subsequent deed conveying the condominium unit and its appurtenant interest in the common elements. In an instance of housing, a tax exemption granted pursuant to this act to any single condominium unit shall continue in effect only during that time that an owner of such unit, not including an urban renewal corporation or association, personally resides therein. A tax exemption shall continue as to the condominium unit and its appurtenant undivided interest in the common elements subject to all of the following:

a. "Annual gross revenue" shall mean, when used with respect to any housing condominium project, the amount equal to the annual aggregate constant payments to principal and interest, assuming a purchase money mortgage encumbering the condominium unit to have been in an original amount equal to the initial value of the unit with its appurtenant interest in the common

of the annual gross revenue, or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

c. For the twenty-first year and for each succeeding year thereafter through the twenty-fifth year, an amount equal to either 15% of the annual gross revenue, or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and

d. For the twenty-sixth year and for each succeeding year thereafter through the thirtieth year, an amount equal to either 15% of the annual gross revenue, or 80% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater.

Where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 12 of this act (C. 40:55C–51), the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act (C. 40:55C–47), calculated from the first day of the month following the substantial completion of the project or any unit thereof, if the project is undertaken in units; provided, however, that in no event shall such payment together with the taxes on the land, in any year after first occupancy of the project be less than the total taxes assessed on all real property in the area covered by the project in the calendar year immediately preceding the acquisition of the said area by the municipality or its agency, or by the private or public owner from whom the urban renewal corporation acquired the land.

The aforesaid payment shall be made annually within 30 days after the close of each such calendar year.

Against such annual charge the corporation or association, or, in the case of a condominium unit, the unit owner, shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments. On or before January 15 in each year each taxing district shall report to the county board of taxation, in such form as shall be approved by the Director of the Division of Taxation, the amount of the service charge in excess of the taxes on the land chargeable for the preceding calendar year for each project or unit thereof

subject to the provisions of this act. The county tax board shall capitalize the amount so reported by each taxing district by dividing the same by the tax rate per $100.00 of valuation for the taxing district for the preceding year and multiplying the resultant quotient by 100. The result of such capitalization shall be included in the ensuing table of aggregates in a separate column as locally assessed real estate and shall be equalized in the same manner as other real estate for the purposes of apportionment of county taxes.

At the end of 20 years from the date of the execution of said financial agreement or earlier, at the end of 15 years of operation of any unit, if the project is undertaken in units, or the entire project, if it is not undertaken in units, whichever occurs first, the tax exemption upon said unit, if the project is undertaken in units, or upon the entire project, if the project is not undertaken in units, shall cease and the improvements and any other property of the corporation or association as well as the land shall be assessed and taxed, according to general law, like other property in the municipality. In an instance of housing, the exemptions shall cease as provided above at the end of 35 years from the date of execution of the financial agreement or earlier, at the end of 30 years of the operation of any unit, if the project is undertaken in units, or of the entire project, if it is not undertaken in units, whichever first occurs, or if the project is devoted to condominium ownership at the end of 30 years after the recording of the master deed.

At the same date all restrictions and limitations upon the corporation or association shall terminate and be at an end upon the corporation's or association's rendering its final account with the municipality.

13. This act shall take effect immediately.

Approved April 14, 1983.

CHAPTER 140

AN ACT concerning juvenile and domestic relations courts in certain counties, amending P. L. 1982, c. 78 and supplementing chapter 4 of Title 2A of the New Jersey Statutes.

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

1. (New section) The Governor, with the advice and consent of the Senate, shall appoint in each county of the second class having a population of not less than 200,000 nor more than 300,000 according to the 1980 federal census, an attorney-at-law to be judge of the juvenile and domestic relations court of the county. He shall devote his entire time to his judicial duties, shall not engage in the practice of law and shall be paid such salary as is provided by law.

2. Section 4 of P. L. 1982, c. 78 (C. 2A:4A–3) is amended to read as follows:

C. 2A:4A-3 42 family court judges; intake; service.

4. a. The family court shall consist of 42 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. The family court shall consist of the following number of judges from the listed counties who at the time of their appointment and any reappointment were residents of that county:

Atlantic	1
Bergen	4
Burlington	1
Camden	4
Cumberland	1
Essex	6
Gloucester	2
Hudson	4
Mercer	1
Middlesex	4
Monmouth	4
Morris	2
Passaic	2
Somerset	1
Sussex	1
Union	4

c. In counties other than those in which the appointment of judges is provided by subsection b., the Supreme Court shall designate a Superior Court judge sitting in that county as the judge of the family court.

d. There shall be established in each county a court intake service, which shall have among its responsibilities the screening of juvenile delinquency complaints and juvenile-family crisis referrals. The intake service shall operate in compliance with standards established by the Supreme Court, but in no instance shall the standards for personnel employed as counselors hired after the

effective date of this act be less than a master's degree from an accredited institution in a mental health or social or behavioral science discipline including degrees in social work, counseling, counseling psychology, mental health, counseling or education. Equivalent experience is acceptable when it consists of a minimum of an associate's degree with a concentration in one of the behavioral sciences and a minimum of five years' experience working with troubled youth and their families or a bachelor's degree in one of the behavioral sciences and two years' experience working with the troubled youth and their families. Intake personnel should also receive training in drug and alcohol abuse.

e. Guidelines for the education and training of judges authorized to sit in the family court shall be established by the Administrative Office of the Courts and shall include familiarization with youth services available in the county in which the judge sits.

3. This act shall take effect immediately but section 1 shall expire on September 1, 1983.

Approved April 14, 1983.

CHAPTER 141

AN ACT concerning compulsory motor vehicle insurance coverage and amending and supplementing P. L. 1972, c. 197.

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

1. Section 2 of P. L. 1972, c. 197 (C. 39:6B–2) is amended to read as follows:

C. 39:6B-2 Penalties for no motor vehicle insurance coverage.

2. Any owner, or registrant of a motor vehicle registered or principally garaged in this State who operates or causes to be operated a motor vehicle upon any public road or highway in this State without motor vehicle liability insurance coverage required by this act, and any operator who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by this act shall be subject, for the first offense, to a fine of not less than $100.00 nor more than

$300.00 or imprisonment for a term of not less than 30 days nor more than three months or both, in the discretion of the municipal judge, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of six months from the date of conviction. Upon subsequent conviction, he shall be subject to a fine of not less than $250.00 nor more than $500.00 and may be subject to imprisonment for a term of not less than three months nor more than six months in the discretion of the municipal judge and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall forfeit his right to operate a motor vehicle for a period of two years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. The director's discretion shall be based upon an assessment of the likelihood that the individual will operate or cause a motor vehicle to be operated in the future without the insurance coverage required by this act. A complaint for violation of this act may be made to a municipal court at any time within six months after the date of the alleged offense.

C. 39:6B-3 Uninsured Motorist Prevention Fund established.

2. (New section) The Uninsured Motorist Prevention Fund (hereinafter referred to as the "fund") is established as a nonlapsing, revolving fund into which shall be deposited all revenues from the fines imposed pursuant to section 2 of P. L. 1972, c. 197 (C. 39:6B–2). Interest received on moneys in the fund shall be credited to the fund. The fund shall be administered by the Division of Motor Vehicles in the Department of Law and Public Safety. Moneys in the fund shall be allocated and used for the purpose of the administrative expenses of the fund and enforcement of the compulsory motor vehicle insurance law, P. L. 1972, c. 197 (C. 39:6B–1 et seq.) by the Division of Motor Vehicles.

3. (New section) The Administrative Office of the Courts shall report to the Legislature, 18 months after the effective date of this act, regarding the number of persons involved and the type of community service performed pursuant to the provisions of section 1 of this act.

4. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 142

AN ACT concerning certain health insurance contracts and supplementing chapter 26 of Title 17B of the New Jersey Statutes.

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

C. 17B:26-44.4 Health insurance contract alternative.

1. Each employer or other organization which employs or has 25 or more employees or members during the full preceding calendar year and which contributes to a health insurance contract which restricts the covered persons in selecting the providers of dental services to a single provider or limited number of providers, shall also offer its employees and their eligible dependents and members and members' eligible dependents at the time a dental benefits plan is offered or renewed the option of selecting alternative coverage which permits covered persons to obtain dental services from any licensed dentist.

C. 17B:26-44.5 Equal contribution.

2. An employer or other organization shall be required to pay for or contribute towards the provision of alternative coverage an amount equal to the premium or cost which it pays or contributes to the health insurance contract for dental services which limits the number of providers of dental services.

C. 17B:26-44.6 Rules, regulations.

3. Within 120 days of the effective date of this act, the Commissioner of the Department of Insurance shall promulgate rules and regulations necessary to effectuate the purpose of this act, including procedures for notice to covered persons, employers and other organizations of the provisions of this act.

4. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 143

A SUPPLEMENT to the "Dental Plan Organization Act," approved February 27, 1980 (P. L. 1979, c. 478; C. 17:48D–1 et seq.).

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

C. 17:48D-9.1 Dental plan organization contract alternative.

1. Each employer or other organization which employs or has 25 or more employees or members during the full preceding calendar year and which contributes to a dental plan organization contract which restricts the covered persons in selecting the providers of dental services to a single provider or limited number of providers, shall also offer its employees and their eligible dependents and members and members' eligible dependents at the time a dental benefits plan is offered or renewed the option of selecting alternative coverage which permits covered persons to obtain dental services from any licensed dentist.

C. 17:48D-9.2 Employer payment.

2. An employer or other organization shall be required to pay for or contribute towards the provision of alternative coverage an amount equal to the premium or cost which it pays or contributes to the dental plan organization contract which limits the number of providers of dental services.

C. 17:48D-9.3 Rules, regulations.

3. Within 120 days of the effective date of this act, the Commissioner of the Department of Insurance shall promulgate rules and regulations necessary to effectuate the purpose of this act, including procedures for notice to covered persons, employers and other organizations of the provisions of this act.

4. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 144

A SUPPLEMENT to the "Dental Service Corporation Act of 1968," approved September 26, 1968 (P. L. 1968, c. 305; C. 17:48C–1 et seq.).

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

C. 17:48C-18.1 Dental service corporation contract alternative.

1. Each employer or other organization which employs or has 25 or more employees or members during the full preceding calendar year and which contributes to a dental service corporation contract which restricts the covered persons in selecting the providers of dental services to a single provider or limited number of providers, shall also offer its employees and their eligible dependents and members and members' eligible dependents at the time a dental benefits plan is offered or renewed the option of selecting alternative coverage which permits covered persons to obtain dental services from any licensed dentist.

C. 17:48C-18.2 Required payment.

2. An employer or other organization shall be required to pay for or contribute towards the provision of alternative coverage an amount equal to the premium or cost which it pays or contributes to the dental service corporation contract which limits the number of providers of dental services.

C. 17:48C-18.3 Rules, regulations.

3. Within 120 days of the effective date of this act, the Commissioner of the Department of Insurance shall promulgate rules and regulations necessary to effectuate the purpose of this act, including procedures for notice to covered persons, employers and other organizations of the provisions of this act.

4. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 145

AN ACT concerning group health insurance, dental benefits plans and supplementing chapter 27 of Title 17B of the New Jersey Statutes.

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

C. 17B:27-51.10a Group health insurance contract alternative.

1. Each employer or other organization which employs or has 25 or more employees or members during the full preceding calendar year which contributes to a group health insurance contract which restricts the covered persons in selecting the providers of dental services to a single provider or limited number of providers, shall also offer its employees or their eligible dependents or members or members' eligible dependents at the time a dental benefits plan is offered or renewed the option of selecting alternative coverage which permits covered persons to obtain dental services from any licensed dentist.

C. 17B:27-51.10b Contribution of employer.

2. An employer or other organization shall be required to pay or contribute towards the provision of alternative coverage an amount equal to the premium or cost which it pays or contributes to the group health insurance contract for dental services which limits the number of providers of dental services.

C. 17B:27-51.10c Rules, regulations.

3. Within 120 days of the effective date of this act, the Commissioner of the Department of Insurance shall promulgate rules and regulations necessary to effectuate the purpose of this act, including procedures for notice to covered persons, employers and other organizations of the provisions of this act.

4. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 146

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983, and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there is appropriated the following sum for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

01-7000 Planning, Management and General Support	$40,000.00
Grants:	
Transportation assistance for inmates' families' visitations	($40,000.00)

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved April 20, 1983.

CHAPTER 147

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS
DEPARTMENT OF HUMAN SERVICES
Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget

99-7500 Management and Administrative Services .. $600,000.00

Special Purpose:
Long Term Channeling Project ..... ($600,000.00)

2. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 148

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal moneys to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS
DEPARTMENT OF EDUCATION
Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions

12-5012 Millburn-Regional School for the Handicapped .. $48,152

Special Purpose:
Title VI-C, Deaf-Blind Training Grant .... (48,152)

Total Appropriation, Department of Education ... $48,152

DEPARTMENT OF HUMAN SERVICES

33 Supplemental Education and Training Program

7560 Commission for the Blind and Visually Impaired

99-7560 Management and Administrative Services	$103,451
Special Purpose:	
Title VI-C Deaf-Blind Training Grant	($103,451)

7660 Woodbridge State School

06-7660 Residential Care	$7,047
Special Purpose:	
Title VI-C, Deaf-Blind Training Program	($7,047)

7670 Hunterdon State School

07-7670 Education and Training	$40,375
Special Purpose:	
Title VI-C, Deaf-Blind Training Program	($40,375)

55 Related Social Services Program

7570 Division of Youth and Family Services

99-7570 Management and Administrative Services	$179,457
Special Purpose:	
Child Abuse and Neglect in Families Program	($179,457)
Total Appropriation, Department of Human Services	$330,330
TOTAL APPROPRIATION, FEDERAL FUNDS	$378,482

2. This act shall take effect immediately.

Approved April 20, 1983.

CHAPTER 149

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the sums appropriated under P. L. 1982, c. 49 there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

03-8040	State and Regional Planning	$50,000*
State Aid:		
	Hackensack Meadowlands Municipal Committee	($50,000)*

2. This act shall take effect immediately and be retroactive to July 1, 1982.

* Reduced to $35,000 by line item veto of the Governor. See statement following.

Approved April 20, 1983.

STATEMENT TO SENATE BILL NO. 3145

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3145 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill makes a supplemental appropriation of $50,000 to the Hackensack Meadowlands Municipal Committee. This sum coupled

with the current appropriation of $15,000 for the Committee would give the Committee a total of $65,000 for the State's Fiscal Year 1983. I note that the State's appropriations to the Committee in Fiscal Year 1982 totalled $47,500. In these times of fiscal constraints, I cannot justify a 30% increase in the Committee's appropriation. However, in order to permit the Committee to be continued at its Fiscal Year 1982 funding level, it should be given an additional $32,500, a sum which I would round off to $35,000. Accordingly, I am reducing the appropriation to $35,000.

On page 1, section 1:

"03–8040 State and Regional Planning, State Aid:
Hackensack Meadowlands Municipal Committee . . . $50,000"

This item is reduced to $35,000.

Respectfully,

[SEAL] /s/ THOMAS H. KEAN,
Attest: *Governor*
/s/ W. CARY EDWARDS,
Chief Counsel

CHAPTER 150

AN ACT concerning the interest rate on late payments of cost and expense of maintenance, repair and operation of the Passaic Valley Sewerage Commissioners facilities by contracting municipalities and users and amending P. L. 1953, c. 388.

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

1. Section 11 of P. L. 1953, c. 388 (C. 58:14–34.20) is amended to read as follows:

C. 58:14-34.20 Bond interest, principal included in cost and expense; 12% interest on late payments.

11. For all purposes of the original act, and of any contract made or hereafter made thereunder or for the purposes thereof, the cost and expense of maintenance, repair and operation of the sewerage system for any year shall be deemed to include, and shall include, in addition to all other items heretofore included, all interest becoming due prior to the end of such year on bonds or other

obligations of the commissioners issued pursuant to this act, plus the principal or redemption premium of any such bonds or obligations becoming due prior to the end of such year, plus such sums as the commissioners may determine or by the terms of any contract be required to set aside during such year as a reserve for payment or security of principal of or interest on any such bonds or obligations or be by the terms of any contract required to set aside during such year as a reserve for any other purpose. The contracting municipalities and other users of the sewerage system are hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to pay to the commissioners annually the total cost and expense (as herein referred to and described) of maintenance, repair and operation of the sewerage system apportioned as above provided. If any payment on account of the cost and expense (as herein referred to and described) of maintenance, repair and operation of the sewerage system, or any part thereof, due to the commissioners under the original act or any such contract from a contracting municipality or other user shall remain unpaid for 30 days after the commissioners have notified such contracting municipality or other user by mail of the amount due and the due date, such contracting municipality or other user shall be charged with and shall pay to the commissioners interest on the amount unpaid from 30 days after such notice of the commissioners was mailed until paid, at the rate of 12% per annum. Every obligation assumed by or imposed upon any contracting municipality or other user by the original act or any such contract or this act shall be enforceable by the commissioners by appropriate action, suit or proceeding, and the commissioners may have and pursue any and all remedies provided by law for the enforcement of such obligation.

2. This act shall take effect immediately.

Approved April 22, 1983.

CHAPTER 151

AN ACT concerning the "higher education assistance authority law" and amending N. J. S. 18A:72–12.

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

1. N. J. S. 18A:72–12 is amended to read as follows:

Approval and granting of loan; incentive fees.

18A:72–12. Approval and granting of loan; incentive fees.

(1) Upon approval by the authority of a loan application, any lender may make the loan as approved and upon the terms and conditions required under this chapter, but no moneys shall be advanced or paid under any such loan until the applicant shall have satisfied the authority and, unless the authority is the lender, the authority shall have certified to the lender, that the applicant has been admitted to, or is in regular attendance and in good standing at, a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting or approved by the Board of Higher Education, a qualified post-secondary nondegree institution of higher education or any other eligible institution. Any lender making a loan shall cooperate with the authority in supervising the use of credit in accordance with its purposes. The check representing the loan proceeds shall be made payable to the applicant and eligible institution jointly, except when the applicant is attending an eligible institution not located in the United States or when the loan is made to the parent of an eligible student, in which instance the check may be made payable to the applicant only.

(2) Notwithstanding the provisions of section 18A:72–11 or of subsection (1) of this section, the authority may approve a loan for the purposes of this chapter, after it has been made by a lender and the proceeds thereof disbursed by the lender for the purposes of this chapter, provided such loan would have been approved by the authority and prior application been made therefor pursuant to section 18A:72–11. A loan which is so approved after it has been made shall, from the time of its approval, be treated for all purposes of this chapter in the same manner as if such loan had been applied for and approved by the authority prior to its making, and the lender making such loan shall have the same rights under this chapter in respect to such loans as it would have had if the loan had been applied for and approved by the authority prior to its making.

(3) As an incentive to lenders to make loans under this chapter, the authority may, by resolution of the members thereof, provide for the payment to lenders of an incentive fee solely with respect to loans made, placed or guaranteed after August 1, 1969, which incentive fee shall be computed on any one of the following bases: (i) a single fee at the rate not exceeding ½ of 1%, computed on the amount of each such loan for the period from the making of such

loan to the date repayment begins; or (ii) a single fee not to exceed $25.00 per borrower per academic year; or (iii) such other form and amount of incentive fee as shall be fixed from time to time by rule of the authority.

(4) If an eligible institution determines during the term of a loan that the student debtor is entitled to a credit against tuition or other fees, such credit shall be made directly to the lender, who shall deduct the amount of the credit from the loan balance.

2. This act shall take effect on June 1, 1983.

Approved April 22, 1983.

CHAPTER 152

AN ACT concerning the wearing and use of a body vest during the commission of certain crimes 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:39-13 Unlawful use of body vests.

1. Unlawful Use of Body Vests. A person is guilty of a crime of the third degree if he uses or wears a body vest while engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, manslaughter, robbery, sexual assault, arson, burglary, kidnapping, criminal escape or assault under N. J. S. 2C:12–1b.

As used in this section, "body vest" means bullet-resistant body armor which is intended to provide ballistic and trauma protection.

2. This act shall take effect immediately.

Approved April 22, 1983.

CHAPTER 153

AN ACT authorizing municipal courts to issue work orders in lieu of other punishment in certain cases.

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

C. 2A:8-31.1 Court work order.

1. Any defendant sentenced by a municipal court to pay a fine or make restitution who defaults in payment thereof or of any installment may, in lieu of any other modification of the sentence, after a satisfactory showing of the defendant's indigency, be ordered to perform work in a work program established or designated by the municipality. The court shall order the defendant to perform work upon the motion of the person authorized by law to collect the fine or restitution, the motion of the prosecutor, or its own motion, and shall issue the order only with the consent of the defendant and the municipality. The work performed by a defendant under a court order may be performed in an existing community service program and shall be performed in the municipality in which the offense occurred. A court work order shall expire upon receipt by the clerk of written notice that the defendant has completed the work assigned in a satisfactory manner.

C. 2A:8-31.2 Failure to perform.

2. The municipal official in charge of the work program shall report to the municipal court any failure of a person subject to a court work order to report for work or to perform the assigned work. Upon receipt of such a report the court may revoke its work order and impose any sentence consistent with the original sentence.

3. This act shall take effect immediately.

Approved April 22, 1983.

CHAPTER 154

AN ACT to amend and supplement the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76), as said short title was amended by P. L. 1970, c. 138.

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

1. Section 3 of P. L. 1967, c. 76 (C. 55:13A–3) is amended to read as follows:

C. 55:13A-3 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.

(c) The term "board" shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Division of Housing and Urban Renewal of the Department of Community Affairs.

(e) (Deleted by amendment.)

(f) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equip-

ment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any motor hotel, motel, or established guesthouse, which is commonly regarded as a motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other, provided, that this definition shall not be construed to include any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such; nor shall this definition be construed to include any building section containing not more than two dwelling units held under a condominium or cooperative form of ownership, or by a mutual housing corporation, where all the dwelling units in the section are occupied by their owners, if a condominium, or by shareholders in the cooperative or mutual housing corporation, and where such building section has at least two exterior walls unattached to any adjoining building section and is attached to any adjoining building sections exclusively by walls of such fire-resistant rating as shall be established by the bureau in conformity with recognized stan-

dards; nor any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act," P. L. 1969, c. 215 (C. 45:22A–1 et seq.), provided that the corporation meets the requirements of section 2 of this amendatory and supplementary act.

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling.

(m) The term "person" shall mean any individual, corporation, association, or other entity, as defined in R. S. 1:1–2.

(n) The term "continuing violation" shall mean any violation of this act or any regulation promulgated thereunder, where notice is served within 2 years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of this act, which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

(p) The term "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of section 607 of the Lanham Act (National Defense Housing), P. L. 849, 76th Congress, 54 Stat. 1125, 42 U.S.C. 1521 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

(q) "Condominium" means the form of ownership so defined in the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(r) "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

C. 55:13A-13.1 Self-inspection requirements.

2. (New section) a. Any retirement community as defined in the "Retirement Community Full Disclosure Act," P. L. 1969, c. 215

(C. 45:22A–1 et seq.) shall be exempt from inclusion in the definition of multiple dwellings contained in paragraph (k) of section 3 of P. L. 1967, c. 76 (C. 55:13A–3); provided that the retirement community complies with the basic standards relating directly to fire safety which are established for its buildings by rule or regulation of the commissioner and provided further, that the retirement community files with the commissioner, at least once every five years, as evidence of a satisfactory self-inspection, a completed checklist, which shall be provided by the commissioner, of items established under the fire safety regulations. The retirement community shall also file a certification, from the municipal fire protection subcode official or an equally competent person selected and paid by the municipality in which the retirement community is located, that the self-inspection has been properly carried out. A fee schedule for certification may be established by the municipality providing for a charge of up to $8.00 per dwelling unit for each of the first 100 units inspected and up to $5.00 per unit for each unit inspected thereafter.

b. The commissioner may require common area smoke detectors in buildings, and the retirement community may utilize detector units which are either (1) of the alternating current (AC) constantly active electric circuit type, which cannot be deactivated by the operation of any interconnected switching device and which comply with the latest NJPA–70 (National Electrical Code) requirements or (2) of the battery-powered single station type. The owners of each unit utilizing any common area shall be jointly responsible for inspecting the detector unit in the common area and for ensuring that its battery is inspected periodically and replaced at least annually.

c. If the municipality determines, as a result of the most recent self-inspection of any building or unit as required by this amendatory and supplementary act, that any building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated thereunder, then the municipality shall issue to the nonprofit corporation a written notice stating the manner in which a building or unit does not comply with this amendatory and supplementary act or regulations promulgated thereunder. The notice shall fix a date, not less than 60 days nor more than 180 days, upon which a building or unit shall comply with the provisions of this amendatory and supplementary act and regulations promulgated thereunder. If building or unit does not comply with the provisions of this amendatory and supplementary

act and regulations promulgated, on or before the date fixed in the notice, the municipality shall notify the commissioner, who shall enforce the provisions of P. L. 1967, c. 76 (C. 55:13A–1 et seq.) against the nonprofit corporation or the unit owner thereof, based on their respective liabilities as contained in the nonprofit corporation's master deed, bylaws, and rules and regulations.

3. This act shall take effect immediately and shall be retroactive to January 1, 1982 for any penalties assessed for noncompliance with the self-inspection requirements of this amendatory and supplementary act, but unpaid pending a hearing on the matter.

Approved April 22, 1983.

CHAPTER 155

AN ACT to amend "An act concerning the assessment of real property and improvements thereto and supplementing chapter 4 of Title 54 of the Revised Statutes," approved December 29, 1982 (P. L. 1982, c. 220).

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

1. Section 1 of P. L. 1982, c. 220 (C. 54:4–23a) is amended to read as follows:

C. 54:4-23a Assessment of newly constructed dwelling.

1. Any other law to the contrary notwithstanding, no building or other structure newly constructed on any parcel of real property and intended for occupancy and use for residential purposes as a single family dwelling shall be added to the assessment list as real property subject to taxation, until a certificate of occupancy or temporary certificate of occupancy has been issued and unless the building or other structure is actually occupied and used for such purposes; provided, however, that such building or structure shall be omitted from taxation for a period not to exceed 24 months. At the termination of the 24 month period or following the granting of a certificate of occupancy or temporary certificate of occupancy and the occupation and use of the building for residential purposes, the building or structure shall be assessed and taxed as of the first day of the month following the date of such use for the proportionate part of said year then remaining.

For the purposes of this act, "newly constructed" refers to construction which commenced on or after December 29, 1982. Construction will be deemed to commence on the date of the footing inspection. Nothing in this act shall be construed as applicable to any addition to, or improvement or alteration of, any existing building or structure.

2. This act shall take effect immediately and be retroactive to December 29, 1982.

Approved April 22, 1983.

CHAPTER 156

AN ACT concerning the filling of vacancies in the offices of members of the Legislature, amending section 4 of P. L. 1981, c. 429 and supplementing Title 19 of the Revised Statutes.

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

1. Section 4 of P. L. 1981, c. 429 (C. 19:27-6.1) is amended to read as follows:

C. 19:27-6.1 Special elections for Legislature.

4. In the case of a vacancy in the representation of this State in the Senate or General Assembly, the writ shall designate a special election day, the cause and purpose of the election and the name of the member in whose office the vacancy has occurred. The special election day shall be not less than 37 nor more than 43 days following the date on which the writ is issued, but if the primary election for the general election shall occur within 70 days after the date on which the writ is issued, the special election day shall be on the day on which the primary election is to be held, provided the writ is issued no later than 40 days before the primary election. The writ also shall specify the day or days when the district boards shall meet for the purpose of making, revising or correcting the registers of voters to be used at the special election.

2. (New section) This act shall apply to vacancies occurring prior to its effective date for which writs of election have been issued, but special elections not held. Any such writ of election issued need not be reissued, but the special election shall be held and

notice thereof given in accordance with the provisions of this act and such other laws as may be applicable to special elections.

3. This act shall take effect April 27, 1983.

Approved April 27, 1983.

CHAPTER 157

AN ACT providing for the distribution and disposition of the parimutuel pool at horse race meetings and amending P. L. 1940, c. 17.

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

1. Section 46 of P. L. 1940, c. 17 (C. 5:5–66) is amended to read as follows:

C. 5:5-66 Distribution of parimutuel pools.

46. Every permitholder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10–1 et seq.), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 1.25% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 2.25% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 5.25% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permit-

holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 7.20% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 7.70% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 9.20% of the total contributions. Each permitholder shall contribute out of its 9.20% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners'

Association of New Jersey 7.40% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 7.90% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.40% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.40% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle does not exceed $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 30% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county

or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 9.73% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.80% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.21% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.00% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.93% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.02% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder.

(e) (i) 50% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the

commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Throughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners and awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission, while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(ii) 12% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

(f) 12% of 1% shall be deposited in a separate special trust account for use by the commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation, when to do so would serve the public interest.

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) (i) of this paragraph.

(2) Where the amount derived from the parimutuel handle exceeds $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 2.87% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but, notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 3.87% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Throughbred Breeders' Association of New Jersey, which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 6.81% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 7.88% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 10.29% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.17% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.10% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.19% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Pro-

such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

b. Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided in section 5 and as provided in section 2 of this act for the following purposes and no other:

(1) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(2) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

c. Retain 9.73% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.80% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.21% of the total contributions.

d. Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 5.92% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money

6.85% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 8.94% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder.

e. (1) 50% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey which sire such New Jersey bred money earners and awards to New Jersey thoroughbred breeders' associations for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subsection b. of this section.

(2) 20% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

f. 12% of 1% shall be deposited in a separate special trust account for use by the New Jersey Racing Commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation when to do so would serve the public interest.

g. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subsection e. of this section.

2. Section 1 of P. L. 1981, c. 154 is amended to read as follows:

1. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–64), every permitholder engaged in the business of conducting running race meetings during the calendar year 1983 shall retain the breaks during its 1983 meeting for use in supplementing the purses distributed by the permitholder.

3. This act shall take effect immediately.

Approved April 28, 1983.

CHAPTER 159

AN ACT concerning the solemnization of marriages and amending R. S. 37:1–13.

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

1. R. S. 37:1–13 is amended to read as follows:

Authorization to solemnize marriages.

37:1–13. Each judge of a federal district court, judge of a county district court, judge of a municipal court, judge of the superior court, judge of a tax court and any mayor, or chairman of any township committee or village president of this State, and every minister of every religion, and judges of the juvenile and domestic relations courts or family courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons according to the rules and customs of the society, institution or organization.

2. This act shall take effect April 1, 1983.

Approved April 29, 1983.

CHAPTER 160

A SUPPLEMENT to "An act making appropriations for the support of The State Government and the several public purposes for the fiscal year ending June 30, 1982 and regulating the disbursement thereof," approved June 30, 1981 (P. L. 1981, c. 190).

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

1. The following sum is appropriated out of the General Fund for the purposes herein specified:

DEPARTMENT OF AGRICULTURE

3310 Division of Animal Health

01	Animal Disease Control	$61,614.43
	Total Appropriation—Division of Animal Health	$61,614.43
	Special Purpose: Indemnities—Cattle Diseases	($61,614.43)

2. This act shall take effect immediately.

Approved May 2, 1983.

CHAPTER 161

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983, and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there is appropriated the following sum for the following purpose:

STATE AID

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services ..... ($200,000.00*)

State Aid:

Newark Public Library ..... ($200,000.00*)

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved May 2, 1983.

* Reduced to $85,000.00 by line item veto of the Governor. See statement following.

STATEMENT TO SENATE BILL NO. 1604

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I am appending to Senate Bill No. 1604 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would provide for a supplemental appropriation of $200,000.00 to the Newark Public Library System. Total State Aid to the Newark Public Library System totalled $460,000.00 in Fiscal Year 1982, and will total $460,000.00 in Fiscal Year 1983. Thus, there was no reduction in the amount of library aid provided to the City of Newark this year.

Nevertheless, given the special needs of the Newark Library as an area library serving the needs of the surrounding region, I feel that the additional funding provided by this bill is well justified. Accordingly, I support the appropriation of an additional $200,000.00 to the Newark Public Library this year.

However, Assembly Bill No. 3352, introduced on April 11, 1983, would provide for the largest increase in library aid in over ten years—a total of over $2.05 million Statewide. Newark's share of that sum would be approximately $115,000.00. That legislation, once enacted, will bring every library in New Jersey up from a level of 72% of full funding to almost 90% of full funding this year.

Providing an additional $85,000.00 to Newark through Senate Bill No. 1604 will still leave Newark with a total additional $200,000.00 in library aid this year, and when both bills are enacted will bring Newark's total library aid to a level of 105% of full formula funding. This would recognize the uniqueness of the Newark Library as an important regional institution, and still leave the Newark Library with a higher percentage level of funding than of any other municipality in the State.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:
Page 1, section 1, line 5:

Delete "$200,000.00" insert "$85,000.00"
Page 1, section 1, line 7:

Delete "$200,000.00" insert "$85,000.00"

Respectfully,

[SEAL] /s/ THOMAS H. KEAN,
Attest: *Governor*
/s/ W. CARY EDWARDS,
Chief Counsel

CHAPTER 162

AN ACT concerning alcohol and drug prevention and amending R. S. 39:3–10.

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

1. R. S. 39:3–10 is amended to read as follows:

Examination of driver's knowledge of effects of alcohol, drugs.

39:3–10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his

knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state or foreign country upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles;

b. Omnibuses as classified by R. S. 39:3–10.1 and school buses classified under N. J. S. 18A:39–1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or an inspector of his has examined the applicant and is satisfied of the

applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the forty-eighth calendar month following the calendar month in which such license was issued.

The director may issue a renewal of a basic driver's license which does not bear a photograph, and which shall expire on the last day of the twenty-fourth calendar month following the calendar month in which such license was issued, to any person 60 years of age or older who makes application for such a license.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	$8.00
Omnibus or school bus endorsement	$16.00
Articulated vehicle endorsement	$8.00
Basic driver's license	$16.00

The required fee for a basic driver's license for the 24-month period shall be $8.00.

The required fee for a license for the 36-month period shall be as follows:

Motorcycle license or endorsement	$6.00
Omnibus or school bus endorsement	$12.00
Articulated vehicle endorsement	$6.00
Basic driver's license	$12.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes.

The driver's license shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be re-

corded on the driver's license. A licensee whose name is changed due to marriage, divorce, or by judgment of the court, shall notify the director of the change in name within 2 weeks after the change is made. A person who violates this provision shall be subject to a penalty of not more than $10.00.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

2. This act shall take effect three months following enactment.

Approved May 2, 1983.

CHAPTER 163

AN ACT concerning motor vehicles and amending R. S. 39:3–10.

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

1. R. S. 39:3–10 is amended to read as follows:

Licensing of drivers; examination; fees.

39:3–10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety .

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles;

b. Omnibuses as classified by R. S. 39:3–10.1 and school buses classified under N. J. S. 18A:39–1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or an inspector of his has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the forty-eighth calendar month following the calendar month in which such license was issued.

The director may issue a renewal of a basic driver's license which does not bear a photograph, and which shall expire on the last day of the twenty-fourth calendar month following the calendar month in which such license was issued, to any person 60 years of age or older who makes application for such a license.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	$8.00
Omnibus or school bus endorsement	$16.00
Articulated vehicle endorsement	$8.00
Basic driver's license	$16.00

The required fee for a basic driver's license for the 24-month period shall be $8.00.

The required fee for a license for the 36-month period shall be as follows:

Motorcycle license or endorsement	$6.00
Omnibus or school bus endorsement	$12.00
Articulated vehicle endorsement	$6.00
Basic driver's license	$12.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes.

The driver's license shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's license. A licensee whose name is changed due to marriage, divorce, or by judgment of the court shall notify the director of the change in name within 2 weeks after the change is made. A person who violates this provision shall be subject to a penalty of not more than $10.00.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more

than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

2. This act shall take effect immediately.

Approved May 2, 1983.

CHAPTER 164

AN ACT concerning the filing of tax court judgments and amending R. S. 54:2-40.

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

1. R. S. 54:2-40 is amended to read as follows:

Filing of tax court judgments.

54:2-40. A copy of the complaint shall be served by the plaintiff upon the county board of taxation whose judgment is the subject of such review, or its secretary, and upon the assessor and the clerk of the taxing district who shall forthwith notify the collector, and such other municipal officials as the governing body shall direct of the content thereof. Service of such copies shall be evidenced by affidavit upon the original complaint filed with the tax court or service thereon acknowledged. A copy of each judgment of the tax court whether of affirmance, reversal, modification or otherwise shall be sent to the taxpayer and, at the same time, to the assessor, the clerk of the taxing district, the collector and the county tax administrator of the county in which said taxing district is situated. The tax court shall also give prompt notice to the taxpayer and, at

the same time, to the assessor, the clerk of the taxing district, the collector and the county tax administrator of the county in which the taxing district is situated, of the withdrawal or dismissal of complaints filed with the tax court.

2. This act shall take effect immediately.

Approved May 3, 1983.

CHAPTER 165

AN ACT concerning special motor vehicle registration plates for members of military reserve units and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-27.33 Military reserve plates.

1. Upon the application of any person who is a resident of this State and who is an active member of a military reserve unit, as certified by the appropriate military anthority, the director shall issue for the motor vehicle owned by the person special registration plates, of a design to be approved by the director and at a fee to be prescribed by the director, identifying the holder as a member of a military reserve unit, in addition to the registration number and other markings or identification otherwise prescribed by law.

C. 39:3-27.34 Rules and regulations.

2. The director shall promulgate rules and regulations governing the issuance and use of these registration plates and providing for their surrender by persons who cease to be either members of a military reserve unit or residents of this State.

3. This act shall take effect on the one hundred eightieth day following enactment.

Approved May 3, 1983.

CHAPTER 166

AN ACT to amend "An act concerning cable television, supplementing Title 48 of the Revised Statutes, and repealing P. L. 1971, c. 221," approved December 15, 1972 (P. L. 1972, c. 186).

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

1. Section 49 of P. L. 1972, c. 186 (C. 48:5A–49) is amended to read as follows:

C. 48:5A-49 Tenants permitted cable television; definitions.

49. a. No owner of any dwelling or his agent shall forbid or prevent any tenant of such dwelling from receiving cable television service, nor demand or accept payment in any form as a condition of permitting the installation of such service in the dwelling or portion thereof occupied by such tenant as his place of residence, nor shall discriminate in rental charges or otherwise against any such tenant receiving cable television service; provided, however, that such owner or his agent may require that the installation of cable television facilities conforms to all reasonable conditions necessary to protect the safety, functioning, appearance and value of the premises and the convenience, safety and well-being of other tenants; and further provided, that a cable television company installing any such facilities for the benefit of a tenant in any dwelling shall agree to indemnify the owner thereof for any damage caused by the installation, operation or removal of such facilities and for any liability which may arise out of such installation, operation or removal.

b. For purposes of this section:

(1) "Owner" includes, but is not limited to, a condominium association and housing cooperative, and "owner of any dwelling or his agent" includes, but is not limited to, a mobile home park owner or operator.

(2) "Condominium association" means an entity, either incorporated or unincorporated, responsible for the administration of the form of real property which, under a master deed, provides for ownership by one or more owners of individual units together with an undivided interest in common elements appurtenant to each unit.

(3) "Housing cooperative" means a housing corporation or association which entitles the holder of a share or membership

interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by the corporation or association, or to lease or purchase a dwelling constructed by the corporation or association.

(4) "Tenant" includes, but is not limited to, a resident of a mobile home in a mobile home park.

2. This act shall take effect immediately.

Approved May 3, 1983.

CHAPTER 167

AN ACT concerning certain employees of county youth houses in certain counties of the first class and supplementing subtitle 3 of Title 11 of the Revised Statutes.

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

C. 11:22-44.7 County youth house employees subject to civil service.

1. All permanant positions and employments in county youth houses on January 1, 1982 in counties of the first class having a population of less than 600,000 inhabitants according to the 1980 federal decennial census, established pursuant to R. S. 9:11–1 et seq., which can be allocated to the classified service, in accordance with the provisions of Title 11 of the Revised Statutes, shall be so allocated under appropriate titles by the Civil Service Commission, and, hereafter, these positions and employments shall be subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes.

C. 11:22-44.8 Permanent appointment after passing exam.

2. Upon receipt from the Civil Service Commission of a list of the positions and employments so allocated to the classified service and their appropriate titles, the governing body of any county of the first class with a population of less than 600,000 inhabitants according to the 1980 federal decennial census which has established a youth house in accordance with R. S. 9:11–1 et seq. shall certify to the Civil Service Commission within 30 days of receipt of the list, the names of all those employees then employed in the County Youth House in these allocated positions and employments who

were permanently so employed on January 1, 1982. The employees so certified shall be recorded, under these titles after passing a qualifying examination, as having been permanently appointed in the classified service of Civil Service as of the date of their original appointments and shall thereafter be under and shall be subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes relating to the classified service.

3. This act shall take effect immediately.

Approved May 3, 1983.

CHAPTER 168

AN ACT appropriating moneys from the Water Supply Fund for State projects, as recommended by the New Jersey Statewide Water Supply Plan.

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

1. There is appropriated to the Department of Environmental Protection from the Water Supply Fund created by the "Water Supply Bond Act of 1981," P. L. 1981, c. 261, the following sum of money for State projects, to be constructed by the **New Jersey** Water Supply Authority as recommended by the New Jersey Statewide Water Supply Plan:

Delaware and Raritan Canal improvements $15,000,000.00

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1981, c. 261, and shall include administrative costs.

3. The New Jersey Water Supply Authority shall, in coordination with the department and the Board of Public Utilities, develop a program to charge any water supply user which benefits from any project constructed by it and funded from the Water Supply Fund, to the maximum extent practicable and feasible, for the full cost of planning, designing, acquiring, constructing and operating that project.

4. State projects shall be constructed by the New Jersey Water Supply Authority, and any funds made available to the authority

pursuant to this act shall be in the form of loans with principal and interest to be paid to the General Fund as reimbursement for principal and interest payments on the Water Supply Bonds. The authority shall set rates and charges for the water supplied from its facilities sufficient to make semi-annual payments of principal and interest on loans from the Water Supply Fund according to a schedule agreed upon with the State Treasurer before loans are advanced.

5. This act shall take effect immediately.

Approved May 3, 1983.

CHAPTER 169

AN ACT concerning certain assessments for local improvements and amending R. S. 40:56–35 and N. J. S. 40A:2–14.

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

1. R. S. 40:56–35 is amended to read as follows:

Payment of assessments for local improvements.

40:56–35. The governing body may by resolution provide that the owner of any real estate upon which any assessments for any improvement shall have been made may pay such assessments in such equal yearly installments, not exceeding ten, except as hereinafter provided, with legal interest thereon, and at such time in each year as the governing body shall determine, but any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment shall remain unpaid for 30 days after the time when the same shall have become due the whole assessment or balance due thereon shall become and be immediately due, shall draw interest at the rate imposed upon the arrearage of taxes in such municipality and be collected in the same manner as is provided by this subtitle for other past due assessments.

Whenever any owner shall be given the privilege of paying any assessment in installments such assessment shall remain a lien upon the land described therein until the same with all installments and accrued interest thereon shall be paid, and no proceedings to

collect or enforce the same need be taken until default shall be made in the payment of any installment as hereinbefore in this subtitle provided.

In any municipality which is constructing a local improvement with funds secured from the Federal Government, through the public works administration, under the terms of the national recovery act, the governing body may provide that the assessments may be payable in yearly installments, with legal interest thereon, over a period of years up to but in no event exceeding the term of years for which the funds therefor are borrowed from the Federal Government, and at such time in each year as the governing body shall determine. The governing body may fix the yearly installments in such amounts as in its opinion are equitable and just.

In any municipality in which the local improvement is being financed by the sale of bonds, the governing body may provide that the assessments may be payable in yearly installments, with legal interest thereon, over a period of years up to but in no event exceeding the period of years for which the bonds were issued, or for 20 years, whichever shall be less, and at such time in each year as the governing body shall determine. The governing body may fix the yearly installments in such amounts as in its opinion are equitable and just.

2. N. J. S. 40A:2–14 is amended to read as follows:

Mandatory provisions of bond ordinances.

40A:2–14. a. Any bond ordinance to finance any local improvement, in addition to other required provisions, shall contain:

1. a determination of the amount or the percentage of the cost which the local unit will contribute to the payment of the cost of the local improvement;

2. a statement of the number of annual installments in which the special assessments may be paid, not exceeding 20, or the average thereof if more than one local improvement is being financed; and

3. a statement of the estimated maximum amount of the special assessments.

b. Before or after confirmation of special assessments, a local unit may authorize and issue obligations to finance a local improvement, except that

1. a local unit may not issue bonds to finance its share of the cost of a local improvement in excess of the amount or percentage of contribution;

2. bonds to finance the cost of a local improvement to be assessed against properties may not be issued in excess of the stated estimated maximum amount of special assessments, or the amount of special assessments then confirmed, unpaid and not delinquent.

c. Bonds to finance that part of the cost of a local improvement which is to be assessed on property shall not be issued to finance any other additional purpose and shall include in the title thereof the word "assessment".

3. This act shall take effect immediately.

Approved May 3, 1983.

CHAPTER 170

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. Upon certification by the Director of the Division of Budget and Accounting that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

10–6200	Federal Aid Interstate Highway Projects . .	$110,000,000
	Total Appropriation, State Highway Facilities	$110,000,000

Special Purpose:
Construction of State Transportation
Facilities ..... ($110,000,000)

63 Local Highway Facilities

20–6220	Federal Aid Urban System Highway Projects	$ 16,000,000
30–6220	Federal Aid Rural Highway Projects	3,000,000
40–6220	Federal Aid Bridge and Highway Safety Projects	1,000,000
	Total Appropriation, Local Highway Facilities	$ 20,000,000
	Special Purpose: Construction of Local Highway Facilities	($20,000,000)
	Total Appropriation, Department of Transportation	$130,000,000
	Total Appropriation, Federal Funds	$130,000,000

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved May 3, 1983.

CHAPTER 171

AN ACT concerning the threshold requirement for the solicitation of bids pursuant to the "Public School Contracts Law," and amending sections 18A:18A–3, 18A:18A–4, 18A:18A–7, 18A:18A–8, 18A:18A–18, 18A:18A–37 and 18A:18A–45 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:18A–3 is amended to read as follows:

Purchases, contracts and agreements not requiring advertising.

18A:18A–3. Purchases, contracts and agreements not requiring advertising. a. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any other sums expended or foreseeably to be expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year paid with or out of school funds, does not exceed the total sum of $7,500.00 or the amount determined pursuant to subsection b. of this section, in the fiscal year or, in the case of purchases that are not annually recurring, in a period of one year may be made, negotiated and awarded by a contracting agent when so authorized by resolution of the board of education without public advertising for bids and bidding therefor.

b. Commencing January 1, 1983 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in subsection a. of this section in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify all local school districts of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

2. N. J. S. 18A:18A–4 is amended to read as follows:

Contracts and agreements requiring advertising.

18A:18A–4. Contracts and agreements requiring advertising. Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price whereof is to be paid with or out of school funds, not included within the terms of N. J. S. 18A:18A–3, shall be made and awarded only by the board of education after public advertising for bids and bidding therefor, except as is provided otherwise in this chapter or specifically by any other law.

No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3, except by contract or agreement.

3. N. J. S. 18A:18A–7 is amended to read as follows:

Emergency purchases and contracts.

18A:18A–7. Emergency purchases and contracts. Any purchase, contract or agreement may be made, negotiated or awarded for a board of education without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3 when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of the articles or the performance of the service, provided that the awarding or making of such purchases, contracts or agreements are made in the following manner:

a. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence and the need for invoking this section, certified by the employee in charge of the building, facility or equipment wherein the emergency occurred.

The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services.

b. Upon the furnishing of such work or labor, materials, supplies or services, in accordance with the terms of the contract or agreement, the contractor furnishing such work or labor, materials, supplies or services, shall be entitled to be paid therefor and the board of education shall be obligated for said payment. The board of education shall take such action as shall be required to provide for the payment of the contract price.

c. The State Board of Education shall prescribe rules and procedures to implement the requirements of this section.

4. N. J. S. 18A:18A–8 is amended to read as follows:

Contracts not to be divided.

18A:18A–8. Contracts not to be divided. No purchase, contract or agreement, which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement, includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided, so as to bring it or any of the parts thereof under the maximum price or cost limitation of the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3, thus dispensing with the requirement of public advertising and bidding therefor. In purchasing

or contracting for, or agreeing for the furnishing of, any services, equipment, materials or supplies, the doing of any work included in or incident to the performance or completion of any project, which is single in character or inclusive of the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, or which requires the furnishing of more than one article of equipment or buying materials or supplies, all of the services, materials or supplies requisite for the completion of such project shall be included in one purchase, contract or agreement.

5. N. J. S. 18A:18A–18 is amended to read as follows:

Separate plans for various types of work; bids; contracts.

18A:18A–18. Separate plans for various types of work; bids; contracts. In the preparation of plans and specifications for the construction, alteration or repair of any building by a board of education, when the entire cost of the work and materials will exceed the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3 separate plans and specifications shall be prepared for each of the following, and all work and materials kindred thereto to be performed or furnished in connection therewith:

a. The plumbing and gas fitting work;

b. The heating and ventilating systems and equipment;

c. The electrical work, including any electrical power plant;

d. The structural steel and ornamental iron work;

e. All other work and materials required for the completion of the project.

The board of education or its contracting agent shall advertise for and receive, in the manner provided by law, (1) separate bids for each of said branches of work, and (2) bids for all the work and materials required to complete the building to be included in a single overall contract. There will be set forth in the bid the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the heating and ventilating systems and equipment, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with this chapter.

Contracts shall be awarded to the lowest responsible bidder.

The contract shall be awarded in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all the work and materials, the board of education shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the board of education shall award a single overall contract to the lowest responsible bidder for all of such work and materials. In every case in which a contract is awarded under (2) above, all payments required to be made under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

6. N. J. S. 18A:18A–37 is amended to read as follows:

Award of purchases, contracts or agreements.

18A:18A–37. Award of purchases, contracts or agreements.

All purchases, contracts or agreements which require public advertisement for bids shall be awarded to the lowest responsible bidder.

Prior to the award of any other purchase, contract or agreement, the contracting agent shall, except in the case of the performance of professional services, solicit quotations, whenever practicable, on any such purchase, contract or agreement the estimated cost or price of which is 20% or more of the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3 and the award thereof shall be made, in accordance with N. J. S. 18A:18A–3 or N. J. S. 18A:18A–4, as the case may be, on the basis of the lowest responsible quotation received, which quotation is most advantageous to the board of education, price and other factors considered; provided, however, that if the contracting agent deems it impractical to solicit competitive quotations in the case of extraordinary unspecifiable service, or, in the case of such or any other purchase, contract or agreement awarded hereunder, having sought such quotations determines that it should not be awarded on the basis of the lowest quotation received, the contracting agent shall file a statement of explanation of the reason or reasons therefor, which shall be placed on file with said purchase, contract or agreement.

7. N. J. S. 18A:18A–45 is amended to read as follows:

Manner and method of sale.

18A:18A–45. Manner and method of sale. Any board of education may, by resolution, authorize the sale of its personal property not needed for school purposes.

a. If the estimated fair value of the property to be sold exceeds the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3, in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.

b. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. Such sale shall be held not less than seven nor more than 14 days after the publication of the notice thereof.

c. Personal property may be sold to the United States, the State of New Jersey, another board of education or to any body politic by private sale without advertising for bids.

d. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the board of education may if it so elects reoffer the property at public sale. As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the board of education to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to this section.

e. A board of education may reject all bids if it determines such rejection to be in the public interest. In any case in which the board of education has rejected all bids, it may readvertise such personal property for a subsequent public sale. If it elects to reject all bids at a second public sale, pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.

f. If the estimated fair value of the property to be sold does not exceed the amount set forth in, or calculated by the Governor pursuant to, N. J. S. 18A:18A–3, in any one sale or is either livestock

or perishable goods, it may be sold at private sale without advertising for bids.

8. This act shall take effect immediately.

Approved May 4, 1983.

CHAPTER 172

AN ACT providing for the establishment of a program for the spaying and neutering of dogs and cats and supplementing Title 26 of the Revised Statutes.

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

C. 4:19-15.3b $3 fee for unsterilized dog.

1. a. In addition to the fee charged pursuant to section 3 of P. L. 1941, c. 151 (C. 4:19–15.3) and forwarded to the Department of Health pursuant to section 11 of P. L. 1941, c. 151 (C. 4:19–15.11), any person applying for the license and registration tag pursuant to section 2 of P. L. 1941, c. 151 (C. 4:19–15.2) shall pay a fee of $3.00 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization.

b. All fees collected pursuant to the provisions of this section and section 5 of this amendatory and supplementary act shall be forwarded to the State Treasurer, for deposit in the "Animal Population Control Fund" created pursuant to section 7 of this act.

C. 4:19A-1 Animal Population Control Program to be established.

2. The department shall establish and implement an Animal Population Control Program (hereinafter referred to as the "program"). The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety posed by the growing population of these unwanted and stray animals, and by providing low-cost animal sterilization services to owners meeting at least one of the criteria of need enumerated in section 3 of this act.

C. 4:19A-2 Eligibility criteria.

3. In order to be eligible to participate in the program, an owner of a dog or cat shall be eligible for, and participate in, at least one of the following:

a. The Food Stamp Program authorized by Title VIII of the Food and Agriculture Act of 1977, Pub. L. 95–113 (7 USC 2011 et seq.);

b. The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act, 42 USC 1381 et seq.;

c. The program for aid to families with dependent children, pursuant to P. L. 1959, c. 86 (C. 44:10–1 et seq.);

d. The program for general public assistance, pursuant to the provisions of the "General Public Assistance Law," P. L. 1947, c. 156 (C. 44:8–107 et seq.);

e. The program of medical assistance pursuant to P. L. 1968, c. 413 (C. 30:4D–1 et seq.);

f. The program of "Pharmaceutical Assistance to the Aged and Disabled," established pursuant to P. L. 1975, c. 194 (C. 30:4D–20 et seq.);

g. The rental assistance program authorized pursuant to section 8 of the United States Housing Act of 1937 as added by the Housing and Community Development Act of 1974, Pub. L. 93–383 (42 USC § 1437 (f));

h. The "Lifeline Credit Program" established pursuant to P. L. 1979, c. 197 (C. 48:2–29.15 et seq.); or

i. The "Tenants' Lifeline Assistance Program" established pursuant to P. L. 1981, c. 210 (C. 48:2–29.30 et seq.).

C. 4:19A-3 Proof; consent; fee.

4. Any person submitting a dog or cat, pursuant to the provisions of this act, for spaying or neutering, as the case may be, shall:

a. Furnish any licensed veterinarian of this State participating in the program with proof that the owner meets at least one of the eligibility criteria pursuant to the provisions of section 3 of this amendatory and supplementary act;

b. Sign a consent form certifying that the person is the owner of the dog or cat, or is authorized by the owner to present the dog or cat for the procedure; and

c. Pay a fee of $10.00, which fee shall be forwarded to the commissioner for deposit in the "Animal Population Control Fund".

C. 4:19A-4 Filing of fee schedule; reimbursement of veterinarians.

5. a. Any licensed veterinarian of this State may participate in the program upon filing with the commissioner an application therefor, on forms prescribed by the commissioner, which application shall supply, in addition to any other information requested by the commissioner, an animal sterilization fee schedule listing the fees charged for animal sterilization in the normal course of business. These fees may vary with the animal's weight, sex and species. The commissioner may, however, disqualify from participation in the program any veterinarian whose fees are deemed unreasonable.

b. The commissioner shall, to the extent that moneys are available therefor from the "Animal Population Control Fund," reimburse participating veterinarians for 80% of the fee for each animal sterilization procedure administered, upon the submission of an animal sterilization certificate, prescribed by the commissioner, signed by the veterinarian and the owner of the animal, for each sterilization procedure.

c. The commissioner shall reimburse from the fund any licensed veterinarian of this State participating in the program for the presurgical immunization of dogs against distemper, hepatitis, leptospirosis, and parvovirus, or the presurgical immunization of cats against feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be, which immunization shall be administered at least 10 days prior to reproductive surgery, on animals not previously immunized. The reimbursement shall be for no more than $10.00 upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered.

C. 4:19A-5 Animal Population Control Fund.

6. a. The commissioner may solicit and accept funds from any public or private source to help carry out the provisions of this act.

b. All fees collected pursuant to sections 2 and 5 of this amendatory and supplementary act, and all moneys received pursuant to subsection a. of this section, shall be placed in a special fund to be known as the "Animal Population Control Fund," which shall be separate from the General State Fund. All moneys in the "Animal Population Control Fund" shall be used by the commissioner exclusively for the implementation and promotion of the program and for the costs associated with the administration of this act.

C. 4:19A-6 Final disposition of unretrieved animals.

7. Any licensed veterinarian of this State participating in the program shall provide for the final disposition of an unretrieved animal in the manner provided in P. L. 1979, c. 354 (C. 45:16–13 et seq.). For the purposes of this act "unretrieved animal" means an animal placed for confined treatment pursuant to the provisions of this act by the owner or agent thereof in the care and custody of a veterinarian, which animal is not retrieved by the owner or agent thereof from the veterinarian within 72 hours of being notified that the confined treatment is completed.

C. 4:19A-7 Violations; penalties.

8. Any person who knowingly:

a. Falsifies proof of eligibility for, or participation in, any of the programs enumerated in section 3 of this act;

b. Furnishes any licensed veterinarian of this State with inaccurate information concerning the ownership of an animal submitted for an animal sterilization procedure;

c. Furnishes the commissioner with false information concerning an animal sterilization fee schedule or an animal sterilization certificate submitted pursuant to section 5 of this act; or

d. Violates in any other manner the provisions of this act, shall be subject to a penalty of not more than $250.00 for the first offense and not more than $500.00 for the second and each subsequent offense, to be collected in civil action by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.). The Superior Court or county district court shall have jurisdiction to enforce "the penalty enforcement law."

C. 4:19A-8 Rules or regulations.

9. The commissioner shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt any rules or regulations necessary to carry out the provisions of this act.

C. 4:19A-9 Annual report.

10. Not later than one year following the effective date of this act, and annually thereafter, the commissioner shall submit a report to the Governor, the Legislature, and to the Senate Natural Resources and Agriculture Committee and the General Assembly Agriculture and Environment Committee, or their designated successors, setting forth a complete operating and financial statement covering the operation of the animal sterilization program created pursuant to this act. The commissioner shall include in the

Special Purpose:		
Basic Educational Opportunity Grants	($506,108)	

5520 Kean College of New Jersey

16-5520 Student Services		$132,715
Total Appropriation, Kean College of New Jersey		$132,715
Special Purpose:		
College Work-Study Program	($132,715)	

5530 The William Paterson College of New Jersey

16-5530 Student Services		$129,448
Total Appropriation, The William Paterson College of New Jersey		$129,448
Special Purpose:		
Basic Educational Opportunity Grant (Pell Grant)	($117,996)	
College Work-Study	(11,452)	

5540 Montclair State College

16-5540 Student Services		$219,793
Total Appropriation, Montclair State College		$219,793
Special Purpose:		
College Work-Study	($76,793)	
Basic Educational Opportunity Grant	(143,000)	

5550 Trenton State College

16-5550 Student Services		$921,048
Total Appropriation, Trenton State College		$921,048

Special Purpose:		
Basic Educational Opportunity Grant	($787,242)	
Supplemental Educational Opportunity Grant	(39,232)	
College Work-Study	(94,574)	
5560 Ramapo College of New Jersey		
16-5560 Student Services		$750,274
Total Appropriation, Ramapo College of New Jersey		$750,274
Special Purpose:		
College Work-Study	($113,274)	
Pell Grant (BEOG)	(637,000)	
5570 Richard Stockton State College		
16-5570 Student Services		$1,072,739
Total Appropriation, Richard Stockton State College		$1,072,739
Personal Services:		
Salaries and Wages	($72,584)	
Special Purpose:		
Supplemental Educational Opportunity Grant	(26,999)	
Basic Educational Opportunity Grant	(921,000)	
National Direct Student Loan Program	(52,156)	
Total Appropriation, Department of Higher Education		$4,109,125

DEPARTMENT OF HUMAN SERVICES

Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600 Purchased Residential Care		$3,900,000
03-7600 Adult Activities		$1,300,000
Total Appropriation, Division of Mental Retardation		$5,200,000

Special Purpose:		
Community Care Waiver Project	($5,200,000)	
Total Appropriation, Department of Human Services		$5,200,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Flood Plain Management	$29,929
13-4880	Hunters' and Anglers' License Fund	344,025
15-4890	Marine Lands Management	650,000
	Total Appropriation, Natural Resource Management	$1,023,954
Personal Services:		
Salaries and Wages	($673,996)	
Employee Benefits	(148,279)	
Materials and Supplies	(31,910)	
Services Other Than Personal	(32,267)	
Special Purpose:		
Indirect Cost	($137,099)	

43 Environmental Quality

02-4825	Air Pollution Control	$268,373
07-4850	Water Monitoring and Planning	583,160
08-4855	Water Enforcement	161,329
09-4860	Public Wastewater Facilities	1,000,000
	Total Appropriation, Environmental Quality	$2,012,862
Personal Services:		
Salaries and Wages	($1,461,762)	
Employee Benefits	(227,053)	
Materials and Supplies	(3,492)	
Services Other Than Personal	(68,732)	
Special Purpose:		
Indirect Cost	($251,823)	

	44 Hazardous and Toxic Pollution Control	
23-4910	Hazardous Waste	$229,218
	Total Appropriation, Hazardous Waste	$229,218
	Personal Services:	
	Salaries and Wages ($156,570)	
	Employee Benefits (34,445)	
	Special Purpose:	
	Indirect Cost ($38,203)	
	Total Appropriation, Department of Environmental Protection	$3,266,034
	TOTAL APPROPRIATION, FEDERAL FUNDS	$17,258,117

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Divison of Budget and Accounting.

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved May 4, 1983.

CHAPTER 174

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 23 of P. L. 1971, c. 198 (C. 40A:11-23) is amended to read as follows:

C. 40A:11-23 Advertisements for bids; bids; general requirements.

23. Advertisements for bids; bids; general requirements. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding, but in no event less than 10 days

prior to such date. The advertisement shall designate the manner of submitting and the method 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 contracting unit shall be sealed and shall only be opened for examination at such time and place as all bids received are unsealed and announced. At such time and place the contracting agent of the contracting unit 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, and shall also make proper record of the prices and terms, upon the minutes of the governing body, if the award is to be made by the governing body of the contracting unit, or in a book kept for that purpose, if the award is to be made by other than the governing body, and in such latter case it shall be reported to the governing body of the contracting unit for its action thereon, when such action thereon is required. No bids shall be received after the time designated in the advertisement.

Notice of revisions or addenda to advertisements or bid documents relating to bids shall be published in a legal newspaper and made available to any person who has submitted a bid by notification in writing by certified mail no later than five days, Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids.

Failure of the contracting unit to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents related to bids as prescribed by this section shall prevent the contracting unit from accepting the bids and require the readvertisement for bids.

2. This act shall take effect 30 days after enactment.

Approved May 9, 1983.

CHAPTER 175

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 24 of P. L. 1971, c. 198 (C. 40A:11–24) is amended to read as follows:

C. 40A:11-24 Time for making awards; deposits returned.

24. Time for making awards; deposits returned. *a.* The contracting unit shall award the contract or reject all bids within such time as may be specified in the invitation to bid, but in no case more than 60 days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed. All bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, within 10 days after the opening of the bids, Sundays and holidays excepted, and the bids of such bidders shall be considered as withdrawn. Within 3 days, Sundays and holidays excepted, after the awarding and signing of the contract and the approval of the contractor's performance bond, the bid security of the remaining unsuccessful bidders shall be returned to them.

b. The contract shall be signed by all parties within the time limit set forth in the specifications, which shall not exceed 21 days, Sundays and holidays excepted, after the making of the award; provided, however, that all parties to the contract may agree to extend the limit set forth in the specifications beyond the 21 day limit required in this subsection. The contractor, upon written request to the contracting unit, is entitled to receive, within seven days of the request, an authorization to proceed pursuant to the terms of the contract on the date set forth in the contract for work to commence, or, if no date is set forth in the contract, upon receipt of authorization.

2. This act shall take effect immediately.

Approved May 9, 1983.

CHAPTER 176

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 15 of P. L. 1971, c. 198 (C. 40A:11–15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or furnishing 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 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E–1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for a period not to exceed 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 to county colleges and county assisted institutions of higher education for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D–119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings.

All multi-year leases and contracts entered into pursuant to this section 15, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) 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 May 9, 1983.

CHAPTER 177

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. The following additional sum is appropriated out of the General Fund for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF HUMAN SERVICES

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520 Management and Field Services $15,000.00

Special Purpose:

Conference of blind veterans ..... ($15,000.00)

2. This act shall take effect immediately.

Approved May 9, 1983.

CHAPTER 178

AN ACT concerning open competitive examinations for certain positions in the civil service and supplementing subtitle 3 of Title 11 of the Revised Statutes.

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

C. 11:27-4.1 Appointment of either veteran.

1. Notwithstanding any provision of law, rule or regulation to the contrary, if two veterans achieve the same score on an open competitive examination for a position in a school district operating under subtitle 3 of Title 11 of the Revised Statutes, and that score would otherwise qualify either of those veterans for appointment to that position, then the appointing authority for that school district is authorized to appoint either of those veterans, as it sees fit.

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

Approved May 9, 1983.

CHAPTER 179

AN ACT concerning the regulation of the use and disposition of the bodies of dead animals; providing for the licensing of that business; authorizing the Department of Agriculture to promulgate rules and regulations therefor and providing penalties.

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

C. 4:5A-20 Definitions.

1. a. "Department" means the Department of Agriculture.

b. "Disposal plant" means a place of business or the location where the carcasses of domestic animals or meat packing house refuse are: (1) received or unloaded; (2) processed for the purpose of obtaining the hides, skin, grease residue, fertilizer, food for animals or any other by-product in any manner; or (3) fed to hogs,

dogs, fur bearing or other animals, but shall not include an establishment inspected under the "Federal Meat Inspection Act" (21 U. S. C. 601 et seq.).

c. "Carcasses of domestic animals" means bodies or any part thereof of dead livestock which are not intended for human food.

d. "Reportable diseases" means diseases dangerous to animal health as enumerated in regulations of the department adopted under the authority of section 7 of P. L. 1950, c. 293 (C. 4:1–21.5).

e. "Secretary" means the Secretary of Agriculture.

C. 4:5A-21 Licenses; fees; standards.

2. No person shall operate or conduct a disposal plant without a license from the department. The department shall, by rule and regulation adopted in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), set fees for licenses and set reasonable inspection and sanitation standards for operators, buildings, containers and vehicles. Fees for licensing shall cover clerical, printing and inspection costs of the department.

C. 4:5A-22 Examination of records, facilities, inventory.

3. A licensee shall, upon the presentation of official credentials by any department employee or other duly authorized representative of the Secretary of Agriculture, during ordinary business hours, permit the representative to enter his place of business and examine the records required to be kept under section 4 of this act and the facilities and inventory pertaining to the business of the licensee, and to take reasonable samples of the inventory. Any necessary facilities, other than reproduction equipment, for the examination and copying of records and for the examination and sampling of inventory shall be afforded to the department employee or other authorized representative of the secretary.

C. 4:5A-23 Required record.

4. Each licensee shall keep at his place of business a record of each place at which he obtains carcasses of domestic animals, containing location, name and address of owner, date picked up and the sequence in which carcasses are picked up from each place on each date.

C. 4:5A-24 Transporting of carcasses.

5. A licensee may haul and transport the carcasses of animals that have died from disease, in a covered vehicle, bed or tank which is watertight and is so constructed that no drippings or seepings from the carcasses can escape from the vehicle, bed or tank. Such vehicle shall not be driven into the yard, or upon the premises of

any person, unless the driver first obtains the permission of the person.

C. 4:5A-25 Penalties.

6. a. The department shall annually adopt a penalty schedule for specific violations of the provisions of this act or regulations adopted pursuant to this act. Penalties shall be set between a minimum of $100.00 to a maximum of $3,000.00 per violation.

b. Penalties shall be collected in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.). The Superior Court or any county district or municipal court where the defendant may reside, or where the violation was detected, or where the defendant was apprehended shall have jurisdiction to enforce the act and the regulations adopted thereunder.

c. The department may bring an administrative action before an administrative law judge to enforce the provisions of this act or regulations adopted thereunder. Any final determination and penalty assessment by an administrative law judge may be enforced in the Superior Court in an action brought for that purpose by the Attorney General on behalf of the department.

d. Any habitual violation of the provisions of this act or any regulations adopted thereunder may be restrained by the Superior Court in an action brought for that purpose by the Attorney General on behalf of the department.

C. 4:5A-26 Rules and regulations.

7. The department may adopt and promulgate rules and regulations necessary in carrying out the provisions of this act to prevent the spread of disease among domestic animals.

8. This act shall take effect immediately.

Approved May 10, 1983.

CHAPTER 180

AN ACT establishing a pilot clinic for the spaying and neutering of dogs and cats and supplementing Title 4 of the Revised Statutes.

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

C. 4:19A-10 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of Health;

b. "Department" means the Department of Health.

C. 4:19A-11 Pilot clinic for spaying, neutering; fees.

2. a. There is established in the department a pilot clinic for the spaying and neutering of dogs and cats to determine the practicability and feasibility of establishing a Statewide clinic program.

b. The commissioner shall establish a pilot clinic at a location whereby the public may have dogs and cats spayed or neutered, as the case may be, in a humane manner by a licensed veterinarian upon payment of the following fees:

For spaying female dogs weighing	
Not more than 40 pounds	$25.00
41 to 60 pounds	30.00
Over 60 pounds	35.00
For neutering male dogs weighing	
Not more than 40 pounds	20.00
41 to 65 pounds	25.00
Over 65 pounds	30.00
For spaying female cats of any weight	20.00
For spaying female cats which are pregnant or in heat	25.00
For neutering male cats of any weight	15.00

c. The fees shall include immunization of dogs against distemper, hepatitis and leptospirosis and the immunization of cats against feline panleucopenia, pneumonitis and rhinotracheitis, which immunization shall be given at least 10 days prior to surgery on animals not previously immunized.

C. 4:19A-12 Consent form; retrieval.

3. a. Any person submitting a dog or cat for spaying or neutering pursuant to this pilot program shall sign a consent form certifying that the person is the owner of the dog or cat or is authorized to present the dog or cat for the above operation.

b. The commissioner shall establish a return date by which a person submitting an animal for spaying or neutering shall retrieve the animal.

c. Failure to retrieve the animal shall subject the person to liability for the cost of board and care of the animal for the period of time the animal is kept at the clinic beyond the return date.

d. Failure to retrieve the animal within 15 days of the return date established pursuant to subsection c. of this section shall be deemed abandonment and the pilot clinic may seek to have the animal adopted or may transfer the animal to a shelter for adoption.

C. 4:19A-13 Adjustment of fees.

4. Not less than 180 days subsequent to the establishment of the pilot clinic, the commissioner may recommend to the Legislature any adjustment to the fees, established pursuant to section 2 of this act, deemed necessary to ensure the operation of the pilot clinic.

C. 4:19A-14 Pilot Clinic Fund established.

5. a. The commissioner may accept funds from any public or private source to help carry out the purposes of this act.

b. All fees collected pursuant to P. L. 1983, c. 181 (C. 4:19–15.3c), or pursuant to section 2 of this act, and all moneys received pursuant to subsection a. of this section shall be placed in a special fund to be known as the "Pilot Clinic Fund" which shall be separate from the General State Fund and which shall be used for the purposes established herein.

C. 4:19A-15 Report to Legislature.

6. Not later than 1 year following the effective date of this act, the commissioner shall submit a written report to the Legislature detailing the operation of the pilot program and shall make recommendations concerning the practicability and feasibility of the establishment of additional clinics. The commissioner may accompany this report with any recommendations for legislation or other action appropriate for adoption or consideration by the Legislature.

7. This act shall take effect immediately.

Approved May 10, 1983.

CHAPTER 181

AN ACT concerning fees for the licensing and registration of dogs.

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

C. 4:19-15.3c Fees for pilot clinic operation.

1. In addition to the fee charged pursuant to section 3 of P. L. 1941, c. 151 (C. 4:19–15.3) and forwarded to the Department of Health pursuant to section 11 of P. L. 1941, c. 151 (C. 4:19–15.11), any person applying for the license and registration tag pursuant to section 2 of P. L. 1941, c. 151 (C. 4:19–15.2) shall pay an additional fee of $0.20 for any dog.

All fees collected pursuant to the provisions of this section shall be forwarded to the State Treasurer to be placed in the "Pilot Clinic Fund" created pursuant to P. L. 1983, c. 180 (C. 4:19A–10 et seq.), to be used by the Commissioner of Health for the operation of the animal sterilization pilot clinic established pursuant to that act.

2. This act shall take effect immediately.

Approved May 10, 1983.

CHAPTER 182

AN ACT concerning lien filing procedures and amending P. L. 1976, c. 141.

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

1. Section 7 of P. L. 1976, c. 141 (C. 58:10–23.11f) is amended to read as follows:

C. 58:10-23.11f Hazardous discharge removal.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the Federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. § 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such moneys shall be used to pay promptly for all cleanup costs incurred by the department in removing or in minimizing damage caused by such discharge.

Nothing in this section is intended to preclude removal and cleanup operations by any person threatened by such discharges, provided such persons coordinate and obtain approval for such actions with ongoing State or federal operations. No action taken by any person to contain or remove a discharge shall be construed as an admission of liability for said discharge. No person who renders assistance in containing or removing a discharge shall be liable for any civil damages to third parties resulting solely from acts or omissions of such person in rendering such assistance, except for acts or omissions of gross negligence or willful misconduct. In the course of cleanup operations, no person shall discharge any detergent into the waters of this State without prior authorization of the commissioner.

b. Notwithstanding any other provisions of P. L. 1976, c. 141 (C. 58:10–23.11 et seq.), the department, after notifying the administrator and subject to the approval of the administrator with regard to the availability of funds therefor, may remove or arrange for the removal of any hazardous substance which:

(1) Has not been discharged from a grounded or disabled vessel, if the department determines that such removal is necessary to prevent an imminent discharge of such hazardous substance;

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

(a) Explosiveness;

(b) High flammability;

(c) Radioactivity;

(d) Chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) Is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge

would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) High toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141, if such discharge poses a substantial risk of imminent damage to the public health or safety or imminent and severe damage to the environment.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum, to the extent that such revenues result from a tax levied at a rate in excess of $0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10–23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

d. The administrator may only approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance discharged prior to the effective date of P. L. 1976, c. 141, pursuant to subsection b. of this section, if, and to the extent that, he determines that adequate funds from another source are not or will not be available; and further provided, with regard to the cleanup and removal costs incurred for discharges which occurred prior to the effective date of P. L. 1976, c. 141, the administrator may not during any 1 year period pay more than $3,000,000.00 in total or more than $1,500,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, upon the approval of the department, after considering, among any other relevant factors, its priorities for spending funds pursuant to P. L. 1976, c. 141, and within the limits of available funds, shall make payments for the restoration or replacement of, or connection to an alternative water supply for, any private residential well destroyed, contaminated, or impaired as a result of a discharge prior to the effective date of P. L. 1976, c. 141, provided however total payments for said purpose shall not exceed $500,000.00 for the period between the effective date of this subsection e. and January 1, 1983, and in any calendar year thereafter.

f. Any expenditures made by the administrator pursuant to this act shall constitute a first priority claim and lien paramount to all other claims and liens upon the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent. All liens under P. L. 1976, c. 141 (C. 58:10–23.11 et seq.) shall be filed with the clerk or register of deeds and mortgages of the county wherein the affected property is located, and with the clerk of the Superior Court, and shall immediately attach to, and become binding upon, all the property, whether real or personal, of the party against whom the lien is filed. If it is believed that the party chargeable under the lien has an interest or estate, whether vested or contingent, in property within the State, but the exact location of the property is not known, then the lien shall be filed with the clerk of the Superior Court and shall become binding upon all the property of the party chargeable under the lien, wherever situated within the State.

2. This act shall take effect immediately.

Approved May 10, 1983.

CHAPTER 183

AN ACT concerning certain terms of office and amending R. S. 40:75–1, R. S. 40:75–2, and P. L. 1981, c. 379.

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

1. R. S. 40:75–1 is amended to read as follows:

Election of first commissioners.

40:75–1. The members of the first commission shall be elected, at an election to be held on the fifth Tuesday following the adoption of chapters 70 to 76 of this title (R. S. 40:70–1 et seq.), by the duly authorized voters of the municipality and shall serve as commissioners from twelve o'clock noon on the first Tuesday following their election until twelve o'clock noon on the third Tuesday in May in the fourth year following such election and until their successors are elected and shall have duly qualified. The election shall be conducted pursuant to the "Uniform Nonpartisan Elections Law," P. L. 1981, c. 379 (C. 40:45–5 et seq.).

2. R. S. 40:75–2 is amended to read as follows:

Succeeding commissioners.

40:75–2. On the second Tuesday in May in every fourth year thereafter there shall be elected at a regular municipal election held pursuant to the "Uniform Nonpartisan Elections Law," P. L. 1981, c. 379 (C. 40:45–5 et seq.), the number of persons as hereinbefore provided as commissioners to serve for the term of 4 years and until their successors shall have been elected and duly qualified. The term of office of all succeeding commissioners shall commence at 12 o'clock noon on the third Tuesday of May next ensuing their election.

3. Section 13 of P. L. 1981, c. 379 (C. 40:45–17) is amended to read as follows:

C. 40:45-17 Winning candidates.

13. At the regular municipal election in any municipality which has adopted this act, the candidates receiving the greatest number of votes cast shall be elected to the respective offices. Except as otherwise provided by law, the term of office of any officer elected pursuant to this act shall begin on July 1 next following election.

4. This act shall take effect January 1, 1983.

Approved May 10, 1983.

CHAPTER 184

AN ACT to extend the tort immunity of public employees with respect to the making of physical or mental examinations to private physicians performing professional services for public entities and amending N. J. S. 59:6–4.

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

1. N. J. S. 59:6–4 is amended to read as follows:

Failure to make physical or mental examination or to make adequate physical or mental examination.

59:6–4. Failure to make physical or mental examination or to make adequate physical or mental examination. Except for an examination or diagnosis for the purpose of treatment, neither a public entity nor a public employee is liable for injury caused by the failure to make a physical or mental examination, or to make an adequate physical or mental examination, of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others. For the purposes of this section, "public employee" includes a private physician while actually performing professional services for a public entity as a volunteer without compensation.

2. This act shall take effect immediately.

Approved May 11, 1983.

CHAPTER 185

AN ACT concerning casino activity and the conduct of certain public officers and employees as it relates thereto and amending P. L. 1981, c. 142.

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

1. Section 4 of P. L. 1981, c. 142 (C. 52:13D–17.2) is amended to read as follows:

C. 52:13D-17.2 Casino activity ban for State officers, employees.

4. a. As used in this section "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting casino activity; any special State officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner, or consultant regularly employed or retained by such planning board or zoning board of adjustment.

b. No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person, nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. No special State officer or employee without responsibility for matters affecting casino activity, excluding those serving in the Departments of Education, Health, Higher Education and Human Services, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter.

c. No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall, within 2 years next subsequent to the termination of the office or employment of such person, hold,

directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to subsection b. (2) of section 59 and to section 60 of P. L. 1977, c. 110 (C. 5:12–59b. (2) and C. 5:12–60).

d. This section shall not apply to the spouse of a State officer or employee, which State officer or employee is without responsibility for matters affecting casino activity, who becomes the spouse subsequent to the State officer's or employee's appointment or employment as a State officer or employee and who is not individually or directly employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

e. The Joint Legislative Committee on Ethical Standards and the Executive Commission on Ethical Standards, as appropriate, shall forthwith determine and publish, and periodically update, a list of those positions in State Government with responsibility for matters affecting casino activity.

f. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

g. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provisions of this act or the regulations of the commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status of any application for licensure or any proceeding to enforce the provisions of this act or the regulations of the commission.

h. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed $500.00 or imprisonment not to exceed six months, or both.

2. This act shall take effect immediately.

Approved May 11, 1983.

CHAPTER 186

AN ACT to amend the title of "An act concerning intermediate school districts and supplementing Title 18A and repealing P. L. 1977, c. 120 (C. 18A:6–92 to 18A:6–94)," approved June 29, 1978 (P. L. 1978, c. 58) so that the same shall read "An act concerning the edncational information and resource center and supplementing Title 18A and repealing P. L. 1977, c. 120 (C. 18A:6–92 to C. 18A:6–94)," amending and supplementing the body of said act and repealing section 1 thereof.

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

C. 18A:6-95.1 Educational information and resource center established.

1. (New section) There is established a local education agency to serve as an educational information and resource center to provide, on request, support and assistance to teachers, administrators, parent and community groups, schools and colleges, the Department of Education, and other public agencies, through the delivery of materials, techniques and expertise to improve school and community programs and services. The services provided by the center shall include: a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise. The programs and services of the center shall not duplicate the programs of the Department of Education.

To the extent permitted by law, the educational information and resource center shall also provide support and service to nonprofit, nonpublic schools.

C. 18A:6-95.2 Coordination of programs and services.

2. (New section) The Commissioner of Education or his designee shall meet prior to January 10 of each year with the executive director of the educational information and resource center to mutually communicate those programs and services which the department provides and which the educational information and resource center will provide during the calendar year. The educational information and resource center shall cease to provide any programs and services at the time that these programs and services are provided by the Department of Education, so that there is no interruption in, or loss of services to, the population served.

C. 18A:6-95.3 Funding.

3. (New section) State funding of the educational information and resource center shall be by direct appropriation of the Legislature and shall not be derived from the proposed or actual operating budget of the Department of Education.

Title amended.

4. The title of P. L. 1978, c. 58 (C. 18A:6–95 et seq.) is amended to read as follows: An act concerning the educational information and resource center and supplementing Title 18A and repealing P. L. 1977, c. 120 (C. 18A:6–92 to C. 18A:6–94).

5. Section 2 of P. L. 1978, c. 58 (C. 18A:6–96) is amended to read as follows:

C. 18A:6-96 Board of directors.

2. The government, control, conduct, management and administration of the educational information and resource center shall be vested in the board of directors.

6. Section 3 of P. L. 1978, c. 58 (C. 18A:6–97) is amended to read as follows:

C. 18A:6-97 Selection of members.

3. The board of directors shall be selected through procedures established by the board of directors and shall consist of 21 members. Members of the board of directors shall be selected as follows:

a. Twelve teaching staff members to be selected from each of the following categories:

(1) special education teacher;
(2) vocational education teacher;
(3) K-2 teacher;
(4) 3-5 teacher;
(5) 6-8 teacher;

(6) 9-12 teacher;
(7) pupil personnel staff;
(8) elementary principal;
(9) secondary principal;
(10) curriculum supervisor;
(11) superintendent of schools;
(12) business manager/board secretary.

The selection of teaching staff members from categories 1 through 6 shall be made from a list of nominees provided by their respective county professional organizations representing local associations dealing with terms and conditions of employment. No one who is not a member of such an organization shall be excluded from consideration for such a list. The selection of teaching staff members from categories 7 through 12 shall be made from a list of nominees provided by their respective county professional organizations;

b. Two parents;
c. Two representatives of a nonprofit, nonpublic school;
d. One representative of higher education;
e. Two members of local boards of education;
f. (Deleted by amendment, P. L. 1983, c. 186.)
g. (Deleted by amendment, P. L. 1983, c. 186.)
h. One representative of business and industry; and
i. One student representative.

Members of the board of directors shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses.

The terms of office of the members shall be for three years beginning on July 1 and ending on June 30, except that of the members first appointed, seven shall be appointed for terms of one year; seven for terms of two years and seven for terms of three years.

Each member shall serve until his successor shall have been appointed and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired terms. No member shall serve more than two successive terms. No member of the board of directors shall be interested directly or indirectly in any contract with or claim against the board. Whenever a member of the board of directors shall cease to be a bona fide resident of or an employee of an agency or firm located within the

State, his or her membership on the board shall immediately cease, and any member who fails to attend three consecutive meetings of the board without good cause may be removed by it.

7. Section 4 of P. L. 1978, c. 58 (C. 18A:6–98) is amended to read as follows:

C. 18A:6-98 Paid time off for meetings.

4. Any person employed by a public educational system or institution in a position which requires a certificate issued by the State board of examiners or employed in a professional education capacity by a school, college, or university which is either tax-supported or operated under contract with the State or on behalf of the State, who is a member of the board of directors of the educational information and resource center, shall be entitled to time off from his or her duties as such employee, without loss of pay, during the periods of his attendance at six duly authorized meetings of the board per year.

8. Section 5 of P. L. 1978, c. 58 (C. 18A:6–99) is amended to read as follows:

C. 18A:6-99 Officers; meetings.

5. The board of directors shall meet and organize annually, at a regular meeting held during the second week of September, by the election of a chairman, vice chairman, and such other officers as the board shall determine. Such officers shall serve until the following September meeting and until their successors are elected. Vacancies in such offices shall be filled in the same manner for the unexpired terms only. The board of directors shall hold public meetings at least once in each month at such times and places as its rules may prescribe, at least half of which shall be scheduled during evening hours.

9. Section 6 of P. L. 1978, c. 58 (C. 18A:6–100) is amended to read as follows:

C. 18A:6-100 Powers, duties of board of directors.

6. The board of directors of the educational information and resource center, within the general rules and regulations set by the State Board of Education, shall have the general supervision over and be vested with the conduct of the center. It shall have the power and duty to:

a. Adopt and use a corporate seal;

b. Determine policies for the organization, administration, and development of the center;

c. Sue or be sued by its corporate name;

d. (Deleted by amendment, P. L. 1983, c. 186.)

e. Prepare an annual budget, as determined by the board of directors, to carry out the programs and services described in section 1 of this amendatory and supplementary act, and present the annual budget to the Governor and the Legislature;

f. Disburse all moneys appropriated to the center by the State and all moneys received from grants, fees, auxiliary services and other sources;

g. Direct and control expenditures of the center pursuant to all provisions of law governing local school districts, as set forth in Title 18A, and in accordance with the terms of any applicable trusts, bequests, or other special provisions. A system of bookkeeping and accounting shall be adopted and instituted as prescribed by the State board. The board shall cause an annual audit of the center's accounts and financial transactions in the manner provided by N. J. S. 18A:23–1 et seq. All accounts of the center shall be subject to audit by the State at any time;

h. Appoint and fix compensation, terms and conditions of employment of an executive director. The executive director shall be secretary to the board of directors and shall serve at the pleasure of the board of directors;

i. Upon nomination by the executive director, appoint, remove, promote and transfer such other staff as may be required to carry out the provisions of the chapter, assign their duties, determine their salaries and prescribe qualifications for all positions;

j. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or any public body, department or any agency of the State or the United States or with any individual, firm, or corporation, subject to the bidding requirements set forth in the "Public School Contracts Law," N. J. S. 18A:18A–1 et seq., which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. Accept from any governmental department, agency or other public or private body, or from any other source grants or contributions of money or property which the board may use for any of its purposes;

l. Acquire, own, lease, use and operate property, subject to the facilities for the handicapped provisions set forth in N. J. S. 18A:18A–17 and P. L. 1975, c. 221 (C. 52:32–11 et seq.), whether real, personal or mixed, or any interest therein, which is necessary or desirable for center purposes;

m. Determine that any property owned by the center is no longer necessary for center purposes and to sell the same at such price and in such manner and upon such terms and conditions as deemed appropriate;

n. Adopt bylaws, make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this chapter or rules and regulations of the State Board of Education, as are necessary and proper for the administration and operation of the center and to implement the provisions of this act;

o. Appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the center, consistent with this act and other applicable statutes;

p. Cause a report of the condition of the center and the center's property under its control and an itemized account of the condition of the finances of the center to be printed and submitted to the Legislature as soon as practicable after the close of the fiscal year;

and it may:

q. Utilize all available programs, services, and resources of other social agencies, including institutions of higher education and local school districts, to meet the center's plans and objectives.

10. Section 7 of P. L. 1978, c. 58 (C. 18A:6–101) is amended to read as follows:

C. 18A:6-101 Powers of executive director.

7. The executive director of the educational information and resource center shall be responsible to its board of directors and shall have such powers as shall be requisite for the executive management and conduct of the center and for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the center.

11. Section 8 of P. L. 1978, c. 58 (C. 18A:6–102) is amended to read as follows:

C. 18A:6-102 Employees' retirement systems.

8. Notwithstanding the provisions of any other law, all employees of the educational information and resource center shall serve at the pleasure of the board of directors. Certificated professional full-time employees shall be eligible for membership in the Teachers' Pension and Annuity Fund established pursuant to N. J. S. 18A:66–1 et seq., and all other employees shall be members of the

Public Employees' Retirement System established pursuant to P. L. 1954, c. 84 (C. 43:15A–1 et seq.).

Notwithstanding the provisions of any other law, such persons shall be entitled to supplemental compensation upon retirement, as set forth in section 1 of P. L. 1973, c. 130 (C. 11:14–9).

C. 18A:6-95.4 Transfer of assets.

12. (New section) The assets of the educational improvement centers shall be transferred to the Commissioner of Education, except that the assets of Educational Improvement Center-South shall be transferred to the educational information and resource center. All transfers shall be made as provided in the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

C. 18A:6-96.1 Change in board title.

13. (New section) The board of the Educational Improvement Center-South shall become the board of the educational improvement and resource center as of the effective date of this act, and each member shall continue in office until the expiration of his respective term and the qualification in office of his successor.

Repealer.

14. Section 1 of P. L. 1978, c. 58 (C. 18A:6–95) is repealed.

15. This act shall take effect July 1, 1983.

Approved May 11, 1983.

CHAPTER 187

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. The following item on page 140 of P. L. 1982, c. 49 is amended to read as follows:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

45 Recreational Resource Management—State Aid

21–4895	Navigational Aids	$900,000
	Total Appropriation, Recreational Resource Management	$900,000

State Aid:
Dredging of inland waterways—State Aid to counties and municipalities, 100% grants for maintenance dredging projects ..... ($900,000)

The unexpended balance, not to exceed $1,000,000 as of June 30, 1982 is appropriated.

2. In addition to the amounts appropriated in P. L. 1982, c. 49, the following sum is appropriated out of the General Fund for the following purposes:

DIRECT STATE SERVICES

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

12 Law Enforcement

24–1200	Marine Police Operations	$300,000

Special Purpose:
For the purchase of boats, trailers and replacement of equipment ..... ($140,000)

For marine police station control coverage ..... ($160,000)

3. This act shall take effect immediately.

Approved May 11, 1983.

New Jersey State Library

CHAPTER 190

AN ACT to encourage the economic development of certain municipalities by establishing the New Jersey Local Development Financing Fund; providing for supplementary financial assistance by the fund to certain commercial and industrial projects undertaken under the sponsorship of these municipalities and other sponsors; and supplementing Title 34 of the Revised Statutes.

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

C. 34:1B-36 Short title.

1. This act shall be known and may be cited as the "New Jersey Local Development Financing Fund Act."

C. 34:1B-37 Findings, determinations, declarations.

2. The Legislature finds that there continue to exist in the State areas of high unemployment, low levels of new capital investment, depressed living and working conditions, and a deteriorating tax base; that vigorous action can halt the decline or threat of decline in economic activity and the underemployment of economic resources in these areas, avert economic losses, reverse the deterioration of the value of existing investment therein and the level of public revenue collections on that investment, and eliminate the disincentive to new investment; and that the improvement of these areas is vital to the safety, health and welfare of the residents thereof and of the State, and constitutes a major opportunity for enhancing the economic condition of the State, for augmenting the fiscal resources of government and for assisting private and public efforts on behalf of community development.

The Legislature determines that the development and redevelopment of these areas require substantial private capital spending; that the stimulation of that spending in turn requires the leadership of the State and of the citizens of the municipalities concerned as to financial commitment and as to public participation in the planning of the course of economic renewal; that many municipalities, counties, local development corporations and other entities engaged in economic development in these areas of the State have shown a willingness to cooperate with the private sector, the

dynamism and discipline of which are essential to reviving all aspects of a community, and to help the private sector make the necessary financial commitment to undertake economic enterprises in older communities; that many entrepreneurs, and the public entities for economic development which work with them, have experienced difficulty in raising startup money for projects of relative risk which are justified both on economic grounds and on grounds of their potential contribution to the welfare of the communities in which they are located; that expanded activity by entrepreneurs and these entities is necessary to the commercial and industrial redevelopment of these communities; and that the problems posed by the decline of these communities is beyond remedy solely through the exercise by government of its regulatory and police power and, because of the greater relative risk, have not been effectively addressed by the operations of private enterprise.

The Legislature, therefore, declares that in order to aid in remedying the aforesaid conditions of underemployment and underinvestment as they obtain in certain urban municipalities of the State, and to further the purposes of this act, there shall be created a State fund, under the supervision of the Department of Commerce and Economic Development, to provide direct State financial assistance to local commercial and industrial projects as provided in this act, that the authority and powers conferred hereunder and the expenditure of public moneys as provided herein are in service of a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and good and is so declared as a matter of express legislative determination.

C. 34:1B-38 Definitions.

3. As used in this act:

a. "Fund" means the New Jersey Local Development Financing Fund established in section 4 of this act.

b. "Commissioner" means the Commissioner of the Department of Commerce and Economic Development or his designated representative, which may be the New Jersey Economic Development Authority.

c. "Sponsor" means the governing body of a municipality or, with the approval of the government of a municipality, a local development corporation, community development corporation, municipal port authority established pursuant to the provisions of P. L. 1960, c. 192 (C. 40:68A–29 et seq.), or governing body of a

county, or other public entity designated by the commissioner as a sponsor.

d. "Municipality" means a municipality qualifying for aid pursuant to P. L. 1978, c. 14 (C. 52:27D–178 et seq.) or which would qualify under that act except for the population criterion.

e. "Project" means an industrial or commercial enterprise within a municipality that would not be undertaken in its intended scope without the provision of financial assistance pursuant to this act and will be economically viable with the assistance.

f. "Eligible project" means a project which has been approved by the commissioner to receive financial assistance from the New Jersey Local Development Financing Fund.

g. "Eligible project cost" means the cost of planning, developing, executing, and making operative an industrial or commercial redevelopment project. Eligible project cost includes the cost:

(1) Of purchasing, leasing, condemning, or otherwise acquiring land or other property, or an interest therein, in the designated project area or as necessary for a right-of-way or other easement to or from the project area;

(2) Incurred for, or in connection with or incidental to, acquiring and managing the land, property or interest;

(3) Incurred for or in connection with the relocating and moving of persons displaced by the acquisition;

(4) Of development or redevelopment, including:

(a) The comprehensive renovation or rehabilitation of the land, property or interest;

(b) The cost of equipment and fixtures which are part of the real estate and the cost of production machinery and equipment necessary for the operation of the project;

(c) The cost of energy conservation improvements designed to encourage the efficient use of energy resources, including renewable and alternative energy resources and cogenerating facilities; and

(d) The disposition of land or other property for these purposes;

(5) Of demolishing, removing, relocating, renovating, altering, constructing, reconstructing, installing or repairing any land or any building, street, highway, alley, utility, service or other structure or improvement;

(6) Of acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements necessary to a project; and

(7) Incurred for or incidental to doing anything enumerated in this subsection, including the cost and expense of securing:

(a) Administrative, appraisal, economic and environmental analyses;

(b) Engineering service;

(c) Planning service;

(d) Design service;

(e) Architectural service;

(f) Surveying service; and

(g) Other professional service.

C. 34:1B-39 New Jersey Local Development Financing Fund established; moneys deposited; uses.

4. There is established the New Jersey Local Development Financing Fund, a special depository fund into which shall be deposited moneys for carrying out the purposes of this act. The fund shall be continuing and nonlapsing. The State Treasurer shall hold and account for the fund. The State Treasurer shall upon certification of the commissioner and warrant of the Director of the Division of Budget and Accounting pay from the fund to a sponsor the amount of moneys approved by the commissioner to be used for the support of projects as provided in this act. Moneys which may be deposited into the fund shall include, but are not limited to, the following:

(1) Proceeds from the sale of bonds which may be authorized by the State;

(2) Appropriations made by the Legislature;

(3) Funds provided by the Federal Government;

(4) Loan repayments, dividends and interest received in connection with loans and investments made pursuant to the provisions of this act; and

(5) Other funds which may be made available for the purpose of carrying out the provisions of this act.

Moneys deposited in the fund may be used for any purpose of this act, including, but not limited to, the payment, if approved by the State Treasurer, of reasonable and necessary administrative expenses incurred by the Department of Commerce and Economic Development, but not to exceed in any fiscal year 1% of the amount authorized to the fund pursuant to the "Community Development Bond Act of 1982" (P. L. 1981, c. 486), and not provided by line item appropriation, in carrying out the provisions of this act, subject only to any agreements with the holders of particular bonds

or notes. Moneys deposited in the fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or in such other obligations as the State Treasurer may approve.

Moneys deposited in the fund shall be used to provide financial assistance to sponsors for the implementation of projects. Financial assistance provided by the fund shall be used to meet eligible project costs.

C. 34:1B-40 Financial assistance.

5. Financial assistance provided from the fund shall include, but not be limited to, loans, loan guarantees, grants, secondary mortgages and equity participation. The form, amount and terms of financial assistance provided shall be determined by the commissioner, subject to the availability of funds and requirements of this act. No more than 20% of the total financial assistance provided from the fund shall be in the form of grants or other nonlending assistance. Lending assistance from the fund shall be made on a revolving loan basis in order to assure the continued reutilization of the fund's resources. Any financial assistance provided from the fund to a participant through a sponsor shall be repaid to the fund by the participant on such terms as the commissioner shall determine.

C. 34:1B-41 Criteria for assistance.

6. The commissioner shall evaluate and rank each application for financial assistance for a project in accordance with the following criteria:

a. Primary criterion:

(1) The number of unemployed persons in the municipality in which the project is to be located.

b. Secondary criteria:

(1) The number of permanent jobs to be created or maintained directly by the project, excluding the period of construction or development;

(2) The number of jobs preserved by the completion of the project in the case of an existing enterprise;

(3) The increase in the valuation of real property in the municipality as a result of the completion of the project;

(4) The percentage of the total eligible project cost to be financed from private resources;

(5) The percentage of total eligible project cost to be financed by federal aid; and

(6) Whether the project will result in the maintenance or provision of at least the same number of housing units at comparable rates as exists prior to the undertaking of the project.

c. Other criteria:

(1) Whether the project will be located in an area targeted for economic development and receiving federal, State or local development incentives under other programs;

(2) The extent to which the project will contribute to an economic revitalization of a municipality or region;

(3) The extent to which the project will promote the rehabilitation of the physical environment of the immediate area in which it is to be located;

(4) The degree to which the project will advance State or regional planning and development strategies;

(5) The extent to which the location of the project is accessible to and promotes the use of public transportation; and

(6) The degree of community support for and participation in the planning of the project.

C. 34:1B-42 Application periods; finding of feasibility.

7. The commissioner shall annually establish a schedule of discrete application periods for the next year, provided that no period shall be less than one month nor more than six months. At the end of each application period, the commissioner shall rank and order all applications received during the period, after evaluation of each application in accordance with the specific criteria provided in section 6 of this act and, if a project is justified in relation to competing applications and the amount of funds available, the commissioner shall make a preliminary finding of feasibility and communicate to the applicant sponsor any recommended changes in the project plan and any conditions to the provision of assistance under this act, not inconsistent with this act or any other law. An application which does not receive a preliminary finding of feasibility within an application period shall be considered rejected, and shall be eligible for consideration in any future evaluation of projects only upon the submission of a new application.

C. 34:1B-43 Project plan; determinations.

8. a. Prior to final approval of financial assistance under this act, the project sponsor shall file with the commissioner a project plan

which shall provide such information as the commissioner deems necessary, and which shall include:

(1) A marketability and proposed land-use study supported by appropriate appraisal reports;

(2) A plan for the utilization of minority contractors and assurance of equal opportunity for employment in connection with the project;

(3) A statement of the impact of the project on the natural, historic and social environment;

(4) Where applicable, a plan for relocating project area residents;

(5) Any additional information, drawings, plans, reports, or estimates which the commissioner may require;

(6) A statement of the impact of the project on the State transportation system, including provisions concerning access to public transportation and impact on highway capacity and traffic flow;

(7) A statement of the impact of the project on energy consumption and of measures included to promote energy conservation;

(8) Evidence of the fiscal stability of the participants in the project, other than the sponsor, including the posting of a bond by the participants, and such other evidence as the commissioner shall require; and

(9) A resolution in support of the project by the governing body of the municipality in which the project is to be located.

b. Prior to the issuance of final approval of financial assistance under this act, the commissioner shall determine: (1) that the commitment of private resources to the project is guaranteed as to the amount of these resources and as to the schedule of their availability for meeting project costs and that these private resources will provide at least 50% of the total eligible project cost; (2) that the project has met or is reasonably assured of meeting the requirements of any pertinent law, ordinance and administrative regulation, including but not limited to environmental protection and affirmative action requirements; (3) that the project would not be undertaken but for the provision of that financial assistance and that the project would not be undertaken in its intended scope without the provision of financial assistance pursuant to this act and will be economically viable with this assistance; (4) that there exists adequate assurance of repayment of financial assistance where repayment is required; and (5) that the

participants in the project are of a good moral character. At the same time he shall furnish his findings to the presiding officers of both houses of the Legislature and to the Director of the Division of Budget and Program Review in the Office of Legislative Services.

C. 34:1B-44 Application approval, disapproval; notification.

9. Upon receipt of any revised project plan prepared as a result of any recommendations made pursuant to the provisions of section 7 of this act, and of any information required pursuant to the provisions of section 8 of this act, the commissioner shall approve or disapprove any application by a sponsor for designation of a project as an eligible project and for assistance to that project under this act. The commissioner shall within 10 days of his approval or disapproval: (1) transmit notice thereof to the sponsor, to the presiding officers of both houses of the Legislature and to the Director of the Division of Budget and Program Review in the Office of Legislative Services; and (2) in the case of the approval of a project as an eligible project, transmit to the State Treasurer a copy of the notice of his approval, together with a statement of his determination, pursuant to section 5 of this act, of the terms of financial assistance.

C. 34:1B-45 Financial assistance for approved project.

10. Upon receipt of a copy of the notice of approval of a project as an eligible project and accompanying statement of the terms of financial assistance, the State Treasurer shall arrange with the sponsor of the eligible project the provision of financial assistance for which the project has been approved. The terms of financial assistance shall require that any assistance from the fund provided by the sponsor to a participant shall be repaid to the fund by the participant.

C. 34:1B-46 Annual report.

11. The commissioner shall require each sponsor of an eligible project receiving assistance from the New Jersey Local Development Financing Fund pursuant to the provisions of this act annually to submit a report of the sponsor's activities undertaken in furtherance of the purposes of this act.

12. This act shall take effect immediately.

Approved May 23, 1983.

CHAPTER 191

AN ACT concerning certain county and municipal contracts for group legal insurance under certain circumstances, 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:10-34.1 Public employees' group legal insurance.

1. Any municipality or county, or agency thereof, hereinafter referred to as employers, may enter into contracts of group legal insurance with any insurer authorized, pursuant to P. L. 1981, c. 160 (C. 17:46C–1 et seq.), to engage in the business of legal insurance in this State or may contract with a duly recognized prepaid legal services plan with respect to the benefits which they are authorized to provide. Such contract or contracts shall provide such coverage for the employees of such employer and may include their dependents. "Dependents" shall include an employee's spouse and the employee's unmarried children, including stepchildren and legally adopted children, and, at the option of the employer and the carrier, foster children, under the age of 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the employer and the carrier, other unmarried children of the employee under the age of 23 who are dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during such military service.

Elected officials may be considered, at the option of the employer, to be "employees" for the purposes hereof, but "employees" shall not otherwise include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the public employer is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties.

The contract shall include provisions to prevent duplication of benefits and shall condition the eligibility of any employee for coverage upon satisfying a waiting period stated in the contract.

The coverage of any employee, and of his dependents, if any, shall cease upon the discontinuance of his employment or upon

cessation of active full-time employment in the classes eligible for coverage, subject to such provision as may be made in any contract by his employer for limited continuance of coverage during disability, part-time employment, leave of absence other than leave for military service or layoff, or for continuance of coverage after retirement.

C. 40A:10-34.2 Payment for contracts.

2. Any employer entering into such a contract is authorized to pay part or all of the premiums or charges for such contracts and may appropriate out of its general funds any money necessary to pay such premiums or charges or portions thereof. The contribution required of any employee toward the cost of such coverage may be deducted from the pay, salary or other compensation of such employee upon an authorization in writing made to the appropriate disbursing officer.

The continuance of coverage after retirement of any employee may be provided at such rates and under the conditions as shall be prescribed in the contract; subject, however, to the requirements hereinafter set forth in this section. The contribution required of any retired employee toward the cost of such coverage may be paid by him to his former employer or in such other manner as the employer shall direct.

Retired employees may be required to pay for the entire cost of coverage for themselves and their dependents at rates which are determined based upon the reasonable expected use of retired persons.

C. 40A:10-34.3 Employer payment of premiums for retired.

3. In providing for the continuance of coverage after retirement of employees and their dependents as authorized by section 2 of this act and notwithstanding any of the provisions of section 2 to the contrary, the employer may assume the entire cost of such coverage and pay all the premiums for employees who have retired after 25 years' or more service with the employer, including the premiums on their dependents, if any, under such uniform conditions as the governing body shall prescribe.

4. This act shall take effect immediately.

Approved May 23, 1983.

CHAPTER 192

AN ACT concerning conservators, enacting chapter 13A of Title 3B of the New Jersey Statutes, and amending N. J. S. 3B:20–1.

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

1. TITLE 3B

CHAPTER 13A

CONSERVATORS

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3B:13A–34. Termination of conservatorship upon death or incompetency of conservatee.
3B:13A–35. Substituted conservator.
3B:13A–36. Conservator's compensation.

3B:13A–1. Definitions.

As used in this chapter:

a. "Conservatee" means a person who has not been judicially declared incompetent but who by reason of advanced age, illness or physical infirmity, is unable to care for or manage his property or has become unable to provide for himself or others dependent upon him for support;

b. "Conservator" means a person appointed by the court to manage the estate of a conservatee.

Source: New.

3B:13A–2. Civil action to appoint conservator. The Superior Court may, in a civil action brought by the conservatee or some other person in his behalf, appoint a conservator to manage the estate of a conservatee, except that if the conservatee objects to the imposition of a conservatorship, a conservator shall not be appointed.

Source: New.

3B:13A–3. Appointment of counsel to represent conservatee. The court shall have the right to appoint counsel for the proposed conservatee if it believes that counsel is necessary to adequately protect the interests of the conservatee.

Source: New.

3B:13A–4. Conservatee to be present at hearing; court ordered investigation if conservatee unable to attend. The conservatee shall be present at the hearing unless he is unable to attend by reason of

physical or other inability, and that inability is established to the satisfaction of the court. If the conservatee is found to be unable to attend, the court shall, subject to rules of court, order an investigation to be conducted to assure the conservatee does not object to the conservatorship unless the court believes, in its discretion, that the interests of the conservatee are adequately protected by counsel representing the conservatee.

Source: New.

3B:13A–5. By whom action for appointment of conservator in behalf of conservatee may be brought. An action for the appointment of a conservator may be brought by the conservatee as provided in section 3B:13A–2 or in the conservatee's behalf by:

a. His spouse;

b. His adult children or, where there are none, the person or persons closest in degree of kinship to the conservatee;

c. Any person having concern for the financial or personal well-being of the conservatee;

d. A public agency or a social services official of the county in which the conservatee resides regardless of whether or not the conservatee is a recipient of public assistance; or

e. The chief administrator of a State licensed hospital, school or institution in which the conservatee is a patient or from which he receives services.

Source: New.

3B:13A–6. Service of notice to appoint conservator. Notice of the action to appoint a conservator shall be served upon the following persons:

a. The conservatee unless he is the plaintiff;

b. The spouse and adult children of the conservatee or, where there are none, upon the person or persons closest in degree of kinship to the conservatee;

c. The person with whom the conservatee resides, or if the conservatee resides in an institution, upon the chief administrator of that institution.

Source: New.

3B:13A–7. Right of persons to be heard. The persons receiving notice pursuant to N. J. S. 3B:13A–6 may, upon approval of the court and in the interest of the conservatee, appear and be heard concerning all matters relating to the conservatorship.

Source: New.

3B:13A–8. Designation of conservator. The court may appoint a person or a financial institution, qualified under the laws of this State to act as a fiduciary, as the conservator of the conservatee's estate. If the court appoints a conservator, it shall do so in the following order of priority:

a. A person or financial institution nominated or designated by the conservatee;

b. The conservatee's spouse;

c. One or more of the conservatee's adult children, or where there are none, the person or persons closest in degree of kinship to the conservatee; or

d. Some other proper person or financial institution as the court shall determine.

The court may, in its discretion, deviate from this order of priority if a potential conservator is unable or unwilling to serve or for some other good cause.

Source: New.

3B:13A–9. Acceptance of appointment. Before letters of conservatorship are issued, the conservator shall accept the appointment in accordance with the Rules Governing the Courts of the State of New Jersey.

Source: New.

3B:13A–10. Power of attorney; filing; contents. Every conservator, whether or not a resident of this State, who is granted letters of conservatorship within this State shall, at the time of the grant of letters of conservatorship to him, file a power of attorney with the clerk of the court. The power of attorney shall be duly executed in writing, shall set forth the post office address, street and number of the conservator and, by sufficient language, constitute the clerk with whom the power of attorney is filed and his successors in office, his true and lawful attorney to receive process affecting the estate in his charge, or any interest therein, with the same force and effect as if the process were duly served on the conservator within this State.

Source: New.

3B:13A–11. Service of process. Service of process under N. J. S. 3B:13A–10 shall be made by leaving a copy of the process with the clerk of the court together with a fee of $2.00 to be taxed in the costs.

The clerk shall forthwith notify the conservator of the service by mailing a letter, with a copy of the process served enclosed, with full postage prepaid, directed to the conservator at the post office address given in the power of attorney.

Source: New.

3B:13A–12. "Process" defined. The word "process" as used in N. J. S. 3B:13A–10 and N. J. S. 3B:13A–11 shall have the same meaning as set forth in N. J. S. 3B:14–46.

Source: New.

3B:13A–13. Bond. The court may, upon appointing a conservator in order to secure the faithful performance of the duties of his office, require him to furnish bond to the Superior Court in a sum and with proper conditions and sureties having due regard to the value of the estate in his charge and the extent of his authority, as the court shall approve.

Source: New.

3B:13A–14. Conditions of bond. If a bond is required of a conservator, it shall be conditioned substantially as follows:

a. To well and truly take care of the estate of the conservatee and all writings and evidences concerning his real estate and to deliver them to the person or persons who by law are or may be entitled to receive them;

b. To improve the real estate to the best advantage and to commit no waste or destruction thereof or thereon;

c. To make a just and true account of the rents, issues and profits of the real estate and of the proceeds of the sale of any real estate that may be ordered to be sold;

d. To make a just and true account of the expenditures and disbursements of the goods, chattels and personal estate of the conservatee that shall come into his hands; and

e. If required by court, to settle those accounts therein within the time so required.

Source: New.

3B:13A–15. Bond premium. A conservator may include as a part of the lawful expense of executing his trust a reasonable sum, not exceeding 1% per annum on the amount of any bond, paid a company authorized under the laws of this State to become a surety on his bonds, as may be allowed by the court in which he is required to account.

Source: New.

3B:13A–16. Limitations on appointment of conservator. The appointment of a conservator shall not:

a. Be evidence of the competency or incompetency of a conservatee; or

b. Transfer title of the conservatee's real and personal property to the conservator; or

c. Deprive or modify any civil right of the conservatee, including but not limited to civil service status and appointment or rights relating to the granting, forfeiture or denial of a license, permit, privilege or benefit pursuant to any law.

Source: New.

3B:13A–17. Inventory. A conservator may, and if required by the court shall, file with the clerk of the court an inventory, under oath, of all the real and personal property which has come into his hands or control or into the hands of any other person for him. The court shall not require an inventory and appraisement to be filed until 3 months have elapsed after the grant of letters.

Source: New.

3B:13A–18. Expenditures to be made by conservator out of conservatee's estate. A conservator may expend or distribute so much or all of the income or principal of the conservatee for his support, maintenance, education, general use and benefit and for the support, maintenance, education, general use and benefit of his dependents, in the manner, at the time or times and to the extent that the conservator, in an exercise of a reasonable discretion, deems suitable and proper, with or without court order, with or without regard to the duty or ability of any person to support or provide for the conservatee, and with or without regard to any other funds, income or property which may be available for any of those purposes.

Source: New.

3B:13A–19. Recommendations to be considered by conservator in making expenditures. In making expenditures under N. J. S. 3B:13A–18, a conservator shall consider recommendations relating to the appropriate standard of support, education and benefit for the conservatee made by any party set forth in N. J. S. 3B:13A–6. He may not be surcharged for sums paid to persons or organizations actually furnishing support, education or care to the conservatee pursuant to the recommendations of a parent, spouse or heir of the conservatee unless he knows that the parent, spouse or

heir of the conservatee is deriving personal financial benefit therefrom, or unless the recommendations are clearly not in the best interests of the conservatee.

Source: New.

3B:13A–20. Other factors to be considered by conservator in making expenditures. In making expenditures under N. J. S. 3B:13A–19, the conservator shall expend or distribute sums reasonably necessary for the support, education, care or benefit of the conservatee with due regard to:

a. The size of the conservatee's estate;

b. The probable duration of the conservatorship and the likelihood that the conservatee, at some future time, may be fully able to manage his affairs and the estate which has been conserved for him; and

c. The accustomed standard of living of the conservatee and members of his household.

Source: New.

3B:13A–21. Persons for whose benefit expenditures may be made. The conservator may expend funds of the conservatee's estate for the support of persons legally dependent on the conservatee and others who are members of the conservatee's household who are unable to support themselves, and who are in need of support.

Source: New.

3B:13A–22. Persons to whom funds may be paid. Funds expended under N. J. S. 3B:13A–18 may be paid by the conservator to any person, including the conservatee, to reimburse the conservator for expenditures which he has made, or in advance for services to be rendered to the conservatee when it is reasonable to expect that they will be performed and where advance payments are customary or reasonably necessary under the circumstances.

Source: New.

3B:13A–23. Powers conferred upon conservator. A conservator has all of the powers conferred upon him by law and the terms of this chapter, except that a conservator's powers over the property of the conservatee are limited to the investment of income or the expenditure and distribution of income and principal as set forth in N. J. S. 3B:13A–18 and N. J. S. 3B:13A–21, unless other powers are specifically conferred upon the conservator by the court or by the conservatee in an acknowledged writing.

Source: New.

3B:13A–24. Expansion or limitation of conservator's powers. The court may, at the time of appointment or later, expand or limit the powers of a conservator otherwise conferred by this chapter, or previously conferred by the court, and may at any time relieve him of any expansion or limitation. If the court expands or limits any power conferred on the conservator, the expansion or limitation shall be stated in certificates of letters of conservatorship thereafter issued. The court shall confer powers to the conservator authorizing only that intervention which it finds to be least restrictive of the conservatee's rights while consistent with the conservatee's welfare and safety. The basis for the finding shall be in the record of the court.

Source: New.

3B:13A–25. Formal accounting. A conservator shall settle his account in the Superior Court at intervals as the court may require, except that a conservator may settle his first account within 1 year after his appointment, or as soon thereafter as may be practicable.

Source: New.

3B:13A–26. Effect of judgment allowing intermediate account. A judgment, made upon notice and hearing, allowing an intermediate account of a conservator, shall have the same effect as a judgment allowing an intermediate account of any other fiduciary.

Source: New.

3B:13A–27. Annual informal report or accounting. The conservator shall present to the conservatee an annual informal report or accounting setting forth the collection and disposition of income and other assets within the conservator's control. The annual informal report or accounting shall be filed with the court and available for inspection by any party set forth in N. J. S. 3B:13A–6. In addition, the court may order, upon a showing of good cause by the conservatee, a full accounting by the conservator of all the conservatee's assets within the conservator's control.

Source: New.

3B:13A–28. Personal liability of conservator on contracts. Unless otherwise provided in the contract, a conservator is not individually liable on a contract properly entered into in his fiduciary capacity in the course of administration of the estate

unless he fails to reveal his representative capacity and identify the estate in the contract.

Source: New.

3B:13A–29. Personal liability of conservator for obligations arising from control of estate. A conservator is individually liable for obligations arising from control of property of the estate or for any act or omission committed in the course of administration of the estate only if he is personally at fault.

Source: New.

3B:13A–30. Asserting claims against estate. Claims based on contracts entered into by a conservator in his fiduciary capacity, on obligations arising from control of the estate, or on any act or omission committed in the course of administration of the estate may be asserted against the estate by proceeding against the conservator in his fiduciary capacity, whether or not the conservator is individually liable therefor.

Source: New.

3B:13A–31. Determining issues of liability between estate and conservator. Any question of liability between the estate and the conservator individually may be determined in a proceeding for accounting, surcharge, or indemnification, or other appropriate proceeding or action.

Source: New.

3B:13A–32. Liability of conservator for improper exercise of power concerning estate. If the exercise of power concerning the estate is improper, the conservator is liable to the conservatee or interested persons for damage or loss resulting from breach of his fiduciary duty to the same extent as a trustee of an express trust.

Source: New.

3B:13A–33. Termination of conservatorship by conservatee. Upon application of the conservatee, the court shall terminate the conservatorship, and the conservator, after the allowance of his final account, shall pay over and distribute all funds and property in his hands and under his control to the former conservatee.

Source: New.

3B:13A–34. Termination of conservatorship upon death or incompetency of conservatee. A conservatorship shall terminate upon the death of the conservatee or upon his having been adjudicated to be incompetent as provided by law, but the termination

shall not affect the conservator's liability for prior acts nor his obligation to account funds and property of the conservatee.

Source: New.

3B:13A–35. Substituted conservator. Upon the death of the conservator or his removal by the court for good cause or if he resigns with court approval and after filing his account, the court may appoint another conservator in the manner provided for by this chapter.

Source: New.

3B:13A–36. Conservator's compensation. A conservator shall be compensated for his services in the same manner as a guardian for a minor or mental incompetent.

Source: New.

2. N. J. S. 3B:20–1 is amended to read as follows:

3B:20–1. Definitions. As used in this chapter:

a. "Trust instrument" means and includes a will, deed, agreement, court order or other instrument pursuant to which money or other property is entrusted to a fiduciary;

b. "Fiduciary" means an individual or corporation authorized to act as a trustee, personal representative, conservator, guardian, and every other person or corporation charged with the duty of administering a trust estate;

c. "Trust estate" means money or other property entrusted to a fiduciary pursuant to a trust instrument, will, estate of an intestate decedent or the estate of a minor or mentally incompetent person being administered by a guardian;

d. "Investments" means and includes property of every nature, real, personal and mixed, tangible and intangible, which persons of ordinary prudence and reasonable discretion acquire for the purpose of preserving capital and of realizing income; and specifically includes, solely by way of description and not by way of limitation, bonds, debentures and other corporate obligations, capital stocks, common stocks, preferred stocks, common trust funds as defined in and regulated by article 9, "Common Trust Funds," P. L. 1948, c. 67 (C. 17:9A–36 et seq.), and securities of any open-end or closed-end management type investment company or investment trust registered pursuant to the Federal Investment Company Act of 1940, as from time to time amended.

3. This act shall take effect immediately.

Approved May 23, 1983.

CHAPTER 193

AN ACT concerning the required reporting of certain motor vehicle accidents and amending R. S. 39:4–130 and P. L. 1979, c. 136.

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

1. R. S. 39:4–130 is amended to read as follows:

Immediate notice of accident; written report.

39:4–130. The driver of a vehicle or street car involved in an accident resulting in injury to or death of any person, or damage to property of any one person in excess of $500.00 shall by the quickest means of communication give notice of such accident to the local police department or to the nearest office of the county police of the county or of the State Police, and in addition shall within 10 days after such accident forward a written report of such accident to the division on forms furnished by it. Such written reports shall contain sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved and such information as may be necessary to enable the director to determine whether the requirements for the deposit of security required by law are inapplicable by reason of the existence of insurance or other circumstances. The director may rely upon the accuracy of the information contained in any such report, unless he has reason to believe that the report is erroneous. The division may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it when in the opinion of the division, the original report is insufficient. The reports shall be without prejudice, shall be for the information of the division, and shall not be open to public inspection. The fact that the reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any proceeding or action arising out of the accident.

Whenever the driver of a vehicle is physically incapable of giving immediate notice or making a written report of an accident as required in this section and there was another occupant in the vehicle at the time of the accident capable of giving notice or

making a report, such occupant shall make or cause to be made said notice or report not made by the driver.

Whenever the driver is physically incapable of making a written report of an accident as required by this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall make such report not made by the driver.

A written report of an accident shall not be required by this section if a law enforcement officer submits a written report of the accident to the division pursuant to R. S. 39:4–131.

Any person who violates this section shall be punished as provided in subsection (b) of section 39:4–129 of the Revised Statutes.

The director may revoke or suspend the operator's license privilege and registration privilege of a person who violates this section.

2. Section 1 of P. L. 1979, c. 136 (C. 39:3–10e) is amended to read as follows:

C. 39:3-10e Reexamination of driver.

1. The holder of any motor vehicle driver's license who is involved, within any 6-month period, in two or more motor vehicle accidents resulting in death or in personal injury or damage to property of any one person in excess of $500.00 required to be reported to police pursuant to R. S. 39:4–130, and against whom there has been assessed motor vehicle points for each such accident, shall on notice to be given by the Division of Motor Vehicles, be required to submit to reexamination and successful passage of an examination of his ability as an operator and a test of his vision, by the division or by any licensed optometrist or ophthalmologist.

Failure to pass the examination or test required by this act shall be justification for the revocation and refusal to renew the holder's driver's license.

3. This act shall take effect immediately.

Approved May 24, 1983.

CHAPTER 194

AN ACT to provide for the acquisition by municipalities of certain abandoned burying grounds or cemeteries in this State and supplementing chapter 60 of Title 40 of the Revised Statutes.

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

C. 40:60-25.61 Municipal acquisition of abandoned cemetery.

1. The governing body of a municipality may apply, in accordance with the provisions of this act, to the Superior Court for an order vesting title in the municipality to any abandoned burying ground or cemetery therein owned or controlled by a person who cannot be located through diligent inquiry.

C. 40:60-25.62 Diligent inquiry to locate owner.

2. An application for an order vesting title to the abandoned burying ground or cemetery in the municipality shall include a certification by the clerk of the municipality that a diligent inquiry has been conducted to locate the person owning or controlling the burying ground or cemetery. A diligent inquiry shall include, but shall not be limited to:

a. Mailing, by certified mail to the last known address of the last owner of record of the burying ground or cemetery in question and the last known address of any lot owner or any interested party if such information is available, a notice of intent to acquire the burying ground or cemetery by the municipality and that in the absence of a written response to this notice by the person who owns or controls it or lot owner or other interested party, within 60 days of the date of delivery, the municipality will apply to the Superior Court for an order vesting title to the burying ground or cemetery in the municipality under this act.

b. Publication, in at least two newspapers published in this State and of general circulation in the county in which the municipality is located, at least four times in a period of 60 days, of notice of intent to acquire the burying ground or cemetery by the municipality and that in the absence of a written response to this notice by the person who owns or controls it within 60 days of the last date of publication or a lot owner within the same period of time, the municipality will apply to the Superior Court for an order vesting title to the burying ground or cemetery in the municipality under this act.

C. 40:60-25.63 Vesting title.

3. The Superior Court may vest title to the burying ground or cemetery in the municipality upon its satisfaction that the person owning or controlling the burying ground or cemetery cannot be located through diligent inquiry for the purpose of the transfer of the burying ground or cemetery to the municipality.

C. 40:60-25.64 To remain cemetery; no further interments.

4. This act shall apply only to the acquisition of an abandoned burying ground or cemetery for the purpose of restoring, maintaining and preserving it as a burying ground or cemetery. No further interments will be permitted, except by order of the Superior Court upon satisfactory proof of ownership of a lot prior to the date of vesting of title in the municipality, and any subsequent disinterment of bodies from the burying ground or cemetery shall conform to the provisions of P. L. 1948, c. 80, s. 8 (C. 40:60–25.40), except that portion of that section requiring execution of a deed.

5. This act shall take effect immediately.

Approved May 24, 1983.

CHAPTER 195

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 15 of P. L. 1971, c. 198 (C. 40A:11–15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or furnishing 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, 2 years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment; P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E–1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than 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 to county colleges and county assisted institutions of higher education for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D–119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy 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.

All multi-year leases and contracts entered into pursuant to this section 15, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) 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 May 24, 1983.

CHAPTER 196

AN ACT to amend "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153).

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

1. Section 2 of P. L. 1940, c. 153 (C. 34:2–21.2) is amended to read as follows:

C. 34:2-21.2 Child labor prohibited; exceptions.

2. No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation at any time; provided, that minors between 14 and 16 years of age may be employed, permitted or suffered to work outside school hours and during school vacations but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law; and provided, further, that minors under 16 years of age may engage in professional employment in theatrical productions upon the obtaining of a permit therefor and may engage outside school hours and during school vacations in agricultural pursuits or in street trades and as newspaperboys as defined in this act, in accordance with the provisions of section 15 of this act. Minors may also engage in employment in domestic service performed outside of school hours or during school vacations with the permission of the minor's parents or legal guardian, in a residence other than the minor's own home. Nothing in this act shall be construed to apply to the work of a minor engaged in domestic service or agricultural pursuits performed outside of school hours or during school vacations in connection with the minor's own home and directly for his parents or legal guardian.

Except as to the employment of a minor for whom a theatrical employment permit has been issued, no minor under 16 years of age not a resident of this State shall be employed, permitted or suffered to work in any occupation or service whatsoever at any

time during which the law of the state of his residence required his attendance at school, or at any time during the hours when the public schools in the district in which employment in such occupation or services may be available are in session.

2. This act shall take effect immediately.

Approved May 27, 1983.

CHAPTER 197

AN ACT concerning veterans' employment and providing for penalties.

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

C. 10:5-39 Definitions.

1. As used in this act:

a. "Affirmative action program for veterans of the Vietnam era" means a plan guaranteeing to veterans of the Vietnam era an equal employment opportunity, which includes but is not limited to the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, and fringe benefits.

b. "Public works contract" means any contract exceeding $250,000.00 in price to be performed for or on behalf of the State for the construction, alteration, or repair of any building or public work.

c. "Veteran of the Vietnam era" means any soldier, sailor, marine, airman, nurse or army field clerk, who has served at least 90 days in the active military, naval or air service of the United States, commencing in the period between the dates of January 1, 1960 and August 1, 1974, and has been discharged or released therefrom under conditions other than dishonorable, and who has presented to the Civil Service Commission of New Jersey full and convincing evidence of such record of service on or before the date of making application for a position governed by this act. The 90 day requirement for active service is exclusive of any time such veteran was assigned: (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 his

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 he has completed the 90 days' service as herein provided.

C. 10:5-40 Equal employment opportunity.

2. Each public works contract shall contain appropriate provisions in which contractors, subcontractors, or their assignees shall guarantee an equal employment opportunity to veterans of the Vietnam era. If any veteran believes any contractor of the State has failed to comply or refuses to comply with the provisions of the contractor's contract relating to the employment of Vietnam era veterans, such veteran may file a complaint with the State Treasurer, who shall promptly investigate such complaint and take appropriate action.

C. 10:5-41 Affirmative action program.

3. The State Treasurer shall prescribe an affirmative action program for veterans of the Vietnam era. The Treasurer shall designate an appropriate official in the Department of the Treasury to receive and investigate any complaints charging discriminatory employment practices toward such veterans.

C. 10:5-42 Penalties.

4. Any person who violates this law or the provisions of a public works contract guaranteeing an equal employment opportunity to veterans shall be subject to any penalties allowable under law.

5. This act shall take effect immediately.

Approved May 27, 1983.

CHAPTER 198

AN ACT concerning veteran members of the Teachers' Pension and Annuity Fund and supplementing chapter 66 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:66-13.1 Purchase of credit for military service.

1. A member who meets the definition of "veteran" as set out in paragraph r. of N. J. S. 18A:66–2 may, upon filing an application with the board of trustees of the retirement system, purchase credit for all or a portion of the time spent in active military service prior to his enrollment in the retirement system, but not exceeding 5 years. No application shall be accepted for the purchase of credit for such service, however, if at the time of application, the member has a vested right to retirement benefits in another retirement system based in whole or in part upon his military service.

He may purchase credit for such service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, applicable to his age at the time of the purchase, to his salary at that time. Such purchase may be made in regular monthly installments or in a lump sum as he may elect and pursuant to rules and regulations as may be promulgated by the Division of Pensions. Neither the State nor the employer of a member who applies to purchase credit under the provisions of this supplementary act shall be liable for any payment to the retirement system on behalf of the member for the purchase of such credit. If, upon retirement, the member's payment for purchase of military service credit is insufficient to provide for the additional retirement benefit attributable to such service, the difference may be assessed to the member, or a pro rata credit may be granted based on service purchased prior to the date of retirement, at the election of the member.

Any member electing to contribute toward such service, who retires prior to completing payment as agreed with the retirement system for the purchase of such service will receive pro rata credit for service purchased prior to the date of retirement, but if he so elects at the time of retirement, he may make such addi-

f. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

g. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

h. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

i. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

j. The election, appointment and removal of such officers and employees as the board is permitted by law;

k. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

l. Approval of contracts presented by the county manager;

m. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.);

n. Consent to municipal ordinances or resolutions regulating traffic or parking on county roads pursuant to section 1 of P. L. 1957, c. 69 (C. 39:4–197.2); and

o. The expression of such board policies or opinions as require no formal board action.

3. Section 66 of P. L. 1972, c. 154 (C. 40:41A–66) is amended to read as follows:

C. 40:41A-66 County supervisor plan.

66. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P. L. 1972, c. 154 (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The exercise of the power of advice and consent to actions of the supervisor pursuant to section 67c. of such act (C. 40:41A–67c.);

e. The override of a veto of the county supervisor pursuant to section 67g. of such act (C. 40:41A–67g.);

f. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

g. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

h. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

i. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

j. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

k. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

l. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

m. The appointment and removal of such officers and employees as the board is permitted by law;

n. Approval of contracts presented by the county administrator;

o. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.);

p. Consent to municipal ordinances or resolutions regulating traffic or parking on county roads pursuant to section 1 of P. L. 1957, c. 69 (C. 39:4–197.2), except that the resolution of consent shall be subject to the approval or veto of the county supervisor, as provided for in the case of ordinances by subsection f. of section 65 of P. L. 1972, c. 154 (C. 40:41A–65f.), and to the requirements set forth therein for overriding a veto; and

q. The expression of such board policies or opinions as require no formal action by the governing body.

4. Section 79 of P. L. 1972, c. 154 (C. 40:41A–79) is amended to read as follows:

C. 40:41A-79 Board president plan.

79. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P. L. 1972, c. 154 (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The exercise of the power of advice and consent to actions of the president and administrative officer pursuant to section 81c. of such act (C. 40:41A–81c.);

e. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

f. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

g. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

h. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

i. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

j. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

k. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

l. The appointment and removal of such officers and employees as the board is permitted by law;

m. Approval of contracts presented by the county administrator;

n. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.);

o. Consent to municipal ordinances or resolutions regulating traffic or parking on county roads pursuant to section 1 of P. L. 1957, c. 69 (C. 39:4–197.2); and

p. The expression of such board policies or opinions as require no formal board action.

5. This act shall take effect immediately.

Approved June 1, 1983.

CHAPTER 200

AN ACT concerning certain solicitations of funds by law enforcement officers and amending N. J. S. 2A:170–20 and P. L. 1954, c. 181.

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

1. N. J. S. 2A:170–20 is amended to read as follows:

Solicitation of funds by law enforcement officers.

2A:170–20. It shall be unlawful for any person to solicit funds or a contribution of any kind, by mail, telephone or in person, or by any means whatsoever, whether in payment for tickets, admission, books, tokens, advertising, honorary or other membership, or otherwise, for any organization or association of policemen, or sheriffs, or undersheriffs, or deputy sheriffs, or court officers, or court attendants, or detectives, or constables, or magistrates, or other such law enforcement officers, or any organization or association composed of one or more of said groups, except that bona fide active or retired members of any duly organized law enforcement agency of this State or of any municipality or county thereof, who are bona fide active members of any such organization or association, may personally or by mail solicit such funds or contributions, but only in payment for tickets, books, tokens or advertising as specified herein, in the municipality where they are employed as law enforcement officers, or were retired as such, or in case of county or State organizations or associations, throughout the county or State where they are employed as law enforcement officers, or were retired as such.

It shall be unlawful for any such organization or association, or any officer or member thereof, to employ or retain, or in any manner contract or agree with, directly or indirectly, any person to solicit funds or contributions for or on behalf of such organization or association for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to contract or agree with, or be employed or retained by any such organization or association for the purpose of soliciting, directly or indirectly, or through any agents or employees, funds or contributions for or on behalf of

such organization or association, for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to solicit funds or contributions of any kind for or on behalf of any such organization or association, by any means whatsoever, in payment for advertising of any kind, except that it shall be lawful for any bona fide active or retired officer or member of any such organization or association to solicit funds or contributions on behalf of such organization or association in payment for advertising to appear in a program or book or directory published in connection with a social event or annual association conference, which is sponsored by such organization or association and where admission to the event is sold to the general public. No organization or association shall sponsor such a social event, where payments for advertising are solicited, more than three times in any calendar year.

It shall be unlawful for any person to offer, give, issue, sell, deliver or distribute honorary membership cards or courtesy cards or cards of a similar nature of any such organization or association in connection with or in any manner related to the solicitation of funds or contributions for or on behalf of any such organization or association.

Any person who violates any of the foregoing provisions of this section is a disorderly person.

Any offense committed under this section shall be considered to have taken place in the county in which the person solicited was at the time of such solicitation, notwithstanding that such solicitation was by telephone originating outside of the county or by mail deposited in a post office outside of the county.

2. Section 3 of P. L. 1954, c. 181 (C. 2A:170–20.2) is amended to read as follows:

C. 2A:170-20.2 Notice of intention; report.

3. Any organization or association of law enforcement officers desiring to solicit or collect funds or contributions from other than its bona fide membership shall, not less than 10 days prior to commencing any such solicitation or collection, file with the county prosecutor of the county in which such solicitation or collection is to be made and, in the case of a State organization or association, with the Attorney General of New Jersey, a notice of intention which shall contain the following information and data:

(a) The name and address of the organization or association;

(b) The names and addresses of the officers of the organization or association;

(c) The names and addresses of the officers or members of the organization or association who will be in charge of the solicitation or collection;

(d) A brief description of the solicitation or collection program proposed to be undertaken;

(e) The purpose for which the funds or contributions to be solicited and collected will be used;

(f) A statement that an audit will be made of the solicitations and collections by an independent auditor and that such audit will be available for public inspection at the office of the organization or association.

Each such notice of intention shall be duly subscribed and sworn to by at least 2 officers of the organization or association duly authorized therefor by resolution of the organization or association. The Attorney General or county prosecutor shall have the authority to prohibit any solicitation which does not comply with the provisions of this act.

Within 30 days following the close of any such solicitation or collection program, and in no event later than six months following the date of filing of the aforesaid notice of intention, the organization or association shall file with the county prosecutor with whom the notice of intention was filed and, in the case of a State organization or association, with the Attorney General of New Jersey, a report which shall contain the following information and data:

(a) The name and address of the organization or association;

(b) The place where the notice of intention was filed;

(c) The date on which the notice of intention was filed;

(d) The method used in the solicitations or collections;

(e) The amount of money collected from or as a result of such solicitations;

(f) An itemized statement of the expenses incurred in connection with such solicitations and collections;

(g) The name and address of the auditor who made an independent audit of the solicitations and collections, and the name and address of the place where such audit may be inspected;

(h) The purpose for which the funds have been or will be used.

Each such report shall have annexed thereto a copy of the audit and shall be duly subscribed and sworn to by at least two officers of the organization or association, duly authorized therefor by resolution of the organization or association, one of whom shall be the treasurer thereof.

Any person who violates any provision of this section is a disorderly person.

3. This act shall take effect immediately.

Approved June 1, 1983.

CHAPTER 201

AN ACT concerning the payment of certain insurance premiums for retired county and municipal employees, and amending N. J. S. 40A:10–23.

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

1. N. J. S. 40A:10–23 is amended to read as follows:

Payment of premiums after retirement.

40A:10–23. Payment of premiums after retirement. Retired employees shall be required to pay for the entire cost of coverage for themselves and their dependents at rates which are deemed to be adequate to cover the benefits, as affected by Medicare, of the retired employees and their dependents on the basis of the utilization of services which may be reasonably expected of the older age classification; provided, however, that the total rate payable by a retired employee for himself and his dependents, for coverage under the contract and for Part B of Medicare, shall not exceed by more than 25% the total amount that would have been required to have been paid by the employee and his employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for Medicare benefits.

The employer may, in its discretion, assume the entire cost of such coverage and pay all of the premiums for employees who have retired after 25 years' or more service with the employer, or have retired and reached the age of 62 or older with at least 15 years

of service where the retirement has been shown to the satisfaction of the employer to have been necessitated by medical illness or disability of the employee, including the premiums on their dependents, if any, under uniform conditions as the governing body of the local unit shall prescribe.

2. This act shall take effect immediately.

Approved June 3, 1983.

CHAPTER 202

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain cities.

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

1. Notwithstanding any provisions of law or any judicial order to the contrary, no city of the fourth class having a population in excess of 40,000 shall be required to implement a revaluation of real property for the tax year 1983. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and implementing any partial or complete reassessment of real property in the city during the time covered by the act.

2. This act shall take effect immediately.

Approved June 3, 1983.

CHAPTER 203

AN ACT concerning property taxation and supplementing Title 54 of the Revised Statutes.

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

1. The county board of taxation having jurisdiction over any municipality which determines not to implement a revaluation of

real property for the tax year 1983 pursuant to P. L. 1983, c. 202, shall, notwithstanding the certification of any tax list reflecting a revaluation of real property for the tax year 1983, revise that tax list by deleting the new values and substituting therefor, for the tax year 1983, the tax list for the tax year 1982, subject to any modifications due to changes in taxable status, and due to changes as the result of demolitions, new construction, or any decision of the county board of taxation or judgment of the Tax Court concerning tax appeals.

2. This act shall take effect immediately.

Approved June 3, 1983.

CHAPTER 204

AN ACT relating to the tax exempt status of educational institutions in certain cases and supplementing article 2 of 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. 54:4-3.6d Leasing of property by tax-exempt schools.

1. The provisions of section R. S. 54:4–3.6 shall not be construed to disallow a college, school, academy, or seminary which is accorded exemption from taxation as a nonprofit organization under the section from leasing a building or a portion thereof, or a portion of its property which is regularly utilized for tax exempt purposes, to an organization or business during seasonal periods when such building or property is not being utilized by the college, school, academy or seminary in furtherance of tax exempt purposes, provided that:

a. The income derived from the lessee of such building or property is expended in furtherance of the organization's exempt purpose or purposes;

b. The income received from the lease transaction is not primarily a profit seeking transaction, but remains a "de minimis" operation not materially affecting the overall pursuit of the tax exempt organization's principal purpose; and

c. No lease under the provisions of this section shall be of a duration for a period of more than 4 consecutive months.

2. This act shall take effect immediately.

Approved June 6, 1983.

CHAPTER 205

AN ACT to amend "The State Facilities Education Act of 1979," approved September 25, 1979 (P. L. 1979, c. 207).

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

1. Section 8 of P. L. 1979, c. 207 (C. 18A:7B–4) is amended to read as follows:

C. 18A:7B-4 Fund use restricted.

8. Funds received pursuant to this act by the Department of Human Services or by the Department of Corrections shall be used only for the salaries of teachers, educational administrators at the program level, child study team personnel, clerical staff assigned to child study teams or to educational day programs, paraprofessionals assigned to educational programs in State facilities, and for diagnostic services required as part of the child study team evaluations and related educational services personnel whose function requires an educational certificate issued by the State Department of Education, and for the costs of educational materials, supplies and equipment for these programs. No such funds shall be used for the renovation or construction of capital facilities, for the maintenance and operation of educational facilities, or for custodial, habilitation or other noneducational costs.

There are hereby authorized to be appropriated to the Departments of Human Services and Corrections such funds as may be necessary to provide for adult, post-secondary and college programs.

2. This act shall take effect immediately.

Approved June 6, 1983.

CHAPTER 206

A SUPPLEMENT to "An act concerning public school buses, amending and supplementing Title 39 of the Revised Statutes, and repealing 'An act concerning public school buses, and supplementing chapter 14 of Title 18 of the Revised Statutes,' approved June 12, 1948 (P. L. 1948, c. 133)," approved June 21, 1965 (P. L. 1965, c. 119, C. 39:3B–1 et seq.).

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

C. 39:3B-5.1 School bus years of use limited.

1. School buses, under the jurisdiction of the public schools and manufactured prior to April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the tenth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later. School buses manufactured on or after April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the twelfth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

C. 39:3B-5.2 Transit type school buses.

2. School buses of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds shall not be used for pupil transportation purposes beyond the end of the twentieth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

C. 39:3B-5.3 Annual inspection.

3. School buses manufactured on or after April 1, 1977, when used beyond the tenth year, other than the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall have an annual in-depth inspection by the Division of Motor Vehicles prior to the beginning of the school year.

4. This act shall take effect July 1, 1983.

Approved June 10, 1983.

CHAPTER 207

AN ACT concerning municipal court jurisdiction of housing matters in cities of the first class that have established full-time municipal housing courts amending N. J. S. 2A:6–34, P. L. 1971, c. 224, and P. L. 1966, c. 168 and supplementing chapter 8 of Title 2A of the New Jersey Statutes.

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

1. N. J. S. 2A:6–34 is amended to read as follows:

Jurisdiction of county district courts.

2A:6–34. (a) Every action of a civil nature at law, other than a proceeding in lieu of a prerogative writ, and every action to recover any penalty imposed or authorized by any law of this State, where the debt, balance, penalty, damage or other matter in dispute does not exceed the sum or value of $5,000.00, exclusive of costs, shall be cognizable in the county district courts of this State.

(b) County district courts shall also have jurisdiction in actions of replevin where the value of the goods or chattels of which replevin is sought does not exceed the value of $5,000.00, exclusive of costs; in actions of attachment, for a sum not exceeding $5,000.00, exclusive of costs; and in actions between landlords and tenants, except that an action for eviction involving property located in a city of the first class that has established a full-time municipal housing court may be transferred to the municipal housing court of that city before it comes to trial; if the county district court decides to transfer the matter, either upon its own initiative, or in response to a request from the municipal housing court to have the matter transferred. After the transfer has been made, the municipal housing court shall have exclusive jurisdiction over the action.

(c) County district courts shall have jurisdiction of actions by or against county governing bodies, quasi, domestic, foreign and municipal corporations, equally with natural persons, of actions by creditors of a decedent against the heirs or devisees of the decedent where the amount in dispute, exclusive of costs, does not exceed the sum or value of $5,000.00, and of such other actions or proceedings as are now or may hereafter be given by law.

(d) In any action transferred to the county district court from the Superior Court, the county district court shall have jurisdiction

to enter judgment in such amount as the judge or jury shall determine the damages to be, notwithstanding that such damages exceed the sum of $5,000.00; provided that such jurisdiction shall not be considered in determining whether costs shall be denied in the Superior Court pursuant to N. J. S. 2A:15–62.

2. Section 6 of P. L. 1966, c. 168 (C. 2A:42–79) is amended to read as follows:

C. 2A:42-79 Appointment of receiver for substandard multiple dwelling.

6. Any ordinance adopted under this act may provide that in the event the owner of a substandard multiple dwelling fails to comply with an order for repair, alteration or improvement after notice and reasonable opportunity to do so and where such failure to comply results in the continuation of a condition or conditions harmful to the health and safety of the occupants of the multiple dwelling or to the general public, the public officer may, by and with the approval of the governing body of the municipality, bring an action in the Superior Court, or, in cases involving property located in cities of the first class that have established full-time municipal housing courts, in the municipal housing court of the city in which that property is located, to be appointed receiver ex officio of the rents and income from such property and expend the same for the purpose of making such repairs, alterations or improvements as are necessary to correct said harmful condition or conditions. The said rents and income so collected by the said receiver shall also be available for the payment of such costs and expenses of the receivership, as may be adjudged by the court, and for the payment to the municipality of any fines or penalties which may have been imposed on the owner for violations of the ordinance and which have not been paid by the person liable therefor. The court may proceed in the action in a summary manner or otherwise. Such receiver shall not be required to give bond and shall be appointed only for the said purposes.

3. Section 3 of P. L. 1971, c. 224 (C. 2A:42–87) is amended to read as follows:

C. 2A:42-87 Place of trial.

3. A proceeding by a public officer, tenant, or tenants of a dwelling for a judgment directing the deposit of rents into court and their use for the purpose of remedying conditions in substantial violation of the standards of fitness for human habitation established under the State or local housing codes or regulations may be maintained in a court of competent jurisdiction. The place of

trial of the proceeding shall be within the county in which the real property or a portion thereof from which the rents issue is situated. In cases involving real property located in cities of the first class that have established full-time municipal housing courts, the proceedings may be brought in the municipal housing court of the city in which the property is located.

C. 2A:8-24.1 Jurisdiction of municipal housing courts.

4. (New section) Municipal housing courts in cities of the first class that have established full-time municipal housing courts shall have exclusive jurisdiction over actions for eviction transferred to the municipal housing court by the county district court pursuant to the provisions of subsection b. of N. J. S. 2A:6–34; and shall have concurrent jurisdiction to appoint receivers pursuant to section 6 of P. L. 1966, c. 168 (C. 2A:42–79) and to enforce the provisions of P. L. 1971, c. 224 (C. 2A:42–85 et seq.).

5. This act shall take effect immediately.

Approved June 10, 1983.

CHAPTER 208

AN ACT authorizing municipalities to enter into certain contracts and supplementing Title 40 of the Revised Statutes.

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

C. 40:48-5a Contracts for collection of delinquent parking fines.

1. The governing body of any municipality may enter into contract with a private agency or firm for the purpose of collecting delinquent parking violation fines owed to the municipality. Any such contract shall be made and awarded pursuant to the provisions of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11–1 et seq.).

2. This act shall take effect immediately.

Approved June 10, 1983.

CHAPTER 209

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 5 of P. L. 1971, c. 198 (C. 40A:11–5) is amended to read as follows:

C. 40A:11-5 Exceptions.

5. Exceptions. Any purchase, contract or agreement of the character described in section 4 of this act may be made, negotiated or awarded by the governing body without public advertising for bids and bidding therefor if

(1) The subject matter thereof consists of

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in a newspaper authorized by law to publish its legal advertisements, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, where possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1)(a)(i) of this section, a brief notice of the award of such contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;

(d) The furnishing of a tax map or maps for the contracting party;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged or exacted, filed with said board;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Election expenses;

(m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; or

(n) The doing of any work by handicapped persons employed by a sheltered workshop; or

(o) The provision of any service or the furnishing of materials including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof and any other state or subdivision thereof.

(3) The contracting agent has advertised for bids pursuant to section 4 on two occasions and (a) has received no bids on both occasions in response to its advertisement, or (b) the governing body has rejected such bids on two occasions because the contracting agent has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion

no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract or agreement; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent materials or supplies, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 (C. 40A:11–4) of this act; and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement;

provided, further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder, submitting bids on the second occasion of its intention to negotiate, and afford each such bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such work, materials, supplies or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for

a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

2. This act shall take effect immediately.

Approved June 10, 1983.

CHAPTER 210

AN ACT designating the tenth day of June in each year as Lidice Memorial Day in the State and supplementing Title 36 of the Revised Statutes.

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

C. 36:1-10 Findings and declarations.

1. The Legislature finds and declares:

a. That the tenth day of June marks the anniversary of one of the most heinous criminal acts in the history of Western civilization, the brutal extermination of the peaceful village of Lidice, Czechoslovakia by the barbaric members of the Nazi security police on June 10, 1942.

b. On that dark day in 1942 every male resident of Lidice over the age of 16 was murdered; all of the women were condemned to the dreaded Ravensbrueck concentration camp; four pregnant women were taken to a maternity hospital where their newly born children were murdered; and all of the surviving children of Lidice were sent outside of Czechoslovakia and dispersed.

c. After the people of Lidice had been so thoroughly savaged, the Nazi security police turned their perverted fury on the village itself, first burning it, then dynamiting the ruins, and finally leveling the site of the village to the ground.

d. This barbarous act of depravity so aroused the wrath of the world, that towns and villages in many countries renamed themselves Lidice so that the memory of that peaceful little village might be preserved.

e. It is the firm belief of this Legislature that the memory of the hideous outrage that was committed against Lidice must not be allowed to fade, lest a similar fate befall other communities.

C. 36:1-11 Lidice Memorial Day designated.

2. The tenth day of June in each year is designated as Lidice Memorial Day in honor of the innocent victims of the Nazi outrage that was committed against Lidice, Czechoslovakia. The Governor of the State is requested annually to call on the people of the world to remember the fate of Lidice, Czechoslovakia, and to honor the memory of the innocent victims of the brutal outrage that was committed on June 10, 1942.

3. This act shall take effect immediately.

Approved June 10, 1983.

CHAPTER 211

AN ACT to amend and supplement "An act to provide for the creation, setting apart, maintenance and administration of a county employees' pension fund in counties having a population exceeding 800,000 inhabitants," approved April 8, 1943 (P. L. 1943, c. 160).

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

1. Section 1 of P. L. 1943, c. 160 (C. 43:10–18.1) is amended to read as follows:

C. 43:10-18.1 Definitions.

1. As used in this act:

"Service" shall always, unless otherwise stated, be considered as continuous or in the aggregate.

"Salary" or "compensation" when used solely for the purpose of fixing benefits under this act means the average annual compensation for which contributions are made for the three years of creditable service as a county employee immediately preceding his retirement or death, or it shall mean the average annual compensation as a county employee for which contributions are made during any three fiscal years of his or her membership, whichever shall provide the largest possible benefit to the member or his beneficiary, or during his or her entire length of service if such service totaled less than three years, provided, however, that no benefit paid upon

the death of any member under this act shall exceed, if the deceased member was retired at the time of death, 50% of the pension calculated at the time of retirement, and, if the deceased member was an employee at the time of death, 25% of salary, or 50% of the pension that the employee would have received had the employee retired upon the date of the death, whichever shall be greater, provided, however, that no benefit paid upon the death of any member shall be less than $2,500.00 annually; provided further however, that as to any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in the county under and by virtue of articles 1, 2, 5, 6 and 7 of chapter 10 of Title 43 of the Revised Statutes and of R. S. 40:37–157 to 40:37–174, inclusive, and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June 21, 1938 (P. L. 1938, c. 397), the total annual salary received by such employee during the year immediately prior to his death or retirement shall be considered for pension or other purposes under this act.

"Pension fund" or "fund" means the fund referred to in section 16 of this act, and is the fund from which pensions provided for in this act shall be paid.

"State" shall, unless otherwise stated, mean the State of New Jersey.

"His" shall be construed to mean both sexes.

"County employee" or "employee" means and includes all employees and officers in service in any county of this State having a population of more than 800,000 inhabitants and shall mean and include all employees and officers of any county board, body or commission, maintained out of county funds in any such county, including the official stenographic reporter and proxies of such official stenographic reporter of such county, and shall also mean and include employees and officers appointed by such county to employment on intercounty bridges, but the same term "county employee" or "employee" does not include members of the judiciary, or any laborers, unless the labor work is paid on an hourly, daily, monthly, or annual salary basis for a continuous employment thereof and recognized as permanent appointees, it being the intent to exclude transient labor from the operation of this act. The pension commission shall determine whether or not the employment of an employee is permanent within the meaning

of this act. "County employee" or "employee" shall also mean and include all elected and appointed officials of such county.

"Population" of a county shall mean the population of a county according to the federal census of 1940.

"Widow" or "widower" means the surviving unremarried spouse of a county employee who married such employee prior to the retirement of such employee and prior to the time when such employee reached the age of 50 years. No such surviving spouse shall be eligible for any benefit hereunder who was or shall be more than 15 years younger than the employee at the time of their marriage, if such marriage occurs hereafter while the employee is a member of this retirement system.

"Minor child" means an unmarried child under the age of 18 years.

"Permanent and total disability" means physical or mental incapacity of an employee to any longer perform the duties of his position or office.

"Employees' retirement system of (name of county)" shall be the name of the retirement system provided under the provisions of this act. 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.

2. Section 9 of P. L. 1943, c. 160 (C. 43:10–18.9) is amended to read as follows:

C. 43:10-18.9 Retirement of county employees.

9. (a) Subject to the other provisions of this act, any county employee:

(1) who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate, and shall have accumulated credit in the retirement system, for a period of 20 years, and who shall have attained the age of 60 years, shall, upon his application, be retired on one-half of salary; or

(2) who shall have served in the employ of such county continuously or in the aggregate, and shall have accumulated credit in the retirement system, for a period of 30 years, and who shall have attained the age of 55 years, shall, upon his application, be retired on one-half of salary; or

(3) who shall regardless of age have served in the employ of such county continuously or in the aggregate for a period of 35 years, shall, upon his application, be retired on one-half of salary.

In addition, any county employee who shall retire at 55 years of age or older, and who shall have served at least 30 years in the employ of the county, shall receive an additional one and one-half per cent of salary for each additional year of service exceeding 30 years, not to exceed 60% of salary.

Upon and after the death of such employee or pensioner, said retirement pension shall be paid to the surviving widow, so long as she remains unmarried; surviving widower, so long as he remains unmarried; or minor children up to 18 years of age, as the case may be.

(b) (Deleted by amendment.)

(c) Should a member, after having completed 15 years of service for which credit has been established in the pension fund, be separated voluntarily or involuntarily from the service, before reaching age 60, and not by removal for cause on charges of misconduct or delinquency, he may elect to receive the payments provided for in section 18 of the act to which this act is amendatory and supplementary, or a deferred pension beginning at age 60, in the amount equal to two and one-half per cent of salary for each year of service for which credit has been established in the pension fund, except that no pension payable under this subsection shall exceed 50% of salary.

Upon and after the death of such pensioner, said pension, which the pensioner was receiving prior to his death, shall be paid to the surviving widow, so long as she remains unmarried; surviving widower, so long as he remains unmarried; or minor children up to 18 years of age, as the case may be.

3. Section 13 of P. L. 1943, c. 160 (C. 43:10–18.13) is amended to read as follows:

C. 43:10-18.13 Survivors' benefits.

13. Subject to the other provisions of this act, upon and after the death of any county employee who shall have served or who shall hereafter have served in the employ of the county continuously or in the aggregate for a period of one year, there shall be paid to the surviving widow, so long as she remains unmarried; surviving widower, so long as he remains unmarried; or minor children up to the age of 18 years, as the case may be, two and one-half per cent of the salary of such employee, and for each additional year of service more than one year, the amount of said pension shall be increased to the extent of two and one-half per cent of said salary, not exceeding in any event 50% of the

salary, except, if the deceased employee was at the time of death credited with more than 30 years of service and was 55 years of age or older, the benefit shall be in an amount not to exceed the amount of pension the employee would have received had the employee retired on the date of death, and not to be less than $2,500.00 annually.

4. Section 16 of P. L. 1943, c. 160 (C. 43:10–18.16) is amended to read as follows:

C. 43:10-18.16 Pension fund.

16. A fund to pay pensions under this act shall be created as follows:

(a) The county treasurer shall deduct from every payment of salary to any county employee who is or becomes a member of this retirement system and pay to the fund 8% of the amount of said salary.

Such deductions shall be continued to be made during the entire period of employment of the member and until the death or retirement of said member.

The deductions provided herein for pension purposes shall not be construed as reduction in the salary or compensation of any member of this retirement system.

Every employee to whom this act applies who shall continue in the service after the adoption and approval of this act, as well as every person to whom this act applies who may hereafter be appointed to a position or place, shall be deemed to consent and agree to the deductions made and provided for herein and payment with such deductions, for service, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such person during the period covered by such payment except his or her claim to the benefits to which he or she may be entitled under the provisions of this act.

(b) The board of chosen freeholders shall annually raise in the county budget and contribute annually to the fund an amount equal to 9% of all of such county employees' salaries. In the fiscal year next following the effective date of this amendatory and supplementary act, the county shall increase its contribution by 1% of all such county employees' salaries and in each fiscal year thereafter the contribution of the county required by the provisions of this act shall be increased over the previous percentage by an additional one per cent of all such county employees' salaries until

the actuary of the fund certifies to the county that the county's contribution, together with the contribution of the members, is sufficient to meet the liabilities of the fund on a fully funded, reserve basis.

All moneys donated for the purpose of the fund shall be deposited in the fund.

(c) All interest earned on investments of moneys of this retirement system shall be credited to this pension fund.

(d) All moneys required to meet the county contributions provided for in this and all other sections of this act shall be raised annually in the county budget by the board of chosen freeholders and if at any time there is not sufficient money to meet these requirements and pay the pensions, the board of chosen freeholders shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the retirement system.

(e) If in any one year the expenditures required to be made from the fund created under this act are in excess of the moneys received by said fund during that year under the provisions of subsections (a), (b) and (c) of this section, the board of chosen freeholders of the county shall appropriate, raise by taxation and pay over to said fund a sum or sums of money sufficient to wholly reimburse said fund for the amount so expended in excess of moneys received for that year.

C. 43:10-18.6b Mandatory retirement at age 70.

5. (New section) Any employee who is a member of the retirement system, and who shall have attained the age of 70 years, shall be retired immediately, except that the chief executive officer of the county may, upon written request of the employee, permit an employee to continue employment with the county beyond the age of 70 years, on a year-to-year basis.

6. This act shall take effect immediately, except that section 5 shall take effect on the date occurring three years after the date of enactment.

Approved June 10, 1983.

CHAPTER 212

A SUPPLEMENT to the "New Jersey Automobile Reparation Reform Act," approved June 20, 1972 (P. L. 1972, c. 70, C. 39:6A–1 et seq.).

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

C. 39:6A-4.1 Premium reductions for additional automobiles.

1. When a named insured is the owner and only designated operator of two or more automobiles and the only licensed driver residing in the household, he shall be charged a reduced personal injury protection premium for each automobile listed in addition to the principal automobile on the policy in an amount determined by the commissioner for the benefits provided in section 4 of P. L. 1972, c. 70 (C. 39:6A–4). Three years after the initial reduction in such premiums the personal injury protection premium for such additional automobiles shall be determined by the loss experience of the rate filer with respect to the payment of personal injury protection benefits which are attributable to such additional automobiles.

2. This act shall take effect immediately.

Approved June 15, 1983.

CHAPTER 213

AN ACT concerning proof of ownership of motor vehicles in criminal proceedings.

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

C. 2A:82-10.1 Proof of ownership.

1. In any criminal proceeding in which ownership, possession, or use of a motor vehicle is in issue, a certified copy of the certificate of ownership on file with the Director of the Division of Motor Vehicles or with the official custodian of documents certifying ownership of a motor vehicle in another state shall be admissible

in evidence as prima facie proof of ownership of the motor vehicle.

2. This act shall take effect immediately.

Approved June 15, 1983.

CHAPTER 214

AN ACT concerning information provided by insurers relating to motor vehicle theft or motor vehicle insurance fraud.

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

C. 17:23-8 Short title.

1. This act shall be known and may be cited as the "Motor Vehicle Theft and Motor Vehicle Insurance Fraud Reporting—Immunity Act."

C. 17:23-9 Definitions.

2. As used in this act:

a. "Authorized governmental agency" means the Department of Insurance, any law enforcement agency, or any agency or instrumentality of the State, county or municipality or of the federal government which is charged with the responsibility of investigating motor vehicle theft or motor vehicle insurance fraud.

b. "Information deemed important" means information requested by an authorized governmental agency.

c. "Insurer" means any insurance company writing insurance for motor vehicles or otherwise liable for any loss due to motor vehicle theft or motor vehicle insurance fraud in this State.

d. "Relevant" means having a tendency to make the existence of any fact that is of consequence to any investigation or determination of an issue more probable or less probable than it would be without the information.

C. 17:23-10 Insurer required to release relevant information.

3. Upon written request by an authorized governmental agency, an insurer or its authorized agent shall release to the requesting authorized governmental agency relevant information deemed important to the authorized governmental agency which the insurer may possess relating to a motor vehicle theft or motor vehicle

insurance fraud. Relevant information may include, but is not limited to:

a. Insurance policy information relevant to the motor vehicle theft or motor vehicle insurance fraud under investigation, including any application for the policy;

b. Policy premium payment records which are available;

c. History of previous claims made by the insured;

d. Information relating to the investigation of the motor vehicle theft or motor vehicle insurance fraud, including statements of any person, proofs of loss and notice of loss.

C. 17:23-11 Notification by insurer to governmental agency.

4. a. When an insurer knows or has reason to know the identity of a person whom it has reason to believe committed a criminal or fraudulent act relating to a motor vehicle theft or motor vehicle insurance claim or has knowledge of such a criminal or fraudulent act which is reasonably believed not to have been reported to an authorized governmental agency, the insurer or its authorized agent shall notify an authorized governmental agency of such knowledge or reasonable belief and provide any additional information in accordance with section 3.

b. When an insurer provides an authorized governmental agency with notice pursuant to this section, it shall be deemed sufficient notice to all authorized governmental agencies for the purpose of this act.

c. Nothing in this section shall abrogate or impair the rights or powers created under section 3.

C. 17:23-12 Sharing of information.

5. An authorized governmental agency provided with information pursuant to section 3 or 4 of this act may release or provide that information to any other authorized governmental agency.

C. 17:23-13 Insurer to receive information from governmental agency.

6. An insurer providing information to an authorized governmental agency pursuant to section 3 or 4 of this act shall, with respect to a civil action, have the right to request relevant information from the authorized governmental agency, and receive within a reasonable time, not to exceed 30 days, the information requested, provided that the information is not otherwise privileged by law.

C. 17:23-14 Information to be privileged.

7. Information furnished pursuant to this act shall be privileged and not a part of any public record. Except as may be required

by law other than P. L. 1963, c. 73 (C. 47:1A–1 et seq.), an authorized governmental agency or insurer or its authorized agent, which receives any information furnished pursuant to this act, shall not release that information to public inspection. The information shall not be subject to subpena duces tecum in a civil or criminal proceeding unless, after reasonable notice to the insurer or its authorized agent and the authorized governmental agency which has an interest in the information and a hearing, the court determines that the public interest and an ongoing investigation by the authorized governmental agency, insurer or its authorized agent will not be jeopardized by obedience to the subpena.

C. 17:23-15 Civil immunity.

8. No insurer or its authorized agent, authorized governmental agency or their respective employees shall be subject to any civil liability in a cause of action of any kind for releasing or receiving any information pursuant to section 3, 4, 5, 6 or 7 of this act. Nothing herein abrogates or lessens the common and statutory law privileges and immunities of an insurer or its authorized agent or an authorized governmental agency or any of their respective employees.

9. This act shall take effect immediately.

Approved June 15, 1983.

CHAPTER 215

AN ACT concerning certain automobile warranties.

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

C. 56:12-19 Definitions.

1. As used in this act:

a. "Consumer" means the purchaser, other than for purposes of resale, of an automobile; a person to whom an automobile is transferred during the duration of an express warranty applicable to the automobile; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

b. "Dealer" means a person actively engaged in the business of buying, selling or exchanging automobiles at retail and who has an established place of business.

c. "Manufacturer" means a person engaged in the business of manufacturing, assembling or distributing automobiles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least 10 new automobiles.

d. "Manufacturer's express warranty" or "warranty" means the written warranty of the manufacturer of a new automobile of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty.

e. "Automobile" means any passenger automobile as defined in R. S. 39:1–1 which is registered by the Division of Motor Vehicles in the Department of Law and Public Safety, except the living facilities of motor homes.

f. "Nonconformity" means a defect or condition which substantially impairs the use, value, or safety of an automobile.

g. "Lien" means a security interest in an automobile.

h. "Lienholder" means a person with a security interest in an automobile pursuant to a lien.

C. 56:12-20 Repair required.

2. If a new automobile does not conform to the manufacturer's express warranty, and the consumer reports the nonconformity to the manufacturer or its agent or dealer during the term of the warranty or during the period of one year following the date of original delivery of an automobile to the consumer, whichever is earlier, the manufacturer shall make, or arrange with its dealer or agent to make, within a reasonable period of time, all repairs necessary to conform the new automobile to the warranty, notwithstanding that the repairs or corrections are made after the expiration of the term of the warranty or the one-year period.

C. 56:12-21 Replacement or refund.

3. If the manufacturer is unable to conform the new automobile to the warranty by repairing or correcting a defect or condition which substantially impairs the use, value or safety of the new automobile to the consumer after a reasonable number of attempts, the manufacturer shall accept return of the automobile from the consumer and either:

a. Replace the automobile with a comparable new automobile and the consumer shall pay the manufacturer a reasonable allowance for his use of the automobile being returned and shall not pay, on the new replacement automobile, the taxes, preparation fees or any other charges or fees usually paid by a consumer; or

b. Refund to the consumer the full purchase price of the original automobile, including all taxes, preparation fees and any other charges or fees paid by the consumer, less a reasonable allowance for the consumer's use of the original automobile. Refunds shall be made to the consumer and lienholder, if any, as their interests appear on the records of ownership kept by the Director of the Division of Motor Vehicles.

C. 56:12-22 Presumption of reasonable number of attempts.

4. It shall be presumed that a reasonable number of attempts have been undertaken to conform a new automobile to the manufacturer's express warranty if, within the warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date:

a. The same nonconformity has been subject to repair or correction four or more times by the manufacturer, its agents or its dealers and the nonconformity continues to exist; or

b. The automobile is out of service by reason of waiting for the dealer to begin or complete repair or correction of a nonconformity by the manufacturer, its agents or its dealers for a cumulative total of more than 30 business days since the original delivery of the motor vehicle to the consumer. This 30-day limit shall commence with the first day on which the consumer makes the automobile available to the manufacturer, its agent or dealer for service of the nonconformity. The 30-day limit shall be extended only if repairs cannot be performed due to conditions beyond the control of the manufacturer, its agents or its dealers including war, invasion, strike, fire, flood or other natural disaster.

c. The presumption provided in this section shall not apply against a manufacturer unless the manufacturer has received prior direct written notification from or on behalf of the consumer and has had an opportunity to repair or correct the nonconformity; provided, however, that if the manufacturer does not directly attempt or arrange with its dealer or agent to repair or correct the nonconformity, the manufacturer may not defend a claim by a consumer under this act on the ground that the agent or dealer failed to properly repair or correct the nonconformity or that the repairs or corrections made by the agent or dealer caused or contributed to the nonconformity.

C. 56:12-23 Reasonable allowance for use.

5. A reasonable allowance for use shall be the total amount directly attributable to the use of the new automobile by the con-

3. N. J. S. 18A:66–107 is amended to read as follows:

Contributions to pension fund.

18A:66–107. The contributions to the pension fund shall be as follows:

a. There shall be deducted from every payment of salary of all employees who are members of the fund 6% of the amount of such salary.

b. Each board of education shall be obligated for contributions to the fund of a proportionate amount of the total contributions required from all employing boards of education, as determined by the actuary, which shall be sufficient to: (1) provide for the pension credits being accrued by the members, after taking into account contributions being made by the members, and (2) provide for the payment of the unfunded accrued liability in annual payments over a period of 30 years, commencing July 1, 1963. Such obligations shall be provided for by each board in its annual appropriation for the support and maintenance of the public schools.

c. The amount to be appropriated by each board under subsection b. of this section shall be determined by applying the percentage certified by the actuary as determined under said subsection.

d. The treasurer or other chief fiscal officer of each board of education shall pay to the fund on the first day of each month: (1) the total of the amounts of contributions which, during the preceding month, were deducted from the salaries of the employees of that board under subsection a. of this section, and (2) the pro rata portion of the amount of employer contributions of the board, as that amount is determined under subsection b. of this section, which is applicable to that board with respect to the preceding month. If the full payment required under this subsection is not made within 30 days after it becomes due, interest at the rate of 1% for each whole or fractional month of lateness shall begin to run against the unpaid balance of that payment on the first day after that thirtieth day.

4. N. J. S. 18A:66–108 is amended to read as follows:

Salary deductions; death benefits.

18A:66–108. a. The board of trustees may, in the manner prescribed by the bylaws of the corporation, assess and collect monthly or semimonthly from each member of the pension fund the amount required to be paid by said member into the fund. All moneys so collected shall be paid to the treasurer of the corporation.

The board of trustees may make it a condition of membership that each member sign an order on the custodian of school moneys, or other disbursing officer, directing the retention from his or her salary or wages of the amount of his or her assessments and the payment of the amount so retained directly to the treasurer of the corporation, and the custodian of school moneys, or other disbursing officer, shall make such retention and payment, but such right of retention and payment shall become operative only in the event of the same being authorized by the bylaws of the corporation.

b. Whenever any member shall die in service or his or her employment be terminated, for reasons other than retirement, all payments made by such employee to the fund shall be returned to the employee, if alive; or to such person, if living, as he shall have nominated by written designation, duly executed and filed with the board of trustees; otherwise to the executor or administrator of the member's estate, together with simple interest at the rate of 2% per annum.

c. Upon the receipt of proper proof of the death of a member in service, on account of which no accidental death benefit is payable under subsection e. of this section or the death of a member who has been retired for disability but who has not yet attained 60 years of age, there shall be paid to such person, if living, as he shall have nominated by written designation, duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate an amount equal to one and one-half times the compensation upon which his contributions are based or received by the member in the last year of creditable service; provided, however, that if such a member shall have attained 70 years of age or the member who has been retired for disability has attained 60 years of age, the amount payable shall equal three-sixteenths of the compensation received by the member in the last year of creditable service instead of one and one-half times such compensation. Such member may also file, and alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal installments over a period of years or as a life annuity. Upon the death of such member, a beneficiary to whom a benefit is payable in one sum may elect to receive the amount payable in equal annual installments over a period of years or as a life annuity.

d. Whenever any member who was a member on June 26, 1962, shall die after retirement on pension, not having received in pension payments an amount equal to the total amount of his or her contributions to the fund, including simple interest at 2% per annum, the difference between the amount so received and the amount of contributions, plus interest, shall be paid to the surviving named beneficiary on file with the board of trustees, and if none, then to his or her legal representative; unless said employee has made provision with the board of trustees for optional benefits under the provisions of section 18A:66–110.

e. Upon the death of a member in active service as a result of an accident in the performance of his or her duties as such employee and not as the result of his willful negligence, an accidental death benefit shall be payable, if a report, in a form acceptable to the board of trustees, of the accident is filed with the pension fund within 60 days next following the accident and an application for such benefit is filed with the said board of trustees within two years of the date of the accident, but the board of trustees may waive such time limits for a reasonable period, if in the judgment of the board the circumstances warrant such action. Evidence must be submitted to the board of trustees proving that the natural and proximate cause of death was an accident arising out of and in the course of employment at some definite time and place. Upon application by or on behalf of the dependents of such deceased member, the board of trustees, in addition to the payment of his contributions, as provided in this section, shall grant a pension of one-half of the average annual salary received by him or her during the three years immediately preceding his or her death, if the member was a male employee, as a pension to his widow, to continue during her widowhood; or if no widow, or in case the widow dies or remarries before the youngest child of such deceased member attains age 18, or if the member was a married female employee, then to the child or children of such member under age 18, divided in such manner as the board in its discretion shall determine to continue until the youngest surviving child dies or attains age 18.

5. N. J. S. 18A:66–109 is amended to read as follows:

Permitted investments.

18A:66–109. No money shall be paid out of the pension fund except by the treasurer of the corporation upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof. No warrant shall be drawn except by the order

of the board upon a yea and nay vote recorded in the minutes of the board.

The board of trustees may deposit the moneys of the fund in any bank or trust company which is a member of the Federal Reserve System, and may invest those moneys in bonds secured by mortgages, or in mortgages guaranteed or insured by agencies or instrumentalities of the United States of America, provided that those mortgages are legal investments for savings banks in this State. The board of trustees may invest and reinvest the moneys in other evidences of indebtedness, or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, and in the bonds and other evidences of indebtedness of the United States of America, any state, city, county, school district or of the instrumentality of any state or of the United States of America. All income, interest or dividends paid or agreed to be paid on account of any loan or deposit shall constitute a part of the fund.

6. N. J. S. 18A:66–110 is amended to read as follows:

Manner of payment.

18A:66–110. Pensions shall be paid from the fund in the manner following:

a. A member of the pension fund who was a member on or before June 26, 1962 and who has or shall hereafter have credit in the pension fund for 30 years or more as an employee of a board of education in a county wherein the fund has been established and maintained shall, upon application to the board of trustees of the pension fund, be retired by such board of trustees and shall thereupon receive annually from the fund, for and during the remainder of his or her life, by way of pension, an amount equal to one-sixtieth of the average annual compensation received in the last three years of creditable service immediately preceding his or her retirement multiplied by the number of years he or she has credit in the pension fund, the amount to be determined by resolution of the board.

b. Upon the retirement of a member who has reached the age of 60 years, the person so retired shall be entitled to receive during his or her life, by way of pension, one-sixtieth of the average annual compensation received in the three years of creditable service immediately preceding his or her retirement multiplied by the number of years for which he or she has credit in the pension fund, the amount to be determined by resolution of the board.

Upon the receipt of proper proof of death of a member who has retired on a service retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate an amount equal to one-half of the compensation received by the member in the last year of creditable service.

c. A member of the fund who has credit therein for 10 years, who shall become incapacitated, either mentally or physically, and who cannot perform the regular duties of employment, or who is found unfit for the performance of his or her duties, upon the application of his employer or upon his own application or the application of someone acting in his behalf, shall be retired by the board of trustees of the pension fund and thereupon shall receive annually from the fund a retirement allowance as described in subsection b. of this section if he has reached or passed age 60 and if he is under age 60, an amount equal to nine-tenths of one-sixtieth of the average annual compensation received in the last three years of creditable service immediately preceding the retirement multiplied by the number of years of creditable service; provided, however, that in no event shall the pension be based upon less than 17 years nor more than 30 years of service unless the member would have had less than 17 years of service at age 60, in which event he shall be given credit for the years to age 60; however, a member who has not attained age 70 who shall become incapacitated, either mentally or physically, as a result of personal injuries sustained in an accident occurring in the performance of his or her duties of such employee, shall, upon the application of his employer or upon his own application or the application of someone acting in his behalf, be retired by the board of trustees of the pension fund, and, thereupon, if a report of the accident, in a form acceptable to the board of trustees of the pension fund, is filed with the said board of trustees within 60 days next following the accident and the application for retirement is filed with the said board of trustees within two years of the date of the accident, shall receive annually from the fund an amount equal to two-thirds of the annual salary being received by such employee on the date of the accident. The board of trustees may waive strict compliance with the time limits within which a report of the accident and an application for retirement must be filed with the board if it is satisfied: (1) that a report of the accident from which the disability is claimed to have resulted was filed with the employing board of

education with reasonable promptitude and in no event later than 60 days after the accident, and (2) the applicant shall show that his failure to file a report with the board of trustees or to file his application for retirement within the time limited by law was due to mistake, inadvertence, ignorance of fact or law, inability, or to the fraud, misrepresentation or deceit of any person, or to a delay in the manifestation of the incapacity, or to any other reasonable cause or excuse, and (3) that the application for retirement was filed in good faith and the circumstances justify its favorable consideration.

The trustees of the pension fund shall have the power to determine whether or not any employee is permanently and totally disabled, and whether or not a disability of an employee is the result of an accident at some definite time and place in the performance of his or her duties as such employee. The claimant shall have the right to present physicians, witnesses or other testimony in his or her behalf before the board of trustees. The chairman, or any other member of the board of trustees, may administer oaths to any physician or other persons called before the trustees regarding the employee's disability. The board of trustees shall decide, by resolution, whether the applicant is entitled to the benefit of this article.

Once in each year, the board of trustees may, and upon the member's application shall, require any member retired for a disability, who is under the age of 60, to undergo medical examination by a physician or physicians designated by the board of trustees. The examination shall be made at the residence of the pensioner or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the board of trustees that the disabled pensioner is not permanently and totally incapacitated, either mentally or physically, for the performance of duty, and the board finds that said member is engaged in a gainful occupation, or could be engaged in a gainful occupation, and if the board concurs in the report, then the amount of the pension shall be reduced to an amount which, when added to the amount then being earned by him or her or an amount which he or she could earn if gainfully employed, shall not exceed the amount of compensation received by him or her at the time of his or her retirement. If subsequent examination of such pensioner shows that his or her earnings have changed since the date of his or her last examination, then the amount of the pension shall be further altered, but the new pension shall not exceed the amount of the pension originally granted, nor shall the new pension, when added to the amount then being earned

by the pensioner, exceed the salary or compensation received by him or her at the time of his or her retirement.

d. At the time of retirement, any member may elect to receive his or her benefits in a retirement allowance payable throughout life, or he or she may, on retirement, elect to convert the benefits, otherwise payable to him or her, into a retirement allowance of the equivalent actuarial value computed on the basis of such mortality tables as shall be adopted by the board of trustees, in accordance with one of the optional forms following:

Option 1. A reduced retirement allowance, payable during life, with a provision that in the case of death, before the total pension payments have equaled the actuarial value computed as aforesaid, the balance shall be paid to his or her surviving designated beneficiary, duly acknowledged and filed with the board of trustees; and if none, then to the executor or administrator of his or her estate.

Option 2. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death it will continue during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 3. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death, an allowance at one-half of the rate of his or her reduced allowance will be continued during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 4. A reduced retirement allowance, payable during the retired member's life, with some other benefit payable after his or her death, provided the benefit is approved by the board of trustees.

No optional selection shall be effective in case a member dies within 30 days after retirement and such a member shall be considered an active member at the time of death until the first payment on account of any benefit becomes normally due.

The board of trustees shall, from time to time and as often as they deem it necessary, employ an actuary, who shall recommend, and the board shall keep in convenient form, such data as shall be necessary for actuarial valuations of the various funds created by this article. At least once in every five-year period, or more frequently as determined by the board of trustees, the actuary shall make an actuarial investigation into the mortality, service and salary experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabili-

ties of the various funds thereof, and upon the basis of such investigation the board of trustees shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

(b) Certify the rate of contribution which shall be made by each board of education to the pension fund as provided by this article.

7. N. J. S. 18A:66–113 is amended to read as follows:

Deferred retirement allowance.

18A:66–113. A member of the pension fund who has 10 years of service credit in the pension fund and who separates voluntarily or involuntarily before attaining the age of 60 years, and not by removal for cause on charges of misconduct or delinquency, may elect to receive a deferred retirement allowance beginning at the age of 60 years, equal to one-sixtieth of the average annual compensation received by him during the three years immediately preceding his separation from service multiplied by the number of years of credited service, with optional privileges as provided for in subsection d. of section 18A:66–110.

Such member shall advise the board of trustees of his election of such a deferred retirement allowance in writing, and shall complete such forms as shall be specified by the board of trustees in its administration of this section.

Subsequent to making such an election, but prior to attaining age 60, a member may later elect to withdraw all payments which he has made to the pension fund together with simple interest at the rate of 2% per annum figured on such employee contributions. Upon such withdrawal of contributions, no further benefits shall be payable on behalf of said employee by the pension fund. If such a member should die before attaining the age of 60 years, all payments which he has made, together with simple interest at the rate of 2% per annum figured on such employee's contributions to the fund from the date of membership, shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate.

Any member who, having elected to receive a deferred retirement allowance, again becomes an employee covered by the retirement system while under the age of 60 shall thereupon be reenrolled. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred retirement allowance.

8. Section 4 of P. L. 1971, c. 382 (C. 18A:66–113.1) is amended to read as follows:

C. 18A:66-113.1 Early retirement.

4. Should a member resign after having established 25 years of creditable service before reaching age 60, he may elect "early retirement," provided that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive in lieu of any other payment provided for in section 18A:66–113 retirement allowance of one-sixtieth of his average annual compensation received in the last three years of creditable service preceding his retirement for each year of service credited reduced by one-quarter of 1% for each month that the member lacks of being age 55.

9. Section 6 of P. L. 1971, c. 278 (C. 18A:66–126.6) is amended to read as follows:

C. 18A:66-126.6 Adjustment of retirement allowances.

6. On or before October 1, 1969 and by the same date in each subsequent year, the Director of the Division of Pensions of the State Department of the Treasury shall review the index and determine the percentum of change in the index from the retirement year index, pursuant to the provisions of the Pension Increase Act (P. L. 1969, c. 169). The percentage of adjustment in the retirement allowances shall be one-half of the percentum of change.

The director shall include amounts sufficient to adjust the retirement allowances or pensions payable to all eligible retirants by one-half of the percentum of change in the index as such retirement allowances or pensions may have been originally granted, or increased for certain retirants in accordance with the provisions of the Pension Increase Act (P. L. 1969, c. 169). The director shall notify the secretary of the retirement system of the percentage of adjustment for the applicable year.

In no instance shall the amount of the retirement allowance originally granted and payable to any retirant be reduced as a result of this adjustment.

For purposes of this section, a "retirant" shall include all retirants except those whose retirement allowances commenced within the 2 calendar years prior to the first of the month in which the adjustment is to become effective in any year.

C. 18A:66-109.1 Loans from retirement system.

10. (New section) Any member who has at least three years of service to his credit for which he has contributed as a member may borrow from the retirement system an amount equal to not more than 50% of the amount of his accumulated deductions, but not less than $50.00; provided that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from compensation, not in excess of 25% of the member's compensation, made at the same time compensation is paid to the member. The amount so borrowed, together with the interest at the rate of 7½% per annum on any unpaid balance thereof, shall be repaid to the retirement system in equal installments by deduction from the compensation of the member at the time the compensation is paid or in such lump sum amount sufficient to repay the balance of the loan, but the rate at which any installment is deducted shall be at least equal to the member's rate of contribution to the retirement system and at least sufficient to repay the amount borrowed, with interest thereon. Not more than two loans may be granted to any member in any calendar year. Notwithstanding any other law affecting the salary or compensation of any person or persons to whom this act applies or shall apply, the additional deductions required to repay the loan shall be made.

Loans shall be made to a member from his accumulated deductions. The interest earned on those loans shall be treated in the same manner as interest earned from investments of the retirement system. In the case of any member who retires without repaying the full amount so borrowed, the Division of Pensions shall retain the retirement benefit payments, excluding authorized deductions of the member, as repayment of the loan until the aggregate amount of those retirement benefit payments is equal to the outstanding balance of the loan, together with the interest at the rate of 7½% per annum on the amount so borrowed, at which time the retired member shall receive his retirement benefit payments. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the pensioner, either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

11. This act shall take effect immediately.

Approved June 20, 1983.

CHAPTER 217

AN ACT to transfer the rights, title and interest to certain unclaimed molds, dies and forms.

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

C. 56:4A-1 Definitions.

1. As used in this act:

a. "Customer" means any person who causes or caused a molder to fabricate, cast or otherwise make a mold, die or form, or who causes or caused a molder to use a mold, die or form in the manufacture or assembly of products.

b. "Molder" means any person who fabricates, casts or otherwise makes a mold, die or form to produce plastic products, or who uses a mold, die or form in the manufacture or assembly of plastic products.

C. 56:4A-2 Transfer of title.

2. Unless otherwise agreed to in writing, if a customer does not take possession from a molder of a mold, die or form situated in this State within 3 years following its last prior use, the customer's rights, title and interest to the mold, die or form may be transferred by operation of law to the molder for the purpose of destroying the mold, die or form consistent with this act. To transfer title, the molder shall send written notice by registered mail, return receipt requested, to the customer's designated address or, if there is none, to the customer's last known address, indicating that the molder intends to have the customer's rights, title and interest to the mold, die or form transferred pursuant to this act.

C. 56:4A-3 Destruction allowed.

3. If a customer does not take possession of the particular die, mold, or form within 120 days following the date the molder receives acknowledgement or nonacknowledgement of the return receipt of the notice or does not make other contractual arrangements with the molder for taking possession or for the storage thereof, all rights, title, and interest of the customer shall transfer by law to the molder. Thereafter, the molder shall be entitled to destroy the particular die, mold, or form as the molder's own property without any risk of liability to the customer.

C. 56:4A-4 Other rights unaffected.

4. This act shall not be construed to affect the rights of customers under federal patent or copyright law, or any State or federal law pertaining to unfair competition. This act shall not apply if a molder retains title to and possession of a mold, die or form, nor shall this act be construed to grant a customer any rights, title or interest in a mold, die or form.

C. 56:4A-5 3-year period defined.

5. For purposes of this act, the term "within 3 years following its last use" shall be construed to include any period following the last prior use of any die, mold, or form regardless of whether or not the period precedes the effective date of this act.

6. This act shall take effect 180 days after enactment.

Approved June 20, 1983.

CHAPTER 218

AN ACT to amend and supplement "An act concerning the authorization of school bonds and supplementing Title 18A of the New Jersey Statutes," approved January 13, 1983 (P. L. 1983, c. 1).

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

1. Section 1 of P. L. 1983, c. 1 (C. 18A:24–11.1) is amended to read as follows:

C. 18A:24-11.1 Change in school district structure.

1. In cities of the first class with a population in excess of 300,000 according to the 1980 Federal Census, that change the local school district governmental structure from a Type I to a Type II district, any bond authorization process begun, under the provisions of N. J. S. 18A:22–18, prior to the referendum authorizing the change from a Type I to a Type II district shall be subject to the laws, rules and regulations governing the authorization, issuance and sale of bonds in Type I school districts and such bonds may be issued and sold and the proceeds disposed of in the manner provided by law at the time said proceedings were begun as if the city had remained under the Type I school district structure.

2. (New section) All proceedings for the authorization, issuance or sale of bonds described in section 1 of this act, heretofore had or taken by any municipality or by any officials thereof including procedures for qualification of such school bonds for or in connection with the sale, execution and delivery of qualified school bonds for the school district of the municipality pursuant to chapter 24 of Title 18A of the New Jersey Statutes and "The School Qualified Bond Act," P. L. 1976, c. 39 (C. 18A:24–85 et seq.) are ratified, validated and confirmed, notwithstanding any other law.

3. This act shall take effect immediately.

Approved June 22, 1983.

CHAPTER 219

AN ACT concerning the taking of clams and oysters from State lease lands and amending P. L. 1979, c. 199 and R. S. 50:4–3.

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

1. Section 73 of P. L. 1979, c. 199 (C. 23:2B–14) is amended to read as follows:

C. 23:2B-14 Definition of "act"; penalties for violations.

73. For purposes of this section, the "act" means and includes all the new sections and amended sections contained herein, all the remaining sections of Title 50 of the Revised Statutes, sections 23:3–41, 23:3–46, 23:3–47, 23:3–48, 23:3–51, 23:3–52, 23:5–9, 23:5–16, 23:5–35, 23:9–114, 23:9–115 and 23:9–120 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L. 1938, c. 318 (C. 23:5–5.1 through 23:5–5.3 and 23:5–5.7), P. L. 1952, c. 216 (C. 23:5–5.1a), and sections 1, 2, and 3 of P. L. 1941, c. 211 (C. 23:5–24.1 to 23:5–24.3).

The commissioner may utilize any or all of the following remedies for any violation of this act:

a. (1) Any person who violates the provisions of this act or of any rule, regulation, license or permit promulgated or issued pursuant to this act shall be liable to a penalty of not less than $100.00 or more than $3,000.00 for the first offense and not less than $200.00 or more than $5,000.00 for any subsequent offense, unless the com-

missioner has established an alternate penalty for a specific offense pursuant to subsection a. (2) of this section.

(2) The Commissioner of Environmental Protection, with the approval of the Marine Fisheries Council, may, by regulation, establish a penalty schedule for any specific violation of this act or of any rule or regulation promulgated pursuant to this act. No such penalty may be less than $10.00 or more than $100.00 on the first offense or less than $20.00 or more than $200.00 on any subsequent offense. Any penalty provided for by this act or by the fee schedule promulgated by the commissioner shall be collected in a civil action by a summary proceeding under the penalty enforcement law (N. J. S. 2A:58–1 et seq.). The Superior Court or any County Court, county district court or municipal court shall have jurisdiction to enforce said penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

b. Any person who violates the provisions of this act or any rule or regulation or any license or permit promulgated or issued pursuant to this act shall be liable to the revocation of any license which he holds pursuant to this act for such period of time as the court may choose.

c. If any person violates any of the provisions of this act, or any rule or regulation or any license or permit promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

d. In addition to the penalties prescribed by this section, a person violating the provisions of R. S. 50:4–3 shall be subject to the forfeiture of any vessel or equipment used in the commission of the violation. A designated enforcement officer of the Department of Environmental Protection, the marine police, or any other law enforcement officer may seize and secure any vessel or equipment used in the commission of such a violation. Upon the seizure of the vessel or equipment, the enforcement officer, member of the marine police, or other law enforcement officer shall immediately thereafter institute a civil action to determine if the forfeiture is warranted in the court in which the penalty action was filed pursuant to this

section, which court shall have jurisdiction to adjudicate the forfeiture action. The owner or any person having a security interest in the vessel or equipment may secure a release of the same by depositing with the clerk of the court in which the action is pending a bond with good and sufficient sureties in an amount to be fixed by the court, conditioned upon the return of the vessel or equipment to the Department of Environmental Protection upon demand after completion of the court proceeding. The court may proceed in a summary manner and may direct the confiscation of the vessel or equipment by the department for its use or for disposal by sale or public auction. Moneys collected by the department through the sale or public auction of the vessel or equipment shall be used by the Division of Fish, Game and Wildlife for the enforcement of the provisions of this act.

2. R. S. 50:4–3 is amended to read as follows:

Lease required for tidal lands.

50:4–3. No person shall dredge upon, throw, cast or drag an oyster dredge, use oyster tongs, rakes, forks or other instruments or appliances used for catching oysters or clams, or tread for clams, upon any of the leased lands of this State lying under the tidal waters of the Atlantic seaboard or tributaries thereof, above Cape May Point, other than land or ground for which such person or his employer then holds a lease from the council.

3. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 220

AN ACT concerning the resale of tickets of admission to places of entertainment and amending P. L. 1983, c. 135.

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

1. Section 1 of P. L. 1983, c. 135 (C. 56:8–26) is amended to read as follows:

C. 56:8-26 Definitions.

1. As used in this act:

a. "Director" means the director of the Division of Consumer Affairs in the Department of Law and Public Safety.

b. "Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

c. "Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

d. "Place of entertainment" means any privately or publicly owned and operated entertainment facility within the State of New Jersey such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which an entry fee is charged.

e. "Ticket" means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of entertainment.

f. "Ticket agent" means any person who is involved in the business of selling or reselling tickets of admission to places of entertainment who charges a premium in excess of the price, plus taxes, printed on the tickets.

2. Section 2 of P. L. 1983, c. 135 (C. 56:8–27) is amended to read as follows:

C. 56:8-27 Place of business in State, license required.

2. No person shall engage in or continue in the business of reselling tickets for admission to a place of entertainment without:

a. Owning, operating or maintaining an office, branch office, bureau, agency, or other place of business, not including a post office box, for the purpose of reselling tickets in this State; and

b. Obtaining a license to resell or engage in the business of reselling tickets from the director.

3. Section 8 of P. L. 1983, c. 135 (C. 56:8–33) is amended to read as follows:

C. 56:8-33 Maximum premium.

8. Each place of entertainment shall print on the face of each ticket and include in any advertising for any event the price charged therefor. Except for tickets printed prior to the enactment of this act, each ticket shall have endorsed thereon the maximum premium not to exceed 20% of the ticket price or $3.00, whichever is greater, plus lawful taxes, at which the ticket may be resold. No person shall resell, offer to resell, or purchase with the intent to resell a ticket at any premium in excess of the maximum premium as set forth in this act.

4. Section 9 of P. L. 1983, c. 135 (C. 56:8–34) is amended to read as follows:

C. 56:8-34 Sales banned in vicinity of entertainment places.

9. No person shall sell, offer to sell, resell, offer to resell or purchase with the intent to resell any ticket, in or on any street, highway, driveway, sidewalk, parking area, or common area owned by a place of entertainment, or any other area adjacent to or in the vicinity of any place of entertainment as determined by the director; except that a person may resell, in an area which may be designated by the place of entertainment, any ticket or tickets originally purchased for his own personal or family use at no greater than the lawful price permitted under this act.

5. Section 10 of P. L. 1983, c. 135 (C. 56:8-35) is amended to read as follows:

C. 56:8-35 No payments allowed for special treatment.

10. Any person who gives or offers anything of value to an employee of a place of entertainment in exchange for, or as an inducement to, special treatment with respect to obtaining tickets, or any employee of a place of entertainment who receives or solicits anything of value in exchange for special treatment with respect to issuing tickets, shall be in violation of this act.

6. This act shall take effect immediately, but shall remain inoperative until the effective date of P. L. 1983, c. 135.

Approved June 27, 1983.

CHAPTER 221

AN ACT concerning unemployment compensation and amending R. S. 43:21-4.

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

1. R. S. 43:21-4 is amended to read as follows:

Benefit eligibility conditions.

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

(a) The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the

division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of R. S. 43:21–3.

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

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

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

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

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

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

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

(1) If benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph shall

be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

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

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

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

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21–19 the individual has established at least 20 base weeks as defined in subsection (t) of R. S. 43:21–19, or, in the alternative, has earned $2,200.00 or more in the individual's base year.

(f) (1) The individual has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21–1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21–3 (d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual" as defined in R. S. 43:21–27 (b); provided further, that no benefits shall be payable under this subsection to any individual:

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

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

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

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

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

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

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

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

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

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

cational 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 purposes of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act); provided, that any modification of the provisions of section 3304 (a) (14) of the Federal Unemployment Tax Act

as provided by Public Law 94–566 which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

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

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

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

2. This act shall take effect immediately except that the amendments to subsection (g) of R. S. 43:21–4 shall be retroactive to September 3, 1982.

Approved June 27, 1983.

CHAPTER 222

AN ACT concerning the cleanup of chemical contamination, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C. 58:10-23.20 Findings and declarations.

1. The Legislature finds and declares that:

a. The recognition of the threat of serious, and in some cases irreversible, environmental pollution by toxic chemicals stored, legally or otherwise, at various sites around the State has

prompted the recent need for a systematic and consistent approach to the detoxification of those sites;

b. Pioneering efforts in responding to those environmental threats have been undertaken by agencies of this State thereby adding to the store of knowledge and experience necessary for prompt and efficient hazardous discharge response;

c. Serious allegations have been made that efforts to detoxify sites of hazardous discharge have been fraught with ineffective administration, resulting in less than the most cost effective approach to the cleanup of those sites, and the waste of funds made precious by scarcity and the large number of sites needing remedial action;

d. To assure the adequate and most cost effective response to chemical contamination, it is altogether fitting and proper to utilize the expertise of industry, academia and environmentally concerned citizens to study prior cleanup efforts, identify programmatic inefficiencies and ineffectiveness, and to recommend a contingency response plan which shall serve as the basis for a Statewide master plan for the cleanup of chemical contamination.

C. 58:10-23.21 Definitions.

2. As used in this act:

a. "Department" means the Department of Environmental Protection;

b. "Hazardous discharge" means a discharge of hazardous substances as defined in subsection h. of section 3 of P. L. 1976, c. 141 (C. 58:10–23.11b);

c. "Sites of chemical contamination" means abandoned or retired sites of hazardous substance disposal posing present or imminent threats to public health, property or the natural environment, the owners of which are not identifiable or are judgment proof.

C. 58:10-23.22 Review; recommendations.

3. The 13 members of the Hazardous Waste Advisory Council established pursuant to section 6 of P. L. 1981, c. 279 (C. 13:1E–54) shall, within 6 months of the effective date of this act, conduct or cause to be conducted and shall transmit to the Legislature and the Governor:

a. A review and evaluation of the technical and financial practices and procedures employed by public and private agencies involved in prior efforts to detoxify sites of hazardous discharge, and an identification of any programmatic inefficiencies in those efforts;

b. A review and evaluation of models of chemical contamination contingency response planning, including those developed by federal agencies, other states, and the chemical industry; and

c. Recommendations, after public hearing, for the adoption, by the department, of a Hazardous Substance Contingency Response Master Plan, which recommendations shall include at least the following:

(1) A discovery and notification phase which shall prescribe procedures for the investigation and inventory of sites of hazardous discharge and the identification of all parties and agencies that must be notified of the existence of those sites;

(2) A preliminary assessment phase which shall prescribe procedures for evaluating the nature of the chemical contamination and the magnitude and scope of the hazard to the public health and natural resources of the State;

(3) A contingency response phase prescribing procedures for the removal or containment of any chemical contamination indicated by the preliminary assessment;

(4) Criteria for the ranking of sites of hazardous discharge;

(5) Identification of appropriate procedures for the involvement of the affected community.

C. 58:10-23.23 Assistance of public employees.

4. The council shall be entitled to call to its assistance, and avail itself of the services of, employees of any State, county or municipal department, board, commission or agency as may be required and made available.

C. 58:10-23.24 Master plan mandated.

5. The department shall adopt, within 10 months of the effective date of this act and pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), a Hazardous Substance Contingency Response Master Plan which shall, to the greatest extent practicable and feasible, incorporate the findings and recommendations of the council.

6. There is appropriated to the department from the New Jersey Spill Compensation Fund established by section 10 of P. L. 1976, c. 141 (C. 58:10–23.11i), the sum of $100,000.00 for the implementation, by the council, of the provisions of this act.

7. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 223

AN ACT concerning certain moneys of mentally retarded persons.

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

C. 30:4-24.4 Accounting of expenditures of moneys of mentally retarded.

1. The Commissioner of the Department of Human Services shall require employees in the Division of Mental Retardation to make written reports accounting for all expenditures which they may make of moneys of mentally retarded persons who receive functional services from the division pursuant to sections 16 and 18 of P. L. 1965, c. 59 (C. 30:4–25.4 and 30:4–25.6).

C. 30:4-24.5 Study of money-handling.

2. The commissioner shall, in consultation with the State Auditor, conduct a detailed study of the management and handling of the moneys described in section 1 of this act and shall adopt regulations to improve present systems and procedures where appropriate.

3. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 224

AN ACT concerning exemption of property from taxation and amending R. S. 54:4–3.6.

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

1. R. S. 54:4–3.6 is amended to read as follows:

Tax-exempt property.

54:4–3.6. The following property shall be exempt from taxation under this chapter: all buildings actually used for colleges, schools, academies or seminaries, provided that if any portion of such buildings are leased to profit-making organizations or otherwise used for purposes which are not themselves exempt from taxation, said portion shall be subject to taxation and the remaining

portion only shall be exempt; all buildings actually used for historical societies, associations or exhibitions, when owned by the State, county or any political subdivision thereof or when located on land owned by an educational institution which derives its primary support from State revenue; all buildings actually and exclusively used for public libraries, religious worship or asylum or schools for feebleminded or idiotic persons and children; all buildings used exclusively by any association or corporation formed for the purpose and actually engaged in the work of preventing cruelty to animals; all buildings actually and exclusively used and owned by volunteer first-aid squads, which squads are or shall be incorporated as associations not for pecuniary profit; all buildings actually and exclusively used in the work of associations and corporations organized exclusively for the moral and mental improvement of men, women and children, or for religious or charitable purposes, or for one or more such purposes; all buildings actually used in the work of associations and corporations organized exclusively for hospital purposes, provided that if any portion of a building used for hospital purposes is leased to profitmaking organizations or otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings owned or held by an association or corporation created for the purpose of holding the title to such buildings as are actually and exclusively used in the work of two or more associations or corporations organized exclusively for the moral and mental improvement of men, women and children; all buildings owned by a corporation created under or otherwise subject to the provisions of Title 15 of the Revised Statutes and actually and exclusively used in the work of one or more associations or corporations organized exclusively for charitable or religious purposes, which associations or corporations may or may not pay rent for the use of the premises or the portions of the premises used by them; the buildings, not exceeding two, actually occupied as a parsonage by the officiating clergymen of any religious corporation of this State, together with the accessory buildings located on the same premises; the land whereon any of the buildings hereinbefore mentioned are erected, and which may be necessary for the fair enjoyment thereof, and which is devoted to the purposes above mentioned and to no other purpose and does not exceed five acres in extent; the furniture and personal property in said buildings if used in and devoted to the purposes above mentioned; all property owned and used by any

nonprofit corporation in connection with its curriculum, work, care, treatment and study of feebleminded, mentally retarded, or idiotic men, women, or children shall also be exempt from taxation, provided that such corporation conducts and maintains research or professional training facilities for the care and training of feebleminded, mentally retarded, or idiotic men, women, or children; provided, in case of all the foregoing, the buildings, or the lands on which they stand, or the associations, corporations or institutions using and occupying them as aforesaid, are not conducted for profit, except that the exemption of the buildings and lands used for charitable, benevolent or religious purposes shall extend to cases where the charitable, benevolent or religious work therein carried on is supported partly by fees and charges received from or on behalf of beneficiaries using or occupying the buildings; provided, the building is wholly controlled by and the entire income therefrom is used for said charitable, benevolent or religious purposes. The foregoing exemption shall apply only where the association, corporation or institution claiming the exemption owns the property in question and is incorporated or organized under the laws of this State and authorized to carry out the purposes on account of which the exemption is claimed or where an educational institution, as provided herein, has leased said property to a historical society, or association or to a corporation organized for such purposes and created under or otherwise subject to the provisions of Title 15 of the Revised Statutes.

2. This act shall take effect immediately and shall be applicable to real property taxes levied or payable for the calendar year 1983 and thereafter.

Approved June 27, 1983.

CHAPTER 225

AN ACT relating to the transportation system of the State and supplementing P. L. 1981, c. 408.

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

1. Notwithstanding the provisions of P. L. 1981, c. 408 to the contrary, the following project shall be authorized as appropriated by section 3 of P. L. 1981, c. 408:

Route	*Description*	*County*	*Estimated Cost*
23	I-80 to New Street, dualization and widening, required payments	Passaic	($1,000,000)

2. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 226

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amount appropriated by P. L. 1982, c. 49 for the administration of the New Jersey State Employees' Deferred Compensation Plan, P. L. 1978, c. 39 (C. 52:18A–163 et seq.), the Director of the Division of Budget and Accounting may advance such amount as may be requested by the New Jersey State Employees' Deferred Compensation Board, not to exceed $150,000.00, provided, however, that such sum is appropriated as a loan to the New Jersey State Employees' Deferred Compensation Board, with any amount so appropriated to be repaid by the participants in the plan in accordance with a repayment schedule which the board shall establish.

2. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 227

AN ACT concerning county and municipal authority over certain parking and traffic regulations and amending sections 39:4–8, 39:4–98, 39:4–140, 39:4–197, 39:4–201 and 39:4–202 of the Revised Statutes.

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

1. R. S. 39:4–8 is amended to read as follows:

Commissioner of Transportation's approval required; exceptions.

39:4–8. a. Except as otherwise provided in this section, no ordinance or resolution concerning, regulating or governing traffic or traffic conditions, adopted or enacted by any board or body having jurisdiction over highways, shall be of any force or effect, unless the same is approved by the Commissioner of Transportation, according to law. The commissioner shall not be required to approve any such ordinance, resolution or regulation, unless, after investigation by him, the same shall appear to be in the interest of safety and the expedition of traffic on the public highways.

b. In the case of totally self-contained streets under municipal jurisdiction which have no direct connection with any street in any other municipality, the municipality may, by ordinance, without the approval of the Commissioner of Transportation, designate reasonable and safe speed limits and erect appropriate signs and designate any intersection as a stop or yield intersection and erect appropriate signs, provided that the municipal engineer shall, under his seal as a licensed professional engineer, certify to the commissioner that any designation or erection of signs: (1) has been approved by him after investigation by him of the circumstances, (2) appears to him to be in the interest of safety and the expedition of traffic on the public highways and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation. The municipal engineer shall submit to the commissioner, together with his certification, detailed information as to the location of streets, intersections and signs affected by any designation or erection of signs, a statement of the reasons for his decision, a certified copy of the adopted municipal ordinance, traffic count, accident and speed sampling data, when

appropriate, and any other information as the commissioner may require.

Nothing in this subsection shall allow municipalities to designate any intersection with any highway under State or county jurisdiction as a stop or yield intersection.

c. Subject to the provisions of R. S. 39:4–138, in the case of any street under municipal or county jurisdiction, a municipality or county may, without the approval of the Commissioner of Transportation, do the following:

By ordinance or resolution:

(1) prohibit general parking;

(2) designate restricted parking under section 1 of P. L. 1977, c. 202 (C. 39:4–197.5) and section 1 of P. L. 1977, c. 309 (C. 39:4–197.6);

(3) designate time limit parking; and

(4) install parking meters.

By ordinance, resolution or regulation;

(1) designate loading and unloading zones and taxi stands; and

(2) approve street closings for periods up to 48 continuous hours.

Nothing in this subsection shall allow municipalities or counties to establish angle parking or to reinstate or add parking on any street, or approve the closure of streets for more than 48 continuous hours, without the approval of the Commissioner of Transportation.

2. R. S. 39:4–98 is amended to read as follows:

Rates of speed.

39:4–98. Rates of speed. Subject to the provisions of sections 39:4–96 and 39:4–97 of this Title and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive it at a speed not exceeding the following:

a. Twenty-five miles an hour, when passing through a school zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours;

b. Twenty-five miles per hour in any business or residential district;

c. Fifty miles an hour in all other locations.

fixed limits based on engineering and traffic investigation and to use a lower gear in descending steep declivities having a grade in excess of 5%, fixing such special speed limits and providing for the use of such a gear thereon.

(2) Ordinance or resolution.

a. Designating through streets, as provided in article 17 of this chapter (39:4–140 et seq.);

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution or regulation.

a. Designating stops, stations or stands for omnibuses and taxis;

b. Designating curb loading zones;

c. Designating restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of section 2 of P. L. 1949, c. 280 (C. 39:4–205) and section 1 of P. L. 1977, c. 202 (C. 39:4–197.5). Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a penalty not to exceed $50.00.

5. R. S. 39:4–201 is amended to read as follows:

Regulation of traffic on county roads.

39:4–201. Except as otherwise provided in R. S. 39:4–8, no governing body of any county in this State may adopt resolutions or ordinances on a matter covered by or which alters or in any way nullifies the provisions of this chapter or of any supplement thereto, except that ordinances or resolutions may be passed by a governing body for the supervision and regulation of traffic on any county roads of the county upon the subject matter and within the limitations prescribed in R. S. 39:4–197, and the governing body may prescribe penalties for violations of the resolutions or ordinances; provided, however, that a fine of not less than $50.00 be imposed upon the violator of an ordinance, resolution, or regulation, as the case may be, establishing parking spaces for the handicapped.

Matters pertaining to the supervision and regulation of traffic, to be established by ordinance or resolution pursuant to R. S. 39:4–197, shall in counties operating under the "Optional County Charter Law" (P. L. 1972, c. 154, C. 40:41A–1 et seq.) be established by ordinance.

No ordinance or resolution adopted pursuant to this section shall be effective unless due notice to the public is given as provided in R. S. 39:4–198.

The penalties may be enforced by the proper method of procedure before a magistrate. In default of the payment of the penalty, the magistrate may commit the offender to the county jail for a period not exceeding five days.

6. R. S. 39:4–202 is amended to read as follows:

Regulation ineffective until approved by commissioner.

39:4–202. No resolution, ordinance or regulation passed, enacted or established under authority of this article shall be effective until submitted to and approved by the Commissioner of Transportation, as provided in R. S. 39:4–8, except as otherwise provided therein.

7. This act shall take effect immediately.

Approved June 27, 1983.

CHAPTER 228

AN ACT concerning motor vehicle registration and amending R. S. 39:3–27.

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

1. R. S. 39:3–27 is amended to read as follows:

Special registration.

39:3–27. No fee shall be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, Regional Air Pollution Control Agency, Passaic Valley Sewerage Commissioners, North Jersey District Water Supply Commission, a county improvement authority created under the "county improvement authorities law" (P. L. 1960, c. 183), a local school district, a regional school district, a county vocational or technical school, a duly authorized volunteer fire department, a duly authorized volunteer first aid, rescue or emergency squad, any duly recognized auxiliary or reserve police organization of any municipality, hospital, humane society, and anticruelty society in this State, New

Jersey wing of the Civil Air Patrol incorporated by the Act of July 1946 (Public Law 476—79th Congress), the American Red Cross, chartered local councils in New Jersey of the Boy Scouts of America or the Girl Scouts of the United States of America, chartered local councils in New Jersey of the Boys' Clubs of America or the Girls' Clubs of America, chartered local organizations of the Police Athletic League or ambulances owned by any nonprofit organization. These vehicles shall be registered and display number plates as provided in this subtitle or the director may, in his discretion, issue special registration certificates and special number plates for any of these motor vehicles which shall be valid for such motor vehicle until the transfer of ownership or the destruction of such motor vehicle, at which time the special registration shall expire. Upon the expiration of any special registration the registration certificate and special number marker shall be returned to the director; provided, however, upon proper application to the director the special registration and special number marker may be transferred to another motor vehicle acquired by the owner to whom the special registration and marker were issued.

2. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 229

AN ACT prohibiting the instruction or training in certain activities for use in, or furtherance of, an illegal activity and supplementing chapter 39 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:39-14 Firearms training for illegal activity 3rd degree crime.

1. a. Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, knowing or having reason to know or intending that it will be employed for use in, or in furtherance of, an illegal activity is guilty of a crime of the third degree.

b. Any person who assembles with one or more persons for the purpose of training with, practicing with, or being instructed in

the use of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, intending to unlawfully employ it for use in, or in furtherance of, an illegal activity is guilty of a crime of the third degree.

2. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 230

AN ACT concerning the licensing of operators for water supply and wastewater plants and systems, and repealing parts of Title 58 of the Revised Statutes relating thereto.

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

C. 58:11-64 Short title.

1. This act shall be known and may be cited as the "Water Supply and Wastewater Operators' Licensing Act."

C. 58:11-65 Definitions.

2. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Environmental Protection or his designated representative;

b. "Department" means the Department of Environmental Protection;

c. "Licensed operator" means a licensee approved by the department holding any local title, designation, or job description who is on the premises of a system a significant amount of time, although not necessarily full-time, and who is actively involved in and responsible for the operation, maintenance, and effectiveness of the system and who holds a valid license equal or superior to that required for the system;

d. "Licensee" means a person who possesses a valid license issued by the department pursuant to this act;

e. "Industrial wastewater treatment system" means any treatment works regulated by the department pursuant to the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A–1 et seq.);

f. "Operating requirements" means any and all provisions of permits or approvals, administrative orders, directives, or rules

and regulations which the department may issue or adopt to insure the safe and efficient operations of systems, consistent with its statutory authority;

g. "Public wastewater collection system" means any collection system regulated by the department pursuant to the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A–1 et seq.), and which system consists of structures which, operating alone or with other structures, result in the collection and conveyance or transmission of wastewater from private, commercial, institutional or industrial sources, to public wastewater treatment systems for subsequent treatment;

h. "Public wastewater treatment system" means any structure or structures by means of which domestic, or combined domestic and industrial liquid wastes or sewage are subjected to any process in order to remove or so alter constituents as to render the wastes less offensive or dangerous to the public health, safety, welfare, comfort, property or environment of any of the inhabitants of the State before the discharge of the resulting effluent either directly or indirectly into any of the waters of the State, and which is regulated by the department pursuant to the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A–1 et seq.);

i. "Public water supply system" means a system comprising structures which operating alone or with other structures results in the derivation, conveyance or transmission or distribution of potable water for human consumption and domestic purposes;

j. "Public water treatment system" means any structure or structures by means of which prior to discharge into a public water supply system is subjected to the addition or abstraction of a substance or substances in order to enhance the safety, palatability, public health or aesthetic qualities, or reduce the corrosive or hazardous properties of the water used for potable or domestic purposes;

k. "System" means any industrial wastewater treatment system, public wastewater collection system, public wastewater treatment system, public water supply system or public water treatment system defined in this act; and

l. "Waters of the State" means the ocean and its estuaries, all springs, groundwater, streams or bodies of surface waters, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

C. 58:11-66 Licensed operator required.

3. a. Every system shall be operated and maintained by at least one licensed operator. Any person employed in the capacity of a licensed operator not holding the license required for a system may continue in such capacity, at the discretion of the department, if he meets the other requirements of this act and the rules and regulations adopted thereto.

b. The commissioner shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), adopt, and may amend or repeal rules and regulations to classify and reclassify licenses and systems.

c. The department shall upgrade or downgrade the classification of a system whenever the system changes sufficiently to place it in a different classification from the one in which it is classified.

d. If licenses are reclassified by the department, subject to new classification requirements, the licensee at the time of the reclassification shall be reissued, at the time of the next license renewal, the highest license corresponding to the new classification.

C. 58:11-67 Examinations for licenses; board of examiners.

4. a. The department shall conduct examinations for licenses to operate systems to be held at least twice annually, by the persons and at the times and places it may appoint. The department shall determine the subject matter to be included in the examinations and the manner in which the examinations shall be conducted. Every applicant who has been admitted to an examination, and who has successfully passed the examination shall receive the license of the classification for which the examination was held.

b. The commissioner shall establish a board of examiners composed of licensed operators, and employees of the department, and any additional advisory bodies deemed necessary, to assist the department in administering the licensing program established pursuant to this act. The board of examiners shall annually review the programs and regulations adopted pursuant to this act and make recommendations to the department for their improvement.

c. The commissioner shall adopt, and may amend, or repeal rules and regulations establishing the board of examiners, and other advisory bodies, their composition and duties, and the qualifications for issuance of licenses, examination methods and procedures, and all other matters including fees necessary to implement and administer an adequate licensing program.

C. 58:11-68 Fees; license renewal.

5. a. The commissioner is authorized to adopt a fee schedule which shall reasonably cover the cost of examinations, licensing procedures, and the administration and enforcement of this act. All fees collected pursuant to the provisions of this act shall be deposited into the "Environmental Services Fund" created by P. L. 1975, c. 232 (C. 13:1D–29 et seq.). There shall be annually appropriated an amount equivalent to the amount anticipated to be collected as fees by the department for the administration of the licensing program.

b. The department shall issue or renew a license upon payment of the appropriate license fee to any applicant who in the opinion of the department has satisfactorily met all the appropriate requirements of this act and rules and regulations adopted pursuant to this act.

c. The department shall renew licenses annually and shall establish in its regulations the date on which licenses shall be renewed. Initial licenses shall be valid from issue date to the next effective date for license renewal. All other licenses shall be valid from the renewal date of the license to the next annual renewal date. The department may change the renewal date for all licenses. The department may charge a delinquent fee to any licensee who fails to renew his license prior to the renewal date. A licensee who fails to renew his license within 1 year following the renewal date of his license may not receive a new license until he successfully completes another qualifying examination.

C. 58:11-69 Reciprocity.

6. The department may issue licenses, without examination, for the operation of systems to such persons who, in the judgment of the department, meet all the requirements of this act and the rules and regulations adopted pursuant to this act and who hold valid current licenses to operate a system with at least the equivalent classification in a state, country or territory other than the State of New Jersey, which state, country or territory also recognizes the validity of New Jersey licenses, and which has requirements for the issuance of licenses to operate systems at least as stringent as the requirements of the State of New Jersey.

C. 58:11-70 Revocation, suspension of licenses.

7. a. The department may revoke or suspend the license of a licensee if the department determines that the application for the license included false information or that the licensee is managing or operating the system in an incompetent manner, or is

managing or operating the system in violation of this act or any operating requirements of the department, or has falsified records.

b. The order of revocation or suspension shall become a final order unless the licensee submits a written request for a hearing within 20 calendar days after receipt of the order. If a hearing is granted, the commissioner shall make the final decision for the department.

c. Any person whose license has been revoked for the first time shall be ineligible for admission to any examination authorized by this act for a period of not less than 1 year from the effective date of the revocation.

d. Any person whose license has been revoked for committing or omitting acts which the department determines with the concurrence of the board of examiners has caused substantial harm to the public, or whose license has been revoked more than once shall be ineligible for admission to any examination authorized by this act.

C. 58:11-71 Violations; penalties.

8. a. If any person violates any of the provisions of this act, or any operating requirements, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to enforce said provisions and to prohibit and prevent that violation and the court may proceed in the action in a summary manner.

b. Any person who violates or causes the violation of any of the provisions of this act or any operating requirements shall be liable to a civil administrative penalty of not more than $5,000.00 for each offense to be imposed by the department pursuant to standards adopted in regulations, or a civil penalty of not more than $5,000.00 for each offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

c. The department may recover in any civil action the State's reasonable costs of preparing and litigating the civil action pursuant to this act.

d. Any and all penalties prescribed by any provisions of this act may be recovered in a civil action by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.). The Superior Court and county district court shall have jurisdiction to enforce the penalty enforcement law.

e. The department is authorized and empowered to compromise and settle any penalty imposed under this section in such amount

in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

f. All penalties received pursuant to the provisions of this act shall be paid into the "Environmental Services Fund" created by P. L. 1975, c. 232 (C. 13:1D–29 et seq.), and expended for the functions authorized herein.

C. 58:11-72 No effect on prior orders, proceedings.

9. a. Nothing herein contained shall be held to abate or render invalid any administrative order or proceeding, or suit at law or in equity, which may have been served, begun or instituted by the department, prior to the date hereof, in accordance with the powers and duties heretofore conferred upon it, but the same shall continue in full force and effect, and be further advanced and prosecuted in the name of the department; nor shall anything in this act be construed to anywise affect the protection afforded any person by section 3 of this act.

b. Any regulations concerning the licensing of operators promulgated by the department pursuant to P. L. 1938, c. 206 (C. 58:11–18.1 et seq.) shall remain in effect up to 1 year subsequent to the effective date of this act unless repealed by the department at an earlier date.

C. 58:11-73 Severability.

10. The object and design of this act being the protection and preservation of the environment, and the protection and preservation of public health, safety, and welfare, this act shall be liberally construed and the powers granted and the duties imposed shall be construed to be independent and severable. If any one or more sections, clauses, sentences, or parts of this act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, the judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

Repealer.

11. The following sections and parts of acts are repealed:

R. S. 58:11–14 through R. S. 58:11–18 inclusive;

P. L. 1938, c. 206 (C. 58:11–18.1 through 58:11–18.5 inclusive);

P. L. 1941, c. 234, ss. 1-3 (C. 58:11–18.7 through 58:11–18.9 inclusive);

P. L. 1946, c. 295, ss. 1-13 (C. 58:11–18.10 through 58:11–18.22 inclusive);

P. L. 1956, c. 60, ss. 1-4 (C. 58:20–1 through 58:20–4 inclusive);
P. L. 1956, c. 60, ss. 6, 7 (C. 58:20–6 and 58:20–7);
P. L. 1957, c. 23, s. 1 (C. 58:20–8);
P. L. 1958, c. 33, ss. 1-5 (C. 58:21–1 through 58:21–5 inclusive);
P. L. 1958, c. 33, ss. 7-9 (C. 58:21–7 through 58:21–9 inclusive);
P. L. 1969, c. 138 (C. 58:21A–1 through 58:21A–9 inclusive).

12. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 231

AN ACT to amend the title of "An act establishing the New Jersey Neuropsychiatric Institute within the Department of Institutions and Agencies, providing for the administration thereof, supplementing Title 30 of the Revised Statutes, and repealing sections 30:4–166, 30:4–167, 30:4–168 and 30:4–169 of the Revised Statutes," approved April 28, 1953 (P. L. 1953, c. 122), so that the same shall read "An act establishing the North Princeton Developmental Center within the Department of Human Services, providing for the administration thereof, supplementing Title 30 of the Revised Statutes, and repealing sections 30:4–166, 30:4–167, 30:4–168 and 30:4–169 of the Revised Statutes," to amend and supplement the body of said act and amending R. S. 30:1–7.

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

Title amended.

1. The title of P. L. 1953, c. 122 is amended to read as follows:

An Act establishing the North Princeton Developmental Center within the Department of Human Services, providing for the administration thereof, supplementing Title 30 of the Revised Statutes, and repealing sections 30:4–166, 30:4–167, 30:4–168 and 30:4–169 of the Revised Statutes.

2. Section 1 of P. L. 1953, c. 122 (C. 30:4–177.12) is amended to read as follows:

C. 30:4-177.12 North Princeton Developmental Center established.

1. There is hereby created and established within the Department of Human Services an institution or facility to be known as the North Princeton Developmental Center which shall include all the existing lands and buildings owned by the State of New Jersey and comprising the present Village for Epileptics at Skillman, wherein patients and employees may be maintained, kept, housed and employed and such other buildings and premises as may be provided or hereafter acquired to carry into effect the purposes hereof.

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

Institutions, agencies within Title 30.

30:1–7. The charitable, hospital, relief and training institutions and non-institutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Glen Gardner Center for Geriatrics,
The Forensic Psychiatric Hospital,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
New Jersey Memorial Home for Disabled Soldiers at Menlo Park,
New Jersey Memorial Home for Disabled Soldiers, Sailors, Marines and their Wives and Widows at Vineland,
Diagnostic Center at Menlo Park,
Arthur Brisbane Child Center at Allaire,
Board of Public Welfare,
Commission for the Blind and Visually Impaired.

The correctional institutions of this State, within the meaning of this Title, shall include the following and, as well, any institution established hereafter for any similar purpose, as now established

and as the same are to be hereafter maintained and operated pursuant to law:

State Prison, Trenton,
State Prison, Rahway,
State Prison, Leesburg,
Youth Reception and Correction Center, Yardville,
Youth Correctional Institution, Bordentown,
Correctional Institution for Women, Clinton,
Youth Correctional Institution, Annandale,
Training School for Boys, Jamesburg,
Training School for Girls, Trenton,
Training School for Boys, Skillman.

C. 30:1-7.1 Name change.

4. (New section) Whenever reference is made in any law, rule or regulation to the New Jersey Neuropsychiatric Institute, North Jersey Training School at Totowa, New Lisbon State School, Woodbine State School, Vineland State School, Woodbridge State School or Hunterdon State School, it shall mean and refer to the North Princeton Developmental Center, North Jersey Developmental Center, New Lisbon Developmental Center, Woodbine Developmental Center, Vineland Developmental Center, Woodbridge Developmental Center or Hunterdon Developmental Center, respectively.

5. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 232

AN ACT to amend the "New Jersey Wiretapping and Electronic Surveillance Control Act," approved January 14, 1969 (P. L. 1986, c. 409).

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

1. Section 28 of P. L. 1968, c. 409 is amended to read as follows:

28. This act shall take effect January 1, 1969 and remain in effect until July 1, 1988.

2. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 233

AN ACT concerning State aid to libraries and supplementing P. L. 1976, c. 113.

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 determine for each municipality the amount of unbudgeted State aid not disposed of in accordance with the provisions of P. L. 1976, c. 113. The Director of the Division of Local Government Services shall notify each municipality, the Commissioner of Education, and the Director of the Division of Budget and Accounting in the Department of the Treasury of the amount so determined on or before June 1, 1983.

2. Each municipality retaining an amount of $20.00 or more of unbudgeted State aid pursuant to the provisions of P. L. 1976, c. 113, as of December 31, 1978, after adjusting for any payments or receipts subsequent to that date, shall forward the amount to the Department of Education on or before June 15, 1983. Amounts less than $20.00 may be transferred by the municipality to its current funds surplus.

3. The Department of Education shall deposit the amounts received pursuant to section 2 or section 4 of this act into the account established for State Aid, Department of Education, Library Services in P. L. 1982, c. 49. These funds are appropriated, and shall be distributed on or before August 1, 1983 in accordance with N. J. S. 18A:74–3, N. J. S. 18A:74–4 and N. J. S. 18A:74–5.

4. In the event that a municipality required to pay the unbudgeted State aid to the Department of Education fails to make the payment on or before June 15, 1983, the Commissioner of Education shall notify the Director of the Division of Budget and Accounting in the Department of the Treasury. The director shall reduce any State aid payable to the municipality under the general appropriation act for the fiscal year ending June 30, 1984 by the amount required to be forwarded pursuant to section 2 of this act and transfer that amount to the Department of Education to be deposited pursuant to section 3 of this act.

5. This act shall take effect immediately.

Approved June 29, 1983.

CHAPTER 234

AN ACT concerning maintenance of a nuisance, amending N. J. S. 2C:33–12 and N. J. S. 2C:33–12.1 and supplementing Title 2A of the New Jersey Statutes.

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

1. N. J. S. 2C:33–12 is amended to read as follows:

Maintaining a nuisance.

2C:33-12. Maintaining a Nuisance. A person is guilty of maintaining a nuisance when:

a. By conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons;

b. He knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct; or

c. He knowingly conducts or maintains any premises, place or resort as a house of prostitution or as a place where obscene material, as defined in N. J. S. 2C:34–2 and N. J. S. 2C:34–3, is sold, photographed, manufactured, exhibited or otherwise prepared or shown, in violation of N. J. S. 2C:34–2, N. J. S. 2C:34–3, and N. J. S. 2C:34–4.

A person is guilty of a disorderly persons offense if the person is convicted under subsection a. or b. of this section. A person is guilty of a crime of the fourth degree if the person is convicted under subsection c. of this section.

Upon conviction under this section, in addition to the sentence authorized by this code, the court may proceed as set forth in section 2C:33–12.1.

2. N. J. S. 2C:33–12.1 is amended to read as follows:

Abating nuisance.

2C:33–12.1. Abating Nuisance. a. In addition to the penalty imposed in case of conviction under N. J. S. 2C:33–12, the court may order the immediate abatement of the nuisance, and for that purpose may order the seizure and forfeiture or destruction of any chattels,

liquors, obscene material or other personal property which may be found in such building or place, and which the court is satisfied from the evidence were possessed or used with a purpose of maintaining the nuisance. Any such forfeiture shall be in the name and to the use of the State of New Jersey, and the court shall direct the forfeited property to be sold at public sale, the proceeds to be paid to the treasurer of the county wherein conviction was had.

b. If the owner of any building or place is found guilty of maintaining a nuisance, the court may order that the building or place where the nuisance was maintained be closed and not used for a period not exceeding one year from the date of the conviction.

C. 2A:54A-1 Civil action.

3. (New section) In addition to any criminal prosecution brought for violation of N. J. S. 2C:33–12, whenever a nuisance as defined in subsection c. of N. J. S. 2C:33–12 exists, the Attorney General or the prosecutor of the county in which the nuisance exists may bring a civil action in the name of the State to abate the nuisance and to permanently enjoin the person from maintaining the nuisance.

C. 2A:54A-2 Injunctive relief.

4. (New section) a. Any action instituted pursuant to the provisions of section 3 of this amendatory and supplementary act shall be brought in the Superior Court of the county in which the alleged nuisance exists. An action shall be instituted by the filing of a verified petition alleging the facts constituting the nuisance.

b. After the filing of the petition, application for a preliminary injunction may be made to the court, which shall grant a hearing within 10 days after the filing of the application. If an application for a preliminary injunction is made, the court, on request of the applicant, may issue an ex parte order to preserve samples of materials located at the premises which are allegedly involved in the nuisance. The restraining order shall be served by delivering a copy of the order to a person in charge of the location or residing there or by posting a copy of the order upon one of the principal doors or entrances to the location. The officer serving the restraining order shall make and return to the court an inventory of the personal property used in maintaining the alleged nuisance and an inventory of the samples being held. A violation of the restraining order or the removal or mutilation of a posted restraining order shall constitute contempt of court.

c. A copy of the petition, together with a notice of the time and place of the hearing on the application for a preliminary injunction, shall be served upon the defendant at least five days before the hearing. If, at the hearing, the allegations of the petition are sustained by clear and convincing evidence, a preliminary injunction closing the place against its use for any purpose complained of in the petition may be issued. The order shall also continue in effect the restraining order provided in subsection b., if already issued, or, if not so issued, may include a restraining order. The owner of any real or personal property closed or restrained may appear between the filing of the petition and the hearing on the application for a permanent injunction and may obtain the release of the property, if the court determines that the owner did not have any knowledge that the property was being used in maintaining the nuisance and if the owner agrees to take whatever action is necessary to insure that the property will not be used to continue the nuisance. The release of any property under this subsection shall not affect any judgment, lien, penalty or liability to which that property may be subject.

C. 2A:54A-3 Admissible evidence.

5. (New section) In an action brought pursuant to section 3 of this amendatory and supplementary act, evidence of the general reputation of the location or an admission or finding of guilt of the person under the criminal laws against prostitution or obscenity is admissible for the purpose of proving the existence of the nuisance.

C. 2A:54A-4 Permanent injunction; forfeiture of property.

6. (New section) If, after final hearing, the court determines that the existence of a nuisance as defined in subsection c. of N. J. S. 2C:33–12 exists, the court may enter a permanent order enjoining the defendant and any other person from further maintaining the nuisance at the location complained of and the defendant from maintaining the nuisance elsewhere. In addition, the court may proceed with the forfeiture of property used for the purpose of maintaining the nuisance and the closing of the location for one year, pursuant to the provisions of N. J. S. 2C:33–12.1.

C. 2A:54A-5 Penalty.

7. (New section) Whenever a permanent injunction is issued pursuant to the provisions of this amendatory and supplementary act, a penalty of not less than $300.00 nor more than $1,000.00 shall be imposed upon the person maintaining the nuisance.

8. This act shall take effect immediately.

Approved June 30, 1983.

CHAPTER 235

AN ACT concerning education and supplementing Title 18A of the New Jersey Statutes.

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

1. Notwithstanding the provision of any law, rule or regulation to the contrary, the maximum tuition rate established pursuant to N. J. A. C. 6:20–4.2 for the 1983-84 school year for any approved private school providing services to children classified under the provisions of chapter 46 of Title 18A of the New Jersey Statutes shall be based upon the maximum tuition rate in effect for the 1982-83 school year plus an amount equal to the maximum tuition rate for the 1982-83 school year multiplied by the percentage increase in the Consumer Price Index for the New York and Northeastern New Jersey area as reported by the United States Department of Labor for the calendar year 1982. However, the maximum tuition rate for the 1983-84 school year shall not be less than the 85th percentile of the ranked per pupil cost for the program in each category of handicap in the New Jersey public schools as calculated by the Department of Education in 1983.

2. This act shall take effect immediately.

Approved June 30, 1983.

CHAPTER 236

AN ACT permitting the Director of the Division of Motor Vehicles to designate licensed reinspection centers as official inspection stations for a fixed period of time, amending R. S. 39:8–1 R. S. 39:8–2 and P. L. 1975, c. 156 and supplementing Title 39 of the Revised Statutes.

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

C. 39:8-25 Reinspection centers to conduct initial inspections.

1. (New section) The Legislature finds and declares its intent to provide a program for inspecting motor vehicles that will meet all

the goals of the federal Clean Air Act (42 U. S. C. § 7401 et seq.). Towards this end, it is intended that the appropriation included in P. L. 1983, c. 237, shall provide sufficient resources for the Division of Motor Vehicles to implement for one year a motor vehicle inspection system utilizing reinspection centers, licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8–11), to conduct initial inspections while remaining prepared to return to a completely State-operated system after the one year period, unless the Legislature determines to continue to authorize the motor vehicle inspection system established in this act.

2. R. S. 39:8–1 is amended to read as follows:

Inspection required.

39:8–1. The director shall require every motor vehicle registered in this State which is used over the highways of this State, except vehicles and traction equipment registered pursuant to R. S. 39:3–24 and historic motor vehicles registered as such, to have such motor vehicles inspected by designated inspectors or at official inspection stations to be designated by the director. The director shall have the discretion to determine what motor vehicle equipment shall be subject to inspection under the provisions of this chapter.

3. R. S. 39:8–2 is amended to read as follows:

Examiners; rules, regulations; random roadside examinations; inspections of licensed centers.

39:8–2. The director may designate and appoint, subject to existing laws, competent examiners of motor vehicles to examine motor vehicles required to be inspected in accordance with the provisions of this chapter. Such examiners may be delegated to enforce the provisions of the motor vehicle and traffic law.

The director may make rules and regulations with respect to the character of the inspections to be made, with respect to the frequency of inspections of new motor vehicles and with respect to the approval or rejection of motor vehicles as a result of such inspections. All other vehicles required by the director to be inspected under this chapter shall be inspected at least annually.

Rules and regulations relating to the frequency and character of vehicle emission inspections shall be promulgated in cooperation with the Department of Environmental Protection.

The director shall furnish to designated examiners official certificates of approval, the form, content and use of which he shall prescribe.

The director may, with the approval of the State House Commission, purchase, lease or acquire by the exercise of the power of eminent domain any property for the purpose of assisting him in carrying out the provisions of this chapter. Such property may also be used by the director for the exercise of the duties and powers conferred upon him by the other chapters of this Title.

The director shall conduct random roadside examinations of motor vehicles required to be inspected in this State to provide a continuous monitoring of motor vehicles. Each year at least 1% of the total number of motor vehicles registered in the State shall be inspected by roadside examination teams under the supervision of the director.

The director shall conduct inspections and audits of licensed reinspection centers to insure accurate test equipment calibration and use, and compliance with the provisions of this act. These inspections and audits shall be conducted monthly, except that at the discretion of the director, more frequent audits and inspections may be conducted.

The director shall make a charge of $2.50 for the initial inspection for each vehicle subject to inspection, which amount shall be paid to the director or his representative when payment of the registration fees fixed in chapter 3 of this Title is made. Said fee is not applicable to reinspection by licensed reinspection centers of vehicles rejected upon initial inspection at a motor vehicle inspection station.

4. Section 6 of P. L. 1975, c. 156 (C. 39:8–14) is amended to read as follows:

C. 39:8-14 Self-inspections.

6. The director may license any person who is the owner or lessee of 10 or more motor vehicles to initially inspect, reinspect and certify those vehicles if such person has available to him the equipment, facilities and qualified employees, or other qualified person under his control by contract, necessary to make the required initial inspection, adjustments, corrections or repairs. When the licensee, or his employee, or other qualified person under his control conducts an initial inspection, he shall certify that he or his employee or other qualified person under his control by contract has inspected the motor vehicle as prescribed by the director and has found that the motor vehicle conforms to the standards established by law or regulation. When a motor vehicle is rein-

spected, the licensee shall certify that the items for which a vehicle was initially rejected have been adjusted, corrected or repaired by him or under his direction and that the condition of said items conforms to the standards established by law or regulation. Such certification shall be evidenced by an initial or reinspection approval sticker placed on the vehicle as prescribed by the director.

C. 39:8-26 Designation of official inspection stations.

5. (New section) a. The Director of the Division of Motor Vehicles in addition to any existing authority, shall, for a period not to exceed 12 months, be authorized to designate reinspection centers as official inspection stations for the purpose of conducting initial motor vehicle inspections pursuant to the provisions of R. S. 39:8–1.

b. For the purposes of this act, only those reinspection centers licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8–11 et seq.) and properly equipped to comply with the standards established by law or regulation may be designated as official inspection stations.

C. 39:8-27 Operation of official inspection stations.

6. (New section) a. Official inspection stations designated pursuant to section 5 of this act shall inspect and certify or reject a motor vehicle presented for an initial inspection. Certification shall indicate that the vehicle has been inspected as prescribed by the director and that the motor vehicle conforms to the standards established by law or regulation.

b. Official inspection stations designated pursuant to section 5 of this act shall be entitled to charge a fee for each initial inspection performed. The amount to be charged shall be determined by the director. A schedule of charges for initial inspections shall be posted in a prominent place on the premises and a copy shall be filed with the director. Charges for initial inspections, reinspections and repairs shall be separately stated.

c. No official inspection station shall require as a condition of performing the inspection that any needed repairs or adjustments be done by the person, or at the facility of the person, performing the inspection.

d. No service or adjustment shall be performed on the vehicle at the official inspection station where the vehicle was initially inspected unless the customer signs a written acknowledgment and waiver that he understands his rights to have service and adjustment done elsewhere and expressly waives his rights.

e. The director shall provide each official inspection station as many numbered initial inspection approval stickers as may be required, and may charge a fee of $1.00 for each sticker. There shall be no refund or credit for expired or unused initial inspection stickers. Every official inspection station shall keep records of all initial inspections performed and approved stickers issued as the director may prescribe. All records shall be made available to the director upon demand. Every official inspection station shall institute safeguards to secure stickers from theft, loss or fraudulent use as the director may prescribe. Every official inspection station shall return any unused or expired stickers to the director and shall upon request account to the director for all stickers.

C. 39:8-28 Violations; penalties.

7. (New section) Any person who affixes an initial inspection approval sticker to a motor vehicle without having inspected the motor vehicle, or without having determined that the condition of any item conforms to standards established by law or regulation, shall be guilty of violating the provisions of this act, and shall be fined not less than $1,000.00 nor more than $1,500.00 and shall have his license, issued pursuant to P. L. 1975, c. 156 (C. 39:8–11 et seq.), suspended for a period of at least one year but not more than three years for a first offense or not less than $2,000.00 nor more than $3,500.00 and shall have the license permanently revoked for a subsequent offense. This section shall be enforced pursuant to R. S. 39:8–9.

Any person who charges a fee for repair work not performed or performed unnecessarily and affixes an initial inspection approval sticker shall be punished under the terms of P. L. 1960, c. 39 (C. 56:8–1 et seq.), and any regulation adopted thereunder.

C. 39:8-29 Suspension, revocation, nonrenewal of licenses.

8. (New section) a. In addition to any existing authority of the director to deny, suspend, revoke or refuse renewal of a license issued pursuant to section 11 of P. L. 1975, c. 156 (C. 39:8–19), the director may also suspend, revoke or refuse renewal of the license if an official inspection station makes initial inspection charges in excess of those posted on the premises and filed with the director.

b. The suspension or revocation of a license issued pursuant to section 11 of P. L. 1975, c. 156 (C. 39:8–19) shall not of itself be cause for the denial, suspension or revocation of any other business license held by the official inspection station licensee issued by the State or any of its political subdivisions.

C. 39:8-30 Return of items after discontinuance of operation.

9. (New section) Any person who discontinues operation of an official inspection station, or whose license has been suspended or revoked, or whose renewal thereof has been denied shall forthwith deliver to the director the license, all unused initial inspection approval stickers, all inspection records and other items issued to the licensee or required by the director to be kept in connection with the operation of the official inspection station. Any person who fails to deliver any item to the director is a disorderly person.

C. 39:8-31 Unlawful designation of official inspection stations.

10. (New section) Any person who shall display or cause or permit to be displayed any sign, mark, or advertisement as an official inspection station when such a designation has not been made by the director or is not then in effect, or who shall transfer or attempt to transfer a designation as an official inspection station is a disorderly person.

C. 39:8-32 Personnel; expenditures.

11. (New section) The director may, subject to existing law, employ such persons and make such expenditures as are necessary to supervise the operation of designated official inspection stations to insure compliance with the provisions of this act and the regulations adopted pursuant thereto.

C. 39:8-33 Standards for official inspection stations.

12. (New section) a. Within 90 days of the effective date of this act, the director, in cooperation with the Department of Environmental Protection, shall adopt regulations establishing standards for all licensed reinspection centers designated as official inspection stations pursuant to this act.

b. Except as provided in subsection c. of this section, all licensed reinspection centers shall use emission test equipment which has been certified by the Department of Environmental Protection. The department shall adopt standards within 90 days of the effective date of this act, for the certification of the equipment, which shall include but not be limited to all of the following:

(1) An automated system to control test sequencing, the automatic pass or fail decision, and the format for the test report and recorded magnetic tape file;

(2) An exhaust gas analysis portion;

(3) A device to accept and record vehicle identification information; and

(4) A device to provide a printed record of the test results to the consumer.

c. Facilities which have been licensed by the director as "reinspection centers" prior to May 1, 1983, may apply to the director for certification as official inspection stations which do not require immediate compliance with the standards established under subsection b. of this section concerning the certification of equipment; provided that the Department of Environmental Protection certifies that the licensure complies with the Clean Air Act (42 U. S. C. § 7401 et seq.). In the event that this act is extended to May 1, 1985 or thereafter the facilities shall comply with the standards established under subsection b. of this section by May 1, 1985, in order to maintain certification under this act.

C. 39:8-34 Standards for mechanics.

13. (New section) a. Within 90 days of the effective date of this act, the director, in cooperation with the Department of Environmental Protection, shall adopt regulations establishing standards for the training and certification of mechanics employed by licensed reinspection centers.

b. Except as provided in subsection c. of this section, no licensee or his employee may perform inspections and make repairs for compensation pursuant to this act unless qualified by the completion of training courses prescribed by the division in cooperation with the Department of Environmental Protection.

c. Licensees and employees of facilities licensed by the director as "reinspection centers" prior to May 1, 1983, may perform inspections or make repairs for compensation pursuant to this act without immediately complying with the requirements of subsection b. of this section concerning training and certification of mechanics. In the event that this act is extended beyond May 1, 1985 or thereafter all licensees and employees of licensees shall comply with the standards concerning certification and training of mechanics by May 1, 1985, in order to perform inspections or make repairs for compensation pursuant to this act after that date.

d. The director in cooperation with the Department of Environmental Protection shall take all necessary steps to promote expeditious compliance with the training and certification of mechanics as provided in this section.

C. 39:8-35 Report to Legislature.

14. (New section) The Director of the Division of Motor Vehicles shall report to the Legislature nine months after the

effective date of this act as to the implementation of the provisions of this act. In the event that this act is not extended beyond the original expiration date, the director shall report to the Legislature and the Governor and recommend appropriate steps to be taken to reconstitute the State operated inspection system.

C. 39:8-36 Procedure upon expiration of temporary system.

15. (New section) a. Upon expiration of certain sections and subsections of this act, as provided in section 16 all motor vehicles subject to inspection pursuant to R. S. 39:8–1 shall be initially inspected at official inspection stations.

b. Upon expiration of certain sections and subsections of this act as provided in section 16, all reinspection centers licensed pursuant to P. L. 1975, c. 156 (C. 39:8–11 et seq.), complying with the provisions of this act, any amendatory or supplementary acts and all rules and regulations adopted by the director, may reinspect all motor vehicles subject to inspection pursuant to R. S. 39:8–1.

16. This act shall take effect immediately but shall remain inoperative until the enactment of either Assembly Bill No. 3604 of 1983 or Senate Bill No. 3473 of 1983 (now pending before the Legislature) and, except for sections 2, 3, 4, 6c., d., and e., 7, 8, 9, 10, 11, 12, 13 and 15, shall expire on the first day of the 12th month following enactment unless extended by law beyond that date.

Approved June 30, 1983.

CHAPTER 237

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1984 and regulating the disbursement thereof," approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the sums appropriated under P. L. 1983, c. 240, there is appropriated out of the General Fund the following sum for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

02-1110 Vehicle Control and Driver Testing $4,900,000

Special Purpose:

Private inspection system .....($1,500,000)
Public inspection system .....(3,400,000)

The amount hereinabove is appropriated for the purpose of vehicle inspections, except for an amount necessary to conduct a study of the design of motor vehicle inspection stations to improve the flow of motor vehicles through the stations.

2. The Director of the Division of Motor Vehicles shall, on August 1, 1983 and every two months thereafter, report to the President of the Senate and the Speaker of the General Assembly on the Division of Motor Vehicles' utilization of the revenue appropriated in this act, specifically on the amounts used for staff ing, salaries and operating expenses of the public and the private inspection systems.

3. This act shall take effect immediately.

Approved June 30, 1983.

CHAPTER 238

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1984 and regulating the disbursement thereof, approved June 30, 1983 (P. L. 1983, c. 240).

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

1. In addition to the amounts appropriated by P. L. 1983, c. 240, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENERGY

Economic Planning, Development and Security

52 Economic Regulation

01-4010	Financial Regulation	$1,280,000
02-4020	Service Adequacy and Safety	720,000
04-4045	Regulation of Cable Television	224,169
99-4040	Management and Administrative Services	55,000
	Total Appropriation, Economic Regulation	$2,279,169

Personal Services:	
Salaries and wages	($1,829,666)
Materials and Supplies	(8,000)
Services Other than Personal	(336,000)
Maintenance and Fixed Charges	(4,000)
Additions, Improvements and Equipment	(101,503)
Total Appropriation, Department of Energy	$2,279,169

INTERDEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9410 Employee Benefits

03-9410	Employee Benefits	$25,411,967

Personal Services:	
Judicial Retirement System	($52,638)
Prison Officers' Pension Fund	(30,000)
Public Employees' Retirement System	(726,524)
Social Security tax	(7,806,000)
State Police Retirement System	(1,538,016)
Police and Firemen's Retirement System, C. 43:16A–1 et seq.	(223,535)
Police and Firemen's Retirement System (P. L. 1979, c. 109)	(5,065,254)

Employer contributions, alternate benefit program	(9,500,000)	
Dental care program, shared cost	(470,000)	
Total Appropriation, Interdepartmental Accounts		$25,411,967
Total Appropriation, Direct State Services		$27,691,136

STATE AID

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

02-5120 Nonpublic School Aid		$4,800,000
Total Appropriation, Direct Educational Services and Assistance		$4,800,000
State Aid:		
Nonpublic auxiliary services aid	($4,800,000)	

34 Educational Support Services—State Aid

39-5095 Teachers' Pension and Annuity Assistance		$17,821,939
Total Appropriation, Educational Support Services		$17,821,939
State Aid:		
Teachers' Pension and Annuity Fund and Insurance	($5,917,939)	
Social Security tax	(11,904,000)	
Total Appropriation, Department of Education		$22,621,939
Total Appropriation, State Aid		$22,621,939
Total Appropriation, General Fund		$50,313,075

2. The following amount appropriated by P. L. 1983, c. 240, is amended to read as follows:

STATE AID

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

5400 Office of the Chancellor

06-5400	Aid to County Colleges	$70,987,500
	Total Appropriation	$70,987,500

State Aid:
Employer contributions, alternate benefit program ($6,600,000)

Total Appropriation, Department of Higher Education	$70,987,500

3. This act shall take effect immediately but shall remain inoperative until the enactment into law of Senate Bill No. 3500 of 1983 and shall be retroactive to July 1, 1983.

Approved June 30, 1983.

CHAPTER 239

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there are appropriated from the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF THE PUBLIC ADVOCATE

Special Government Services

82 Protection of Citizens' Rights

04-8410	Trial Services to Indigents and Special Programs	$3,141,016*
05-8420	Appellate Services to Indigents	458,984*
	Total Appropriation, Protection of Citizens' Rights	$3,600,000*
	Special Purpose:	
	Death Penalty Public Defender—Trial ($3,141,016)*	
	Death Penalty Public Defender—Appellate (458,984)*	
	Total Appropriation, Department of the Public Advocate	$3,600,000*

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

17 Parole and Community Programs

7820 State Parole Board

05-7280	State Parole Board	$341,593
	Special Purpose:	
	Implementation of the master plan to alleviate prison overcrowding ($341,593)	
	Total Appropriation, Department of Corrections	$341,593
	Total Appropriation, Direct State Services	$3,941,593*

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved June 30, 1983.

* By line item veto of the Governor, trial services were reduced to $2,741,016; appellate services, $458,984; protection of citizens' rights, $3,100,000; death penalty—trial, $2,741,016; death penalty—appellate, $358,984; total, Public Advocate, $3,100,000; total, Direct State Services, $3,441,593. See statement following.

STATEMENT TO SENATE BILL No. 3434

To the Senate:

I am today returning Senate Bill No. 3434 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto. This bill would provide for a supplemental appropriation of $341,593 to the State Parole Board and $3,600,000 to the Department of the Public Advocate for the Death Penalty Public Defender Program.

The actual number of death penalty cases and the cost to provide defendants with representation in these cases cannot be predicted with absolute accuracy; accordingly, the appropriation to the Public Defender to provide defendants with representation in death penalty cases has been reduced by $500,000. If the Public Advocate should determine that the higher priority claims of these Public Defender programs should require even more funding, then I will personally support and expedite any requests which the Public Advocate makes to exercise his right to request transfers of funds from other priorities within his budget. Therefore, pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3434 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

"DIRECT STATE SERVICES"

"DEPARTMENT OF THE PUBLIC ADVOCATE"

On Page 1: Lines 4-5, "04-810 Trial Services to Indigents and Special Programs ..... $3,141,016"
This item is reduced to $2,741,016.

On Page 1: Line 6, "05-8420 Appellate Services to Indigents ..... 458,984"
This item is reduced to $358,984.

On Page 1: Lines 7-8, "Total Appropriation, Protection of Citizens' Rights ..... 3,600,000"
This item is reduced to $3,100,000.

On Page 1: Lines 10-11, "Death Penalty Public Defender—Trial ..... (3,141,016)"
This item is reduced to $2,741,016.

On Page 2: Lines 12-13, "Death Penalty Public Defender—Appellate ..... (458,984)"
This item is reduced to $358,984.

On Page 2: Lines 14-15, "Total Appropriation, Department of the Public Advocate ..... 3,600,000"
This item is reduced to $3,100,000.

On Page 2: Line 7, "Total Appropriation, Direct State Services ..... 3,941,593"
This item is reduced to $3,441,593.

The appropriation to the Public Defender to provide defendants with representation in death penalty cases is reduced by $500.000.

Respectfully,

[SEAL] /s/ THOMAS H. KEAN,
Attest: *Governor.*
/s/ W. CARY EDWARDS,
Chief Counsel to the Governor.

CHAPTER 240

Note: In approving the following act, the Governor deleted or modified certain items. Modified items are designated by *. See statement following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1984 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1983-84

GENERAL FUND

Undesignated fund balance, July 1, 1983	$77,808,746
Major Taxes	
Sales	$1,815,000,000
Corporation business	840,000,000
Motor fuels	282,000,000
Motor vehicle fees	282,000,000

Cigarette	211,500,000
Transfer inheritance	157,000,000
Insurance premiums	106,000,000
Public utility excise	105,000,000
Alcoholic beverage wholesale sales	83,000,000
Business personal property	44,000,000
Alcoholic beverage excise	60,500,000
Corporation business—Banks and financial institutions	47,000,000
Realty transfer	22,000,000
Pari-mutuel	9,500,000
Motor fuel use	7,000,000
Savings institutions	1,000,000
Total—Major Taxes	$4,072,500,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch—	
Department of Agriculture:	
Animal, plant disease and pest control fees	$61,450
Fertilizer inspection and other fees	154,700
Milk control licenses and fees	180,000
Department of Banking:	
Bank assessments	1,500,000
Examining and other fees	2,000,000
New Jersey Cemetery Board	88,190
Department of Community Affairs:	
Boarding home fees	175,000
Construction fees	750,000
Housing inspection fees	3,366,990
Local government services	128,500
Planned real estate development fees	425,000
Department of Education:	
Katzenbach School for the Deaf—Tuition	2,805,050
Licensing fees—Miscellaneous	136,250
Non-public schools' textbook recoveries	210,000
Department of Energy:	
Assessments—Cable TV	969,849
Assessments—Public Utility	10,589,719
Fees, fines and penalties	150,000

Department of Environmental Protection:	
Air pollution fees	425,000
Examination licensing fees	37,045
Forest Management sales	48,943
Hunters' and Anglers' License Fund	6,067,092
Marina	790,000
Marine Lands Management—Delineation and title determination	880,000
Marine Lands Management—Miscellaneous revenue	16,500
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,400
Parks management	2,111,000
Radiation protection	433,000
Round Valley and Spruce Run water sales	750,000
Shell fisheries leases	366,222
Solid waste management fees	670,000
Water monitoring and planning	109,000
Water pollution fees	50,000
Department of Health:	
Licenses, permits and fees	1,000,000
Department of Higher Education:	
Bond interest recoveries	358,478
Other student fees	635,000
School of Conservation	440,000
Thomas A. Edison College—Fees	410,000
Tuition—Regular	50,714,000
Miscellaneous	425,000
UMDNJ Hospital Service Recoveries	3,986,782
Department of Human Services:	
Adoption law fees	150,000
Patients' and residents' cost recoveries:	
Institutions for the retarded	56,977,914
Psychiatric hospitals	52,238,576
Soldiers' homes	4,709,334
Special residential services	6,000,000
Medicare recoveries	2,000,000
Department of Insurance:	
Actuarial services	815,774
Licensing and enforcement	4,240,700
Real Estate Commission	2,752,710

Department of Labor:	
Licenses, permits and fines	895,660
Special Compensation Fund	890,359
Department of Law and Public Safety:	
Amusement games control fees	151,100
Beverage licenses	3,336,300
Bus excise tax	254,200
Division of Consumer Affairs:	
General revenues	1,910,000
Professional examining board fees	5,300,000
Division of State Police	725,000
Motor Vehicle Security-Responsibility Law administration	4,853,813
Pleasure boat licenses	1,700,000
Other boating fees	35,000
Department of State:	
Administrative procedures publications	100,000
Commissions	455,000
General revenue—Fees	6,540,000
Uniform Commercial Code—Fees	1,060,000
Department of Transportation:	
Applications and highway permits	1,010,500
Division of Aeronautics	92,720
Outdoor advertising	236,800
Department of the Treasury:	
Coin operated telephones	70,000
Escheats, Personal Property (14 year law)	200,000
Interest on deposits	1,000,000
Municipal Purposes Tax Assistance Fund	56,040,000
New Jersey Sports and Exposition Authority	4,000,000
Public Utility Radiation Response Assessment	700,000
Public Utility Taxes—Administration	152,000
Public Utility Gross Receipts and Franchise Taxes	66,061,000
Railroad Tax:	
Class II (Current Year)	100,000
Franchise	100,000
Vending Machine Commissions	150,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission Pennsylvania share	1,027,060

Other Sources:	
Miscellaneous revenue	1,500,000
Sale of State land	2,845,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	10,000,000
Employee maintenance deductions	2,500,000
Health benefits contribution reimbursement from special funds	11,500,000
Indirect cost recovery—Federal	9,000,000
Judicial Retirement System reimbursements	1,400,000
Other fringe benefit reimbursement from special funds	1,200,000
Pension contribution reimbursement from special funds	19,500,000
Public employer's contribution reimbursement	8,200,000
Reimbursement from Rutgers—Employer's share of employees' benefits	4,450,000
Rent of State building space	1,600,000
Social security contribution from special funds	15,375,000
Judicial Branch—	
Court fees	13,013,132
Violent Crimes Commission Act	4,906,145
Total—Miscellaneous Taxes, Fees, Revenues	$490,555,957

Interfund Transfers

Beaches and Harbor Fund	$1,500,000
Clean Waters Fund	1,600,000
Correctional Facilities Construction	1,500,000
Emergency Flood Control Fund	1,365,000
Energy Conservation Fund	1,100,000
Higher Education Buildings Construction Fund (Act of 1971)	350,000
Housing Assistance Fund	2,500
Institutional Construction Fund 1978	200,000
Institutions Construction Fund	600,000
Medical Education Facilities Fund	500,000
Mortgage Assistance Fund	250,000
Motor Vehicle Security—Responsibility Fund	45,000
Natural Resources Fund	150,000

Outstanding Checks Account	600,000
Public Building Construction Fund	275,000
Public Purpose Buildings Construction Fund	1,000,000
School Fund	3,400,000
State Disability Benefits Fund	7,868,085
State Land Acquisition and Development Fund	5,100,000
State Lottery Fund	291,000,000
State 1964 Institution Construction Fund	500
State of New Jersey Cash Management Fund	500,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	3,100,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1971)	500,000
State Transportation Fund	1,100,000
State Water Development Fund	110,000
Transportation Fund	30,000,000
Transportation Rehabilitation and Improvement Fund of 1979	3,000,000
Unclaimed Bank Deposits Escheat Reserve Fund	1,500,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	450,000
Unclaimed Personal Property Trust Fund	1,800,000
Unemployment Compensation Auxiliary Fund	12,000,000
Unsatisfied Claim and Judgment Fund	713,000
Water Conservation Fund	600,000
Water Supply Fund	400,000
Total—Interfund Transfers	$374,179,085

Federal Revenue

Executive Branch—	
Department of Agriculture:	
Bridgeton clerical assistance	$9,630
Brucellosis eradication	18,000
Cooperative gypsy moth suppression	600,000
Cooperative inspection service	20,000
Food distribution administrative expense fund	77,739
Plant pest survey and detection program	25,000
Department of Community Affairs:	
Community development block grant—technical assistance	300,000
Community services block grant	10,609,388

Emergency Jobs Appropriations Act, Pub. L. 98-8—youth in community services	1,000,000
Energy Conservation and Production Act	4,940,474
Food Distribution Act—Title VII	2,850,000
Housing Act of 1937—Section VIII	20,261,233
New Jersey advocacy assistance program	52,937
Older Americans' Act of 1965—Title III	23,356,750
Small cities block grant	11,915,000
Title IV-A training—aging	79,645
Department of Defense:	
Air national guard security agreements—Atlantic City and McGuire A.F.B.	303,862
Firefighter/crash rescue service agreement—Atlantic City	225,600
National guard communications services	31,575
Services contracts	2,572,967
Training and equipment pool sites	445,340
Department of Education:	
Adult basic education	2,926,200
Basic skills improvement	6,416
Child nutrition	71,275,580
Child nutrition—summer program	5,192,000
Civil rights—national origin	250,000
Common core data survey	14,700
Consumer and useful homemaking education	810,200
Education block grant	14,788,790
Education consolidation and improvement act—Title I administration	789,200
Education consolidation and improvement act—Title I disadvantaged	79,248,480
Education consolidation and improvement act—Title I delinquent	1,259,546
Education consolidation and improvement act—Title I handicapped	4,648,057
Education consolidation and improvement act—Title I Katzenbach	521,156
Elementary and secondary education act—Title IV-C strengthening	21,981
Elementary and secondary education act—Title VI handicapped	40,045,700

Library services and construction act—Title I public library services	2,430,875
Library services and construction act—Title III interlibrary cooperation	374,425
New Jersey MAP'S	200,000
Pre-school incentive grant	801,800
Race desegregation	400,000
Sex desegregation	225,000
State facilitator project	104,500
Teacher training special education	100,000
Technical assistance for bilingual education	75,000
Transition program for refugee children	258,100
Veteran readjustment benefits	212,000
Vocational education—basic grants	14,693,350
Vocational education—planning and evaluation	202,521
Vocational education—program improvement and supportive services	3,096,651
Vocational education—special programs for the disadvantaged	300,000
Department of Energy:	
Appropriate technology	17,000
Coastal energy impact program	1,060,180
Energy extension service	277,800
HUD solar bank	400,000
National Energy Act	401,397
Petroleum violation escrow account	3,500,000
State energy conservation program	1,016,996
Department of Environmental Protection:	
Air pollution maintenance program	3,150,000
Coastal zone implementation—3rd year	1,098,000
Consolidated forest management	279,045
Construction grants program	5,100,000
Cooperative pesticide enforcement	121,185
D and R marine research survey	25,000
Environmental monitoring program	54,400
Fisheries management council	25,000
Forest resources management—cooperative forest fire control	174,741
Gypsy moth suppression	54,425
Historic conservation and recreation service	2,500,000
Historic preservation—planning and surveys	301,165

Hunter safety program	259,650
Hunters' and anglers' license fund	1,000,000
Leased land for flood control	400
Marine fisheries enforcement	35,000
Marine fisheries coordination	40,000
Marine fisheries technical assistance	20,624
Marine fish life histories	29,363
Offshore pelagic fishery investigation	3,000
Pesticide technology	21,000
Publicly owned treatment work-training grant	25,000
River herring restoration	19,333
Rural community fire protection program	34,000
Resource conservation recovery act—hazardous waste	1,500,000
Shellfish research and inventory	42,000
Statewide pre-treatment program	3,000,000
Striped bass monitoring	34,000
Superfund grants	15,000,000
Underground injection control	80,100
Water pollution control program	1,500,000
Water supply—safe drinking water	540,000
Department of Health:	
Alcohol demonstration program in medicare and medicaid	125,046
Alcohol, drug abuse and mental health block grant	28,361,424
Alternative birthing sites	115,349
Cancer study program	753,449
Certification for Titles XVIII and XIX eligibility	696,000
Child nutrition program—inspection services	48,752
Diabetes research	130,363
Family planning Title X	2,067,615
Food inspection program	167,000
Genetic service program	84,963
Health insurance benefits program	34,674
Health planning and resource development	497,555
Health program for Indochinese refugees	97,098
Immunization project	529,049
Improved pregnancy outcome	400,000
Maternal and child health block grant	8,139,000
Medical care for drug dependent	27,000

Microfilming of health statistics	1,875
National death index	24,000
Nutrition facilities inspections	60,000
Perinatal services	61,639
Preventive health and health services block grant	3,003,800
Prospective hospital rate setting program	67,442
Supplemental food program—Women, infants and children	22,878,000
Venereal disease project	1,336,849
Vital statistics component	114,470
Department of Higher Education:	
Basic educational opportunity grant	14,470,000
College work-study	2,912,179
Educational opportunity grant program	1,203,349
Glassboro State College—miscellaneous federal programs	182,660
Kean College of New Jersey—miscellaneous federal programs	200,000
Montclair State College—miscellaneous federal programs	387,240
National direct student loan program	2,463,036
Office of the Chancellor—miscellaneous federal programs	278,977
Ramapo College of New Jersey—miscellaneous federal programs	141,372
Richard Stockton State College—miscellaneous federal programs	80,315
State student incentive grant	1,622,000
Student loan administrative cost deduction and allowance	4,245,393
Supplemental educational opportunity grant	340,000
The William Paterson College of New Jersey—miscellaneous federal programs	25,000
Trenton State College—miscellaneous federal programs	555,602
Department of Human Services:	
Child support and paternity Title IV-D	26,416,600
Child welfare Title IV-B	4,065,600
Community care waiver ICF/MR	14,328,749
Cuban-Haitian entrant program	2,254,750

Deaf-blind training grant Title VI-C	485,885
Dependent children assistance Title IV-A	290,132,894
Developmental disabilities	1,112,997
Emergency Jobs Appropriations Act, Pub. L. 98-8—Social services block grant	5,533,269
Food stamp program	14,575,000
Foster care Title IV-A/E	3,600,000
Foster grandparents' program	596,293
ICF/MR Title XIX	87,940,133
Job search demonstration for food stamp recipients	313,000
Low income energy assistance block grant	84,995,702
Medical assistance Title XIX	471,757,249
Refugee resettlement programs	2,117,000
Rehabilitation Act of 1973—Section 120	4,367,122
Restricted grants	317,000
Social services block grant	80,006,906
Supplemental security income Title XIV	3,250,000
Work incentive program Title IV-C	10,424,091
USDA nutrition	435,000
Department of Labor:	
Alien certification	315,818
Career information delivery system	160,000
CETA balance of State	775,000
CETA Title I administration	500,000
CETA Title IV youth services	875,000
CETA employment and training	3,074,596
Current employment statistics	429,525
Disabled veterans' outreach program	1,444,067
Employment services	89,890,255
Job corps program	230,780
JTPA Title II-A	55,005,077
JTPA Title II-B	21,762,233
JTPA Title III	4,792,990
JTPA Wagner-Peyser activities	2,000,000
Local area unemployment statistics	75,000
Local veterans' employment representative	891,512
Occupational employment statistics	201,600
Occupational informational coordinating program	94,000
Occupational safety and health act	1,613,785
Rehabilitation Act of 1973, section 110	20,000,000

Rehabilitation of supplemental security income beneficiaries	43,000
Social Security Act 222D	85,000
Social Security Act Titles II and XVI	21,334,930
Statistical program	92,765
Targeted jobs tax credit	745,884
Test development	217,082
Trade adjustment act	750,000
Vocational Rehabilitation Act of 1973	400,000
Vocational rehabilitation services to migratory workers	85,000
Department of Law and Public Safety:	
Civil rights	599,209
Emergency management activities—State police	754,402
Emergency management assistance	1,614,800
Highway safety programs	3,156,832
Medicaid fraud unit	2,015,000
State law enforcement planning agency	1,300,000
Department of the Public Advocate:	
Averting litigation—Responding to judicial decree	296,396
Early representation in the Passaic County public defender's office	5,813
Department of State:	
Arts in school	122,707
Basic block grant	240,500
National historical publication commission	15,000
NEH Papers of William Livingston	154,722
Department of Transportation:	
Airport fund	12,000,000
Highway planning and research	4,198,450
Local highway facilities	41,950,000
Management and administration	271,650
Metropolitan planning	3,359,107
Railroad rehabilitation	1,600,000
Rail service assistance program	1,500,000
State highway facilities—bridge and highway safety	51,150,000
State highway facilities—consolidated primary	48,200,000
State highway facilities—interstate	192,150,000

State highway facilities—interstate 4R's	30,500,000
State highway facilities—interstate transfer	40,000,000
State highway facilities—urban systems	6,000,000
Statewide public transportation planning	836,000
Federal Revenue	$2,247,537,434
Total Revenues, General Fund	$7,184,772,476
Total Resources, General Fund	$7,262,581,222

Property Tax Relief Fund

Undesignated fund balance, July 1, 1983	0
Gross Income tax	$1,655,000,000
Total Resources, Property Tax Relief Fund	$1,655,000,000

Gubernatorial Elections Fund

Taxpayers' Designations	$1,700,000
Less:	
Repayment to General Fund	*679,540*
Total Resources, Gubernatorial Elections Fund	$1,020,460

Casino Control Fund

License Fees	$38,087,635
Total Resources, Casino Control Fund	$38,087,635

Casino Revenue Fund

Undesignated fund balance, July 1, 1983	$38,964,976
Gross Revenue Tax	135,000,000
Total Resources, Casino Revenue Fund	$173,964,976
Grand Total, Resources, All Funds	$9,130,654,293

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, 1984. 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, 1984 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1984 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1984. 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.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

Government Direction, Management and Control

71 Legislative Activities

Legislature

0001 Senate

01-0001 Senate		$3,408,757
Total Appropriation, Senate		$3,408,757
Personal Services:		
Senators (40)	($867,167)	
Salaries and wages	(988,200)	
Members' staff services	(1,000,000)	
Materials and Supplies	(50,300)	
Services Other Than Personal	(411,470)	
Maintenance and Fixed Charges	(11,000)	

Special Purpose:		
Compensation awards	(18,120)	
200th Legislative Commemoration	(12,500)	
Additions, Improvements and Equipment	(50,000)	

The unexpended balance as of June 30, 1983 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly		$6,215,367
Total Appropriation, General Assembly		$6,215,367
Personal Services:		
Members (80)	($1,727,167)	
Salaries and wages	(1,600,000)	
Members' staff services	(2,000,000)	
Materials and Supplies	(104,600)	
Services Other Than Personal	(708,900)	
Maintenance and Fixed Charges	(12,200)	
Special Purpose:		
Compensation awards	(30,000)	
200th Legislative Commemoration	(12,500)	
Additions, Improvements and Equipment	(20,000)	

The unexpended balance as of June 30, 1983 in this account is appropriated.

The amounts hereinabove for the 200th Legislative Commemoration shall be used for expenses incurred as a result of and related to commemoration activities, including grants to private nonprofit foundations and organizations.

Total Appropriation, Legislature	$9,624,124

0003 Office of Legislative Services

03-0003 Legislative Support Services	$10,088,922
Total Appropriation, Office of Legislative Services	$10,088,922

Personal Services:		
State Auditor	(	$58,000)
Salaries and wages	(	6,385,329)
Positions converted	(	119,699)
New positions	(	195,204)
Materials and Supplies	(	1,925,600)
Services Other Than Personal	(	1,017,542)
Maintenance and Fixed Charges	(	152,044)
Special Purpose:		
Computer statutory research	(	36,300)
Compensation awards	(	11,000)
Affirmative action and equal employment opportunity program	(	11,804)
Additions, Improvements and Equipment	(	176,400)

The unexpended balance as of June 30, 1983 in this account is appropriated.

Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental Relations Commission		$363,441
Total Appropriation, Intergovernmental Relations Commission		$363,441
Special Purpose:		
Expenses of Commission	(	$8,000)
The Council of State Governments	(	76,700)
Atlantic States Marine Fisheries Commission	(	9,400)
National Conference of Commissioners on Uniform State Laws	(	16,830)
Education Commission of the States	(	52,300)
National Governors' Association	(	89,100)
Advisory Commission on Intergovernmental Relations	(	3,000)
National Conference of State Legislatures	(	81,811)
Governmental Accounting Standards Board	(	26,300)

The unexpended balance in this account as of June 30, 1983 is appropriated.

09-0014 Joint Committee on Public Schools

The unexpended balance as of June 30, 1983 in this account is appropriated.

0018 State Commission of Investigation

09-0018	State Commission of Investigation	$1,708,569
	Total Appropriation, State Commission of Investigation	$1,708,569

Special Purpose:
Expenses of Commission ..... ($1,708,569)

The unexpended balance as of June 30, 1983 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025	Commission to Study Sex Discrimination in the Statutes	$65,000
	Total Appropriation, Commission to Study Sex Discrimination in the Statutes	$65,000

Special Purpose:
Expenses of Commission ..... ($50,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026	Commission on Business Efficiency in the Public Schools	$35,000
	Total Appropriation, Commission on Business Efficiency in the Public Schools	$35,000

Special Purpose:
Expenses of Commission ..... ($35,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039	County and Municipal Government Study Commission	$150,000
	Total Appropriation, County and Municipal Government Study Commission	$150,000

Special Purpose:
Expenses of Commission ..... ($150,000)

0041 New Jersey Statue of Liberty Centennial Commission

The unexpended balance as of June 30, 1983 in this account is appropriated.

Total Appropriation, Legislative Commissions	$2,322,010
Total Appropriation, Legislative Branch	$22,035,056

EXECUTIVE BRANCH

CHIEF EXECUTIVE

Government Direction, Management and Control

76 Management and Administration

0300 Chief Executive's Office

01-0300	Executive Management	$2,472,110
	Total Appropriation, Chief Executive	$2,472,110

Personal Services:
Governor ..... ($85,000)
Secretary to the Governor ..... (28,500)
Salaries and wages ..... (1,925,582)
Materials and Supplies ..... (69,500)
Services Other Than Personal ..... (222,028)
Maintenance and Fixed Charges ..... (66,500)

Special Purpose:
Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official residence and other expenses ..... (55,000)

Additions, Improvements and
Equipment ..... (20,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

01-3310	Animal Disease Control	$629,000
02-3320	Plant Pest and Disease Control	1,470,473
03-3330	Resource Development Services	785,407*
	Total Appropriation, Natural Resource Management	$2,884,880*

Personal Services:
Salaries and wages ..... ($2,293,574*)
Materials and Supplies ..... (135,327)
Services Other Than Personal ..... (126,866*)
Maintenance and Fixed Charges ..... (176,673)

Special Purpose:
Gypsy moth control ..... (6,000)
Grants to soil conservation districts (146,440)

The unexpended balance as of June 30, 1983 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of $50,000, but not to exceed $20,000 in any one year, are appropriated to support the Animal Health Laboratory program.

Economic Planning, Development and Security

51 Economic Planning and Development

06-3360	Marketing Services	$819,196*
	Total Appropriation, Economic Planning and Development	$819,196*

Personal Services:		
Salaries and wages	(	$409,185)
Materials and Supplies	(	7,420)
Services Other Than Personal	(	40,672)
Maintenance and Fixed Charges	(	36,003)
Special Purpose:		
Promotional Market Development	(	325,000*)
Additions, Improvements and Equipment	(	916)

Receipts for the Poultry Products Promotion Council, C54:47A–1, White Potato Industry Promotion Council, C54:47B–1, Asparagus Industry Promotion Council, C54:47C–1, Apple Industry Promotion Council, C54:47D–1, Sweet Potato Commission, C54:47E–1, Soybean Industry Promotion Council, C4:10–43 et seq., South Jersey Dairy Industry Advisory Council, C4:10–43 et seq., Sire Stakes Fund, C5:5–91 et seq., Dairy Industry Advisory Council, C4:10–43 et seq., New Jersey Horsebreeding and Development, C5:5–22 et seq. and the unexpended balances as of June 30, 1983 of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable Federal regulations, and the unexpended balance of such receipts as of June 30, 1983 are appropriated for expenses of commodity distribution.

52 Economic Regulation

04-3340	Dairy Industry Regulation	$494,319
05-3350	Other Commodity Regulation	770,218
	Total Appropriation, Economic Regulation	$1,264,537

Personal Services:		
Salaries and wages	(	$1,103,962)
Materials and Supplies	(	33,559)
Services Other Than Personal	(	60,891)
Maintenance and Fixed Charges	(	57,452)

Additions, Improvements and Equipment	(8,673)	

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1983 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

Government Direction, Management and Control

76 Management and Administration

99-3370	Management and Administrative Services	$1,131,882
	Total Appropriation, Management and Administration	$1,131,882
Personal Services:		
Secretary	($60,000)	
Salaries and wages	(835,582)	
Materials and Supplies	(31,750)	
Services Other Than Personal	(117,106)	
Maintenance and Fixed Charges	(58,334)	
Special Purpose:		
Expenses of State Board of Agriculture	(10,800)	
Affirmative action and equal employment opportunity program	(14,360)	
Additions, Improvements and Equipment	(3,950)	
	Total Appropriation, Department of Agriculture	$6,100,495*

DEPARTMENT OF BANKING

Economic Planning, Development and Security

52 Economic Regulation

01-3010	Regulation of Banking Industry	$2,303,475
02-3020	Regulation of Savings and Loan Associations	1,169,994
99-3040	Management and Administrative Services	1,034,740
	Total Appropriation, Economic Regulation	$4,508,209

Personal Services:		
Commissioner	($70,000)	
Salaries and wages	(3,773,325)	
Materials and Supplies	(60,300)	
Services Other Than Personal	(571,275)	
Maintenance and Fixed Charges	(18,160)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(9,566)	
Additions, Improvements and Equipment	(5,583)	
Total Appropriation, Department of Banking		$4,508,209

Receipts in excess of those anticipated from examination fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF CIVIL SERVICE

General Direction, Management and Control

74 General Government Services

01-2710	Personnel Policy Development and General Administration	$2,774,126
02-2720	Recruitment and Selection	4,459,862
03-2730	State Service Classification and Compensation	1,429,475
04-2740	Employee Development and Personnel Services	585,339

05-2750	Equal Employment Opportunity and Affirmative Action	620,895*
06-2760	Local Government Classification and Placement	2,154,526
	Total Appropriation, General Government Services	$12,024,223*

Personal Services:	
President	($65,000)
Commissioners (4 @ $14,500)	(58,000)
Salaries and wages	(10,190,330)
Materials and Supplies	(483,020)
Services Other Than Personal	(852,556)
Maintenance and Fixed Charges	(200,760)
Special Purpose:	
Affirmative action and equal employment opportunity program	(42,557)
Microfilm service charges	(27,000)
Compensation awards	(17,000)
Additions, Improvements and Equipment	(88,000)

Total Appropriation, Department of Civil Service	$12,024,223*

Receipts derived from training services provided to local governments are appropriated for the same purpose.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

20-2800	Economic Development	$1,641,765*
20-2840	Motion Picture Commission	259,173
21-2850	International Trade	624,192
22-2860	Travel and Tourism	2,424,761
23-2870	Economic Planning	228,515
23-2880	Economic Research	292,566
99-2910	Management and Administrative Services	757,528

Total Appropriation, Economic Planning and Development		$6,228,500*
Personal Services:		
Commissioner	($70,000)	
Salaries and wages	(1,344,961*)	
Positions established from lump sum appropriation	(330,390)	
Positions converted	(766,073)	
Materials and Supplies	(274,255)	
Services Other Than Personal	(1,202,172)	
Maintenance and Fixed Charges	(273,359)	
Special Purpose:		
Small business minority representative program	(25,000)	
New Jersey Products Trade Show	(80,000)	
Advertising and promotion	(1,600,000)	
Tourism information centers	(50,000)	
Tourism matching grants for counties	(50,000)	
Historical site and cultural promotion	(50,000)	
New Jersey Econometric Model	(30,780)	
Affirmative action and equal employment opportunity program	(5,000)	
Additions, Improvements and Equipment	(76,510)	

The amounts hereinabove for Economic Development and $1,896,349 of the amount hereinabove for Travel and Tourism program classifications are appropriated from the Unemployment Compensation Auxiliary Fund; provided, however, that at least $1,000,000 be held in reserve pending the receipt of at least $1,000,000 into the Unemployment Compensation Auxiliary Fund from the Economic Development Authority as a partial reimbursement of funds advanced to the Authority.

Total Appropriation, Department of Commerce and Economic Development	$6,228,500*

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

01-8010	Housing Code Enforcement	$3,266,990
02-8020	Housing Services	902,333
03-8040	State and Regional Planning	200,000
04-8030	Local Government Services	2,277,206
06-8015	Uniform Construction Code	1,183,672
12-8025	Boarding Home Regulation and Assistance	1,223,446
	Total Appropriation, Community Development Management	$9,053,647

Personal Services:	
Board members (7 @ $8,000)	($56,000)
Salaries and wages	(6,418,499)
Positions transferred from other Statewide programs	(44,958)
Positions converted	(35,095)
Materials and Supplies	(137,973)
Services Other Than Personal	(590,315)
Maintenance and Fixed Charges	(430,834)
Special Purpose:	
Cooperative housing inspection	(1,000,000)
Revise audit standards	(65,000)
Boarding House Rental Assistance Fund	(250,000)
Additions, Improvements and Equipment	(24,973)

Receipts in excess of the amount anticipated for housing code enforcement, not to exceed $350,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue derived from the sale of truth in renting statements, including fees, fines and penalties, are appropriated for administering the Truth in Renting Act, C46:8-43 et seq.

Fees in excess of those anticipated are appropriated for the cost of the Planned Real Estate Development Full Disclosure Act, C45:22A–21 et seq. and for program expenses.

Such sums as may be required for the purpose of providing rental assistance to residents of boarding houses, C55:14J–52 are appropriated from the Boarding House Rental Assistance Fund subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.

Uniform Construction Code fees received from those additional municipalities which elect to have the State of New Jersey perform code enforcement after July 1, 1982 are appropriated for expenses of code enforcement in such municipalities.

Such sums as may be required for reviewing and paying claims under the New Home Warranty and Builders' Registration Act, C46:3B–1 et seq. are appropriated from the Home Warranty Security Fund under C46:3B–7.

Notwithstanding the provisions of C52:27D–124.1, a sum not to exceed $1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided however that any receipts and balances in excess of $1,325,000 in the Uniform Construction Code Revolving Fund shall lapse.

Receipts in excess of the amount anticipated for Boarding Home Regulation and Assistance, not to exceed $60,000, are appropriated for additional program expenses.

Pursuant to C55:14J–55, 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 Rental Assistance Fund created

pursuant to C55:14J–54 may be used by the commissioner to make payments to the Housing Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing Finance Agency Life Safety Improvement Loans.

Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Human Resources	$326,030
08-8060	Programs for the Aging	780,426
14-8061	Ombudsman's Office	530,006*
15-8051	Women's Programs	337,615
	Total Appropriation, Related Social Services Programs	$1,974,077*

Personal Services:		
Salaries and wages	($1,158,877*)	
Positions transferred from other Statewide programs	(52,964)	
Materials and Supplies	(45,848)	
Services Other Than Personal	(121,265)	
Maintenance and Fixed Charges	(59,395)	
Special Purpose:		
Technical assistance for displaced homemakers	(30,000)	
New program initiatives for women	(80,650)	
Expenses of the New Jersey Commission on Women	(6,500)	
Federal programs for the aging (State share)	(328,500)	
Expenses of the Commission on Aging	(2,500)	
Conference on aging	(15,000)	
Grants:		
YMCA Youth and Government Program	(20,000)	
Springfield Senior Citizens	(10,000)	
Women's referral central	(35,000)	
Additions, Improvements and Equipment	(7,578)	

Government Direction, Management and Control

76 Management and Administration

99-8070	Management and Administrative Services	$2,041,119
	Total Appropriation, Management and Administration	$2,041,119
	Personal Services:	
	Commissioner (	$60,000)
	Salaries and wages (	1,389,405)
	Positions transferred from other Statewide programs (	198,215)
	Materials and Supplies (	14,420)
	Services Other Than Personal (	160,943)
	Maintenance and Fixed Charges (	88,615)
	Special Purpose:	
	Special planning and research (	65,700)
	Affirmative action and equal employment opportunity program (	45,321)
	Compensation awards (	14,500)
	Additions, Improvements and Equipment (	4,000)
	Total Appropriation, Department of Community Affairs	$13,068,843*

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7040 State Prison, Trenton

07-7040	Institutional Control and Supervision	$15,514,134
08-7040	Institutional Care Program	6,017,101
09-7040	Institutional Treatment Program	1,380,540
10-7040	Education Program	1,012,287
19-7040	Physical Plant and Support Services	4,384,424
99-7040	Management and Administrative Services	1,117,956
	Total Appropriation, State Prison, Trenton	$29,426,442

New Jersey State Library

Personal Services:	
Salaries and wages	($13,004,076)
Positions established from lump sum appropriation	(5,741,436)
Food in lieu of cash	(246,928)
Positions transferred from other Statewide programs	(18,269)
Positions converted	(362,940)
Materials and Supplies	(6,596,089)
Services Other Than Personal	(2,122,693)
Maintenance and Fixed Charges	(222,371)
Special Purpose:	
Expanded capacity	(797,600)
Compensation awards	(110,000)
Additions, Improvements and Equipment	(204,040)

7050 State Prison, Rahway

07-7050	Institutional Control and Supervision	$8,237,263
08-7050	Institutional Care Program	3,796,488
09-7050	Institutional Treatment Program	1,118,206
10-7050	Education Program	623,934
19-7050	Physical Plant and Support Services	3,525,801
99-7050	Management and Administrative Services	728,716
	Total Appropriation, State Prison, Rahway	$18,030,408

Personal Services:	
Salaries and wages	($9,570,359)
Positions established from lump sum appropriations	(267,978)
Positions transferred from other Statewide programs	(31,483)
Positions converted	(268,260)
Food in lieu of cash	(112,972)
Materials and Supplies	(5,234,975)
Services Other Than Personal	(1,702,459)
Maintenance and Fixed Charges	(157,200)
Special Purpose:	
Expanded capacity	(332,022)
Compensation awards	(165,000)
Additions, Improvements and Equipment	(187,700)

7060 State Prison, Leesburg

07-7060	Institutional Control and Supervision	$7,164,034
08-7060	Institutional Care Program	3,214,072
09-7060	Institutional Treatment Program	1,091,993
10-7060	Education Program	407,568
19-7060	Physical Plant and Support Services	2,115,000
99-7060	Management and Administrative Services	647,980
	Total Appropriation, State Prison, Leesburg	$14,640,647

Personal Services:	
Salaries and wages	($7,794,283)
New positions	(65,583)
Positions established from lump sum appropriation	(327,427)
Positions converted	(394,500)
Food in lieu of cash	(106,384)
Materials and Supplies	(3,386,683)
Services Other Than Personal	(1,011,531)
Maintenance and Fixed Charges	(232,009)
Special Purpose:	
Expanded capacity	(1,113,400)
Compensation awards	(21,700)
Additions, Improvements and Equipment	(187,147)

7065 Southern State Correctional Facility

07-7065	Institutional Control and Supervision	$4,221,765
08-7065	Institutional Care Program	1,496,219
09-7065	Institutional Treatment Program	632,178
10-7065	Education Program	360,279
19-7065	Physical Plant and Support Services	935,408
99-7065	Management and Administrative Services	669,940
	Total Appropriation, Southern State Correctional Facility	$8,315,789

Personal Services:	
Salaries and wages	($186,515)
New positions	(5,883,808)
Food in lieu of cash	(89,792)

Materials and Supplies	(1,382,288)	
Services Other Than Personal	(519,736)	
Maintenance and Fixed Charges	(151,650)	
Special Purpose:		
Compensation awards	(32,000)	
Additions, Improvements and Equipment	(70,000)	

7070 Mid-State Correctional Facility

07-7070	Institutional Control and Supervision	$4,480,410
08-7070	Institutional Care Program	1,723,623
09-7070	Institutional Treatment Program	581,921
10-7070	Education Program	420,835
19-7070	Physical Plant and Support Services	1,481,271
99-7070	Management and Administrative Services	494,039
	Total Appropriation, Mid-State Correctional Facility	$9,182,099

Personal Services:		
Salaries and wages	($5,864,222)	
Food in lieu of cash	(76,128)	
Materials and Supplies	(1,958,963)	
Services Other Than Personal	(492,082)	
Maintenance and Fixed Charges	(212,404)	
Special Purpose:		
Expanded capacity	(500,000)	
Compensation awards	(32,000)	
Additions, Improvements and Equipment	(46,300)	

7080 Correctional Institution for Women, Clinton

07-7080	Institutional Control and Supervision	$3,896,513
08-7080	Institutional Care Program	1,844,031
09-7080	Institutional Treatment Program	558,782
10-7080	Education Program	286,829
19-7080	Physical Plant and Support Services	1,059,033
99-7080	Management and Administrative Services	476,849
	Total Appropriation, Correctional Institution for Women, Clinton	$8,122,037

Personal Services:		
Salaries and wages	($4,861,370)	
Positions converted	(194,001)	
Positions established from other institutions	(58,907)	
Food in lieu of cash	(59,740)	
Materials and Supplies	(1,097,777)	
Services Other Than Personal	(838,789)	
Maintenance and Fixed Charges	(113,529)	
Special Purpose:		
Expanded capacity	(693,923)	
Compensation awards	(45,800)	
Other special purpose	(500)	
Additions, Improvements and Equipment	(157,701)	

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090	Institutional Control and Supervision	$2,248,088
08-7090	Institutional Care Program	802,417
09-7090	Institutional Treatment Program	368,071
10-7090	Education Program	129,423
11-7090	Outpatient Diagnostic and Treatment Services	363,292
19-7090	Physical Plant and Support Services	413,085
99-7090	Management and Administrative Services	344,388
	Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	$4,668,764

Personal Services:		
Salaries and wages	($3,021,990)	
Food in lieu of cash	(34,160)	
Materials and Supplies	(591,005)	
Services Other Than Personal	(227,568)	
Maintenance and Fixed Charges	(40,903)	
Special Purpose:		
Expanded capacity	(700,688)	
Compensation awards	(6,250)	
Additions, Improvements and Equipment	(46,200)	

7110 Youth Reception and Correction Center, Yardville

07-7110	Institutional Control and Supervision ...	$5,884,138
08-7110	Institutional Care Program	2,998,600
09-7110	Institutional Treatment Program	1,474,488
10-7110	Education Program	512,626
19-7110	Physical Plant and Support Services	1,282,335
99-7110	Management and Administrative Services	672,095
	Total Appropriation, Youth Reception and Correction Center, Yardville	$12,824,282

Personal Services:		
Salaries and wages	(	$7,902,215)
Positions established from lump sum appropriation	(	184,784)
Positions transferred from another Statewide program	(	134,634)
Positions converted	(	205,140)
Food in lieu of cash	(	102,724)
Materials and Supplies	(	2,416,800)
Services Other Than Personal	(	900,713)
Maintenance and Fixed Charges	(	119,022)
Special Purpose:		
Compensation awards	(	65,000)
Expanded capacity	(	651,900)
Additions, Improvements and Equipment	(	141,350)

7120 Youth Correctional Institution, Bordentown

07-7120	Institutional Control and Supervision ...	$5,107,876
08-7120	Institutional Care Program	2,193,173
09-7120	Institutional Treatment Program	906,574
10-7120	Education Program	400,307
19-7120	Physical Plant and Support Services	1,445,091
99-7120	Management and Administrative Services	682,904
	Total Appropriation, Youth Correctional Institution, Bordentown	$10,735,925

Personal Services:	
Salaries and wages	($6,290,963)
Positions established from lump sum appropriation	(190,730)
Positions transferred from other Statewide programs	(57,653)
Positions converted	(96,656)
Food in lieu of cash	(84,912)
Materials and Supplies	(2,148,612)
Services Other Than Personal	(766,679)
Maintenance and Fixed Charges	(103,488)
Special Purpose:	
Expanded capacity	(873,832)
Compensation awards	(35,000)
Additions, Improvements and Equipment	(87,400)

7130 Youth Correctional Institution, Annandale

07-7130	Institutional Control and Supervision	$5,703,195
08-7130	Institutional Care Program	2,212,064
09-7130	Institutional Treatment Program	878,640
10-7130	Education Program	226,022
19-7130	Physical Plant and Support Services	1,564,494
99-7130	Management and Administrative Services	510,675
	Total Appropriation, Youth Correctional Institution, Annandale	$11,095,090

Personal Services:	
Salaries and wages	($6,127,779)
Positions established from lump sum appropriation	(430,012)
Food in lieu of cash	(78,812)
Positions transferred from other Statewide programs/institutions	(76,793)
Positions converted	(157,800)
Materials and Supplies	(2,081,352)
Services Other Than Personal	(578,826)
Maintenance and Fixed Charges	(72,049)

Special Purpose:		
Expanded capacity	(1,227,992)	
Compensation awards	(55,000)	
Additions, Improvements and Equipment	(208,675)	

7210 Training School for Boys, Skillman

07-7210	Institutional Control and Supervision	$1,497,589
08-7210	Institutional Care Program	532,018
09-7210	Institutional Treatment Program	388,316
19-7210	Physical Plant and Support Services	680,969
99-7210	Management and Administrative Services	443,224
	Total Appropriation, Training School for Boys, Skillman	$3,542,116

Personal Services:		
Salaries and wages	($2,629,232)	
Positions established from lump sum appropriation	(129,372)	
Positions transferred from other institutions	(17,753)	
New positions	(45,084)	
Materials and Supplies	(484,637)	
Services Other Than Personal	(115,696)	
Maintenance and Fixed Charges	(63,610)	
Special Purpose:		
Compensation awards	(25,000)	
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(30,732)	

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision	$2,804,395
08-7220	Institutional Care Program	1,253,302
09-7220	Institutional Treatment Program	729,049
19-7220	Physical Plant and Support Services	1,482,063
99-7220	Management and Administrative Services	537,114
	Total Appropriation, Training School for Boys, Jamesburg	$6,805,923

Personal Services:		
Salaries and wages	($4,144,879)	
Positions established from lump sum appropriation	(280,717)	
Food in lieu of cash	(59,048)	
Positions transferred from other Statewide programs	(145,931)	
Positions converted	(61,944)	
Materials and Supplies	(1,330,735)	
Services Other Than Personal	(333,724)	
Maintenance and Fixed Charges	(123,945)	
Special Purpose:		
Expanded capacity	(250,000)	
Compensation awards	(30,000)	
Additions, Improvements and Equipment	(45,000)	

7225 Juvenile Medium Security Center

07-7225	Institutional Control and Supervision	$933,672
08-7225	Institutional Care Program	407,081
09-7225	Institutional Treatment Program	243,862
19-7225	Physical Plant and Support Services	236,279
99-7225	Management and Administrative Services	217,914
	Total Appropriation, Juvenile Medium Security Center	$2,038,808

Personal Services:		
Salaries and wages	($34,375)	
New positions	(1,581,352)	
Food in lieu of cash	(22,936)	
Materials and Supplies	(245,036)	
Services Other Than Personal	(123,242)	
Maintenance and Fixed Charges	(21,867)	
Special Purpose:		
Compensation awards	(10,000)	

Notwithstanding the provisions of any law to the contrary, $515,807 of the unexpended balances as of June 30, 1983 in the tuition receipt account established pursuant to C18A:7B–1 et seq. in the

various departments, are appropriated for education costs of the Juvenile Medium Security Center, as determined by the Director of the Division of Budget and Accounting.

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010	Parole	$6,551,850
04-7010	Community Programs	1,018,203
	Total Appropriation, Office of Parole and Community Programs	$7,570,053
	Personal Services:	
	Salaries and wages	($6,075,012)
	Positions transferred from another Statewide program	(41,878)
	Positions converted	(116,837)
	Materials and Supplies	(65,820)
	Services Other Than Personal	(172,612)
	Maintenance and Fixed Charges	(368,692)
	Special Purpose:	
	County Inmates' Gate Money	(100,000)
	Community Residence Center, Jersey City	(41,366)
	Community Service Center, Newark	(157,992)
	Increased Parole Supervision	(325,060)
	Essex Community Service Center	(67,784)
	Compensation awards	(27,000)
	Additions, Improvement and Equipment	(10,000)

7280 State Parole Board

05-7280	State Parole Board	$2,705,274
	Total Appropriation, State Parole Board	$2,705,274
	Personal Services:	
	Salaries and wages	($1,894,768)
	Positions established from lump sum appropriation	(428,792)

Positions transferred from other Statewide programs	(16,570)	
Materials and Supplies	(50,400)	
Services Other Than Personal	(185,611)	
Maintenance and Fixed Charges	(80,333)	
Additions, Improvements and Equipment	(48,800)	

18 Juvenile Correctional Services

12-7230	Residential Group Center, Highfields	$139,555
12-7240	Residential Group Center, Warren	163,869
12-7250	Residential Group Center, Ocean	248,625
12-7260	Residential Group Center, Turrell	649,458
12-7270	Juvenile Community Programs	3,233,952*
	Total Appropriation, Juvenile Correctional Services	$4,435,459*

Personal Services:		
Salaries and wages	($2,579,445)	
Positions transferred from other institutions	(33,533)	
Positions converted	(115,216)	
New positions	(40,794)	
Food in lieu of cash	(11,224)	
Materials and Supplies	(201,560)	
Services Other Than Personal	(71,606)	
Maintenance and Fixed Charges	(19,547)	
Special Purpose:		
Community centers	(491,433*)	
Hudson County Liberty Park alternative project	(140,035)	
Juvenile alcoholic treatment unit	(286,285)	
State assumption of Federal programs:		
YUVAN: Youth Employment Assistance Project (CETA)	(151,004)	
Juvenile separation (JJDP)	(168,451)	
Home environmental learning	(103,826)	
Compensation awards	(400)	
Additions, Improvements and Equipment	(21,100)	

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	$1,827,372*
02-7000	Program Operations Support	23,759,847*
19-7000	Physical Plant and Support Services	689,652
99-7000	Management and Administrative Services	4,570,339
	Total Appropriation, Central Planning, Direction and Management	$30,847,210*

Personal Services:	
Commissioner	($65,000)
Salaries and wages	(5,389,916)
Positions established from lump sum appropriation	(73,202)
Positions converted	(113,066)
Positions transferred from other Statewide programs	(373,272)
Materials and Supplies	(381,203)
Services Other Than Personal	(964,643)
Maintenance and Fixed Charges	(223,396)
Special Purpose:	
Inmate wage increase	(181,581)
Purchase of service for inmates incarcerated in out-of-State facilities	(220,675)
Purchase of service for inmates incarcerated in county penal facilities	(15,759,660)
Farm operations subsidy	(970,000)
Mattress replacement program	(200,000)
Adult post-secondary and college programs	(200,000)
Augment medical care at institutions	(255,000)
Computerized menu planning	(145,000)
Establishment of 448 bed medium security unit	(3,800,000)
Institutional law libraries	(4,734)
Affirmative action and equal opportunity program	(48,162)

State assumption of Federal programs:		
State share (Title XX)	(	82,793)
Educational programs (various Federal funds)	(	33,058)
Compensation awards	(	10,800)
Grants:		
Transportation assistance for inmates' families' visitations	(	185,600*)
Purchase of community services	(	964,440)
Newark recycling program	(	96,300)
Additions, Improvements and Equipment	(	105,709)

The unexpended balance as of June 30, 1983 in the purchase of service for inmates incarcerated in the county penal facilities account is appropriated.

A portion of the total amount appropriated for purchase of service for inmates incarcerated in county penal facilities shall be available for the cost of additional facilities for inmate housing subject to the approval of the Director of the Division of Budget and Accounting.

It is further recommended that the unexpended balance, not to exceed $800,000, as of June 30, 1983 in the expanded capacity account be transferred to the alcoholism control program classification in the Department of Health in order to establish alcohol and drug rehabilitation programs for paroled offenders.

Total Appropriation, Department of Corrections	$184,986,326*

Balances on hand as of June 30, 1983 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work

release program, are appropriated for the purposes provided under C30:4–91.4.

Of the amount hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Operation of correctional institutions	($128,903,988)
Correctional facilities, expanded capacity	(8,236,735)
Juvenile medium security center	(2,287,607)

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	$2,320,141
02-3600	Management of National Guard Installations	5,861,408*
03-3600	Management of Joint Training Center	1,313,197
	Total Appropriation, Military Services	$9,494,746*

Personal Services:	
Chief of Staff	($57,500)
Salaries and wages	(4,575,335)
Materials and Supplies	(1,926,075*)
Services Other Than Personal	(645,975)
Maintenance and Fixed Charges	(332,814)
Special Purpose:	
Affirmative action and equal employment opportunity program	(3,973)
New Jersey Military Academy	(35,970)
Microfilm service charges	(10,000)
Joint Federal-State operations and maintenance contracts (State share)	(578,771)

Compensation awards	(77,674)	
Additions, Improvements and Equipment	(1,250,659)	

Receipts derived from rental and use of armories are appropriated for operation and maintenance thereof.

The unexpended balance as of June 30, 1983 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the Dining Facility, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1983 are appropriated.

Total Appropriation, Department of Defense	$9,494,746*

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

01-5120	General Formula Aid	$207,585
02-5120	Non-Public School Aid	92,648
04-5064	Adult and Continuing Education	506,401
05-5066	Bilingual Education	158,865
06-5066	Compensatory Education	259,205
07-5065	Special Education	1,316,764*
	Total Appropriation, Direct Educational Services and Assistance	$2,541,468*

Personal Services:		
Salaries and wages	($1,880,875)	
Positions established from lump sum appropriations	(142,808)	
Positions transferred from other Statewide programs	(58,348)	
Materials and Supplies	(85,380)	
Services Other Than Personal	(259,757)	
Maintenance and Fixed Charges	(14,300)	

Grants:
Programs for the gifted and talented ..... (100,000*)

32 Operation and Support of Educational Institutions

10-5065	State Facilities Education	$124,501
12-5011	Marie H. Katzenbach School for the Deaf	6,926,953
15-5010	Project COED	2,133,189
	Total Appropriation, Operation and Support of Educational Institutions	$9,184,643

Personal Services:
Salaries and wages ..... ($6,546,834)
Positions converted ..... (341,761)
Materials and Supplies ..... (1,389,136)
Services Other Than Personal ..... (280,196)
Maintenance and Fixed Charges .... (251,700)

Special Purpose:
Transportation expenses for students ..... (267,500)
Compensation awards ..... (20,616)
Additions, Improvements and Equipment ..... (86,900)

Notwithstanding the provisions of NJS 18A:61–1 and NJS 18A:46–13, or any other statute, $2,805,250 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Fund.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1983, of such receipts are

appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1983 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.

The unexpended balances as of June 30, 1983 in the account for the Marie H. Katzenbach School for the Deaf, not to exceed $50,000, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062	General Vocational Education	$863,173
21-5062	Special Vocational Education	363,515
22-5062	Occupational Career Research	118,732
	Total Appropriation, Supplemental Education and Training Programs	$1,345,420

Personal Services:		
Salaries and wages	(	$1,101,730)
Materials and Supplies	(	13,000)
Services Other Than Personal	(	74,790)
Maintenance and Fixed Charges	(	5,900)
Special Purpose:		
School-to-Work Linkage Program .	(	50,000)
Grants:		
Career Education Incentive Act ..	(	100,000)

34 Educational Support Services

30-5063	Curriculum Process	$2,005,086
33-5067	Service to Local Districts	3,949,265
33-5068	Service to Local Districts	987,593
34-5063	Equal Educational Opportunity	176,035
36-5120	Pupil Transportation	291,909
37-5120	School Nutrition	124,962
38-5120	Facilities Planning and School Building Aid	322,419
	Total Appropriation, Educational Support Services	$7,857,269

Personal Services:	
Salaries and wages	($6,611,410)
Positions transferred from other Statewide programs	(78,919)
Materials and Supplies	(21,525)
Services Other Than Personal	(140,225)
Maintenance and Fixed Charges	(35,990)
Special Purpose:	
Statewide Testing Program	(969,200)

The unexpended balance as of June 30, 1983 in the inspection of school construction account, and receipts derived therefrom, are appropriated for the same purpose.

Receipts not to exceed $650,000 from the State Board of Examiners' fees are appropriated for the operation of the teacher certification program and to improve services to the public, subject to the approval of the Director of the Division of Budget and Accounting.

35 Education Administration and Management

42-5120	School Finance and Auditing	$551,887
99-5090	Management and Administrative Services	716,651
99-5095	Management and Administrative Services	2,817,817
	Total Appropriation, Education Administration and Management	$4,086,355

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(2,539,218)
Positions transferred from other Statewide programs	(133,392)
Materials and Supplies	(214,500)
Services Other Than Personal	(866,326)
Maintenance and Fixed Charges	(130,320)
Special Purpose:	
State Board of Education expenses	(36,000)
Microfilm service charges	(40,000)

Affirmative action and equal employment opportunity program	(31,483)	
Compensation awards	(25,116)	

Of the amount hereinabove appropriated for Management and Administrative Services, a sum not to exceed $18,500 shall be made available to the Commissioner of Education for the purpose of purchasing 1,000 copies of the Manual of the Legislature of New Jersey pursuant to R. S. 52:12-5.

37 Cultural and Intellectual Development Services

51-5070	Library Services	$2,749,062
54-5070	Support of the Arts	198,666
55-5071	Records Management	741,029
	Total Appropriation, Cultural and Intellectual Development Services	$3,688,757

Personal Services:		
Salaries and wages	($2,761,291)	
Materials and Supplies	(491,170)	
Services Other Than Personal	(212,239)	
Maintenance and Fixed Charges	(25,391)	
Special Purpose:		
New Jersey School of the Arts	(60,000)	
Governor's School	(75,000)	
Grants:		
Teen arts program	(63,666)	
Total Appropriation, Department of Education		$28,703,912*

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine, from the schedule below, first shall be charged to the State Lottery Fund:

Marie H. Katzenbach School for the Deaf	($4,121,703)
Project COED	(2,133,189)
Statewide testing program	(969,200)

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-4050	Public Broadcasting Services	$5,109,522
	Total Appropriation, Cultural and Intellectual Development Services	$5,109,522

Personal Services:	
Salaries and wages	($3,338,109)
Materials and Supplies	(465,250)
Services Other Than Personal	(455,508)
Maintenance and Fixed Charges	(320,600)
Special Purpose:	
Affirmative action and equal employment opportunity program	(20,000)
Programming	(339,055)
Grant from the State to produce the daily lottery drawing program	(150,000)
Grant to Newark Public Radio	(20,000)
Additions, Improvements and Equipment	(1,000)

Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to nonprofit organizations and sale or reproduction of Authority produced programs, and the unexpended balance as of June 30, 1983 of such receipts are appropriated.

Community Development and Environmental Management

42 Natural Resource Management

05-4030	Energy Resource Management	$1,660,652
99-4030	Management and Administrative Services	407,029
	Total Appropriation, Natural Resource Management	$2,067,681

Personal Services:		
Commissioner	(	$60,000)
Salaries and wages	(	1,470,520)
Materials and Supplies	(	54,009)
Services Other Than Personal	(	433,334)
Maintenance and Fixed Charges	(	44,218)
Special Purpose:		
Affirmative action and equal employment opportunity program	(	5,100)
Additions, Improvements and Equipment	(	500)

The unexpended balance as of June 30, 1983 in this account is appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E–92 et seq.

Economic Planning, Development and Security

52 Economic Regulation

01-4010	Financial Regulation	$2,661,911
02-4020	Service Adequacy and Safety	2,253,134
04-4045	Regulation of Cable Television	550,843
99-4040	Management and Administrative Services	1,436,340*
	Total Appropriation, Economic Regulation	$6,902,228*

Personal Services:		
Board members (3 @ $56,000)	(	$168,000*)
Salaries and wages	(	6,082,668)
Materials and Supplies	(	92,500)
Services Other Than Personal	(	354,912)
Maintenance and Fixed Charges	(	152,148)
Special Purpose:		
Affirmative action and equal employment opportunity program	(	35,000)
Additions, Improvements and Equipment	(	17,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities under C48:2–59 et seq. and C48:5A–32, or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1983 in this account is appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Total Appropriation, Department of Energy $14,079,431*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Watershed Management	$2,397,142
11-4870	Forest Resource Management	3,578,680
13-4880	Hunters' and Anglers' License Fund	6,067,092
14-4885	Shellfish and Marine Fisheries Management	908,446
15-4890	Marine Lands Management	1,831,906
	Total Appropriation, Natural Resource Management	$14,783,266

Personal Services:		
Salaries and wages	(	$9,125,191)
Positions established in lieu of appropriated revenue	(	62,855)
Positions transferred from other Statewide programs	(	36,480)
Positions converted	(	87,448)
Materials and Supplies	(	1,766,300)
Services Other Than Personal	(	895,447)
Maintenance and Fixed Charges	(	728,200)

Special Purpose:		
Office of the Rivermaster	(	37,500)
Laboratory services (Department of Health)	(	90,000)
Microfilm service charges	(	65,000)
Fire fighting costs	(	425,000)
Storing, loading and planting of oyster shells (C50:3–20.17)	(	30,000)
Surf clams research and inventory	(	45,000)
Delineation and determination of State riparian land	(	430,000)
Tidelands resource council	(	25,000)
Compensation awards	(	40,700)
Additions, Improvements and Equipment	(	893,145)

The unexpended balances as of June 30, 1983 in the Fire fighting costs and Delineation and determination of State riparian land accounts are appropriated for the same purposes.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amounts remaining therein, in addition to the unexpended balances as of June 30, 1983 are appropriated for additional operating costs. If receipts to said fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts derived from sea clam fees and sea clam licenses (commercial and noncommercial) in excess of those anticipated are appropriated for program costs.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed $625,000, are appropriated for the same purpose; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from

the General Fund for the same purpose; provided further, however, that any sum so advanced must be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, $450,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State owned riparian lands; provided, however, that there are appropriated from any receipts in excess of the amount anticipated such additional sums as may be required to meet peak demands of the Marine Lands Management Program subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the Income Tax Refund Checkoff for the Endangered and Nongame Species of Wildlife Conservation Fund under C54A:9–25.2 are appropriated for protection of endangered and nongame wildlife species.

43 Environmental Quality

02-4825	Air Pollution Control	$2,704,693
03-4830	Noise Control	45,000
07-4850	Water Monitoring and Planning	1,774,097
08-4855	Water Enforcement	981,450
17-4900	Solid Waste Resource Management	1,866,835
22-4861	Water Quality Management	498,286
	Total Appropriation, Environmental Quality	$7,870,361

Personal Services:	
Salaries and wages	($5,140,833)
Positions established from lump sum appropriation	(45,000)
Positions established in lieu of appropriated revenue	(105,130)
Materials and Supplies	(362,705)
Services Other Than Personal	(823,613)
Maintenance and Fixed Charges	(409,480)
Special Purpose:	
Acid rain study	(100,000)
Weed control, State controlled lakes	(50,000)
Laboratory services (Department of Health)	(569,000)
Groundwater investigations	(50,000)
Compensation awards	(7,500)
Additions, Improvements and Equipment	(207,100)

Receipts from the air pollution control program in excess of those anticipated are appropriated.

Receipts derived from laboratory certification services in excess of those anticipated are appropriated.

Receipts derived from the New Jersey Pollutant Discharge Elimination System and the unexpended balance of such receipts as of June 30, 1983 are appropriated for expenses of the program.

There is appropriated from the Natural Resources Bond Fund not more than $2,100,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E–92 et seq.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the Sanitary Landfill Facility Closure and Contingency Fund Act, C13:1E–100 et seq.

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	$1,221,724
04-4835	Pesticide Control	120,000
18-4810	Environmental Cancer and Toxic Substances	1,761,953
23-4910	Hazardous Waste	2,138,181
	Total Appropriation, Hazardous and Toxic Pollution Control	$5,241,858

Personal Services:	
Salaries and wages	($2,124,961)
Positions established from lump sum appropriation	(318,843)
Positions established in lieu of appropriated revenue	(63,390)
Materials and Supplies	(223,830)
Services Other Than Personal	(1,457,506)
Maintenance and Fixed Charges	(160,276)
Special Purpose:	
State assumption of various federal funds	(414,511)
Major Hazardous Waste Facilities Siting Act—Siting Commission	(330,526)
Compensation awards	(8,500)
Additions, Improvements and Equipment	(139,515)

Receipts from radiation protection in excess of those anticipated are appropriated.

The unexpended balance as of June 30, 1983 in the Nuclear emergency response account is appropriated.

There is appropriated from receipts pursuant to the assessments of electrical utility companies under C26:2D–37 et seq. an amount of $659,105 for nuclear emergency response; provided, however, that the expenditure of these funds is approved by the Director of the Division of Budget and Accounting.

There is appropriated $3.8 million for Spill Prevention, Response and Site Cleanup from the New Jersey Spill Compensation Fund and such sums as may be required for additional costs of operations and cleanup in accordance with the provisions of C58:10–23.11 et seq., subject to the approval of the Director of the Division of Budget and Accounting.

A sum not to exceed $300,000 is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount appropriated for hazardous waste, $75,000 is appropriated for monitoring fresh water around COMBE North and South landfills that may endanger wells in Chester, Washington and Mt. Olive Townships. To the maximum possible extent expenditures will be reimbursed from the federal Superfund.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances not to exceed $111,082 as of June 30, 1983 in the Major Hazardous Waste Facilities Siting Act—Siting Commission and the Major Hazardous Waste Facilities Siting Act—Hazardous Waste Advisory Council accounts are appropriated.

45 Recreational Resource Management

10-4865	Marina Operations	$752,767
12-4875	Parks Management	13,573,870
21-4895	Navigational Aids	648,001
	Total Appropriation, Recreational Resource Management	$14,974,638

Personal Services:	
Salaries and wages	($8,383,356)
Positions established in lieu of appropriated revenue	(48,864)
Positions transferred from other Statewide programs	(94,980)
Positions converted	(274,653)
Materials and Supplies	(2,194,890)
Services Other Than Personal	(690,910)
Maintenance and Fixed Charges	(1,075,360)
Special Purpose:	
Liberty Park Commission	(22,000)
Maintenance Old Barracks, Trenton (State share)	(125,000)
Expenses of the Delaware and Raritan Canal Commission	(100,000)
Observance of the 150th Anniversary of Delaware and Raritan Canal	(15,000)
Youth conservation and recreation projects	(125,000)
Day trip and camping opportunities for youngsters from lower and moderate income families	(425,000)
Natural Lands Trust	(18,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes	(300,000)
Compensation awards	(55,500)
Additions, Improvements and Equipment	(1,026,125)

Receipts in excess of those anticipated from marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from said fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance as of June 30, 1983 in the Youth conservation and recreation projects account is appropriated.

The unexpended balance as of June 30, 1983 in the Construction, maintenance, improvement and dredging inland waterways; bulkheading and dredging of State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

Receipts derived from the rental or use of Drumthwacket are appropriated for operation and maintenance.

4876 Palisades Interstate Park Commission

24-4876	Parks Management	$1,395,455
25-4876	Patrol Activities and Crime Control	789,703
	Total Appropriation, Palisades Interstate Park Commission	$2,185,158

Personal Services:		
Salaries and wages	(	$1,591,246)
Materials and Supplies	(	257,900)
Services Other Than Personal	(	160,823)
Maintenance and Fixed Charges	(	106,189)
Additions, Improvements and Equipment	(	69,000)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balance as of June 30, 1983 from such revenues, are appropriated for maintenance.

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1983 of such receipts are appropriated.

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	$4,635,754
	Total Appropriation, Environmental Planning and Administration	$4,635,754

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(3,145,486)
Positions transferred from other Statewide programs	(180,157)
Positions converted	(181,943)
Materials and Supplies	(53,000)
Services Other Than Personal	(725,547)
Maintenance and Fixed Charges	(159,150)
Special Purpose:	
Board of New Jersey Pilot Commissioners	(73,400)
Affirmative action and equal employment opportunity program	(38,571)
Compensation awards	(5,000)
Additions, Improvements and Equipment	(3,500)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts and any receipts in excess of the amounts specifically set forth above are appropriated.

Fees deposited in the Environmental Services Fund under C13:1D–29 et seq. and the unexpended balance as of June 30, 1983 are appropriated for the purposes of the fund.

Total Appropriation, Department of Environmental Protection	$49,691,035

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220	Community Health Services	$5,334,077
03-4230	Epidemiology and Disease Control	4,191,966
04-4240	Narcotic and Drug Abuse Control	6,403,009
05-4250	Alcoholism Control	1,686,126
08-4280	Diagnostic Services	3,018,788
09-4290	Clinical Laboratory Services	421,005
	Total Appropriation, Health Services	$21,054,971

Personal Services:		
Salaries and wages	($10,685,473)	
Positions transferred from other Statewide programs	(29,567)	
New position	(24,000)	
Materials and Supplies	(1,714,183)	
Services Other Than Personal	(656,117)	
Maintenance and Fixed Charges	(406,580)	
Special Purpose:		
Expansion of environmental and occupational health	(282,557)	
Grants:		
Family planning services	(225,000)	
Hemophilia services	(621,000)	
Juvenile terminal illness assistance	(30,000)	
Emergency medical services	(16,000)	
Chronic disease services	(28,000)	
Testing for specific hereditary diseases	(115,000)	

Hospitalization and convalescent care of handicapped children	(1,856,000)
Chronic renal disease	(520,000)
Maternal and child health	(50,000)
DES program	(14,000)
Gerontology program	(38,826)
Tuberculosis services	(338,000)
Venereal disease clinics	(10,000)
Occupational health services	(83,080)
Community drug programs (State share)	(1,633,043)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,583,545)

The appropriation for Hospitalization and convalescent care of handicapped children shall be available for the payment of obligations applicable to prior fiscal years.

There is appropriated to the New Jersey State Commission on Cancer Research $1,000,000 from the Cancer Research Fund pursuant to C54:40A–37.1.

Such sums as may be required for costs of operation of the rabies control program are appropriated from the Rabies Control Fund.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories (C45:9–42.26) and the unexpended balance as of June 30, 1983 of such fees are appropriated.

The Divisions of Narcotic and Drug Abuse and Alcoholism are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse. Receipts derived from billings or fees and unexpended balances as of June 30, 1983 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse and Alcoholism, for the support of the alcohol and drug abuse programs.

The unexpended balance as of June 30, 1983 in the Hazardous Waste Health Care Task Force account is appropriated.

The unexpended balance in the Pharmaceutical Services for Adults with Cystic Fibrosis account as of June 30, 1983 is appropriated.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	$1,479,877
07-4270	Health Planning and Resource Development	2,379,949
	Total Appropriation, Health Planning and Evaluation	$3,859,826

Personal Services:	
Salaries and wages	($3,175,001)
Materials and Supplies	(53,826)
Services Other Than Personal	(412,864)
Maintenance and Fixed Charges	(108,135)
Grants:	
Regional Health Center, Bellmawr	(50,000)
Planning and development of urban health services	(60,000)

Receipts derived from fees charged for hospital rate setting, and the unexpended balance of such receipts as of June 30, 1983, are appropriated for expenses of hospital rate setting and for expenses of the Hospital Rate Setting Commission.

Receipts derived from fees charged for the review of Uniform Construction Code plans for health care facilities, and the unexpended balance of such receipts as of June 30, 1983, are appropriated for the cost of such review.

Receipts derived from fees charged for the certificate of need program and the unexpended balance of such receipts as of June 30, 1983, are appropriated for the cost of the program.

25 Health Administration

01-4215	Vital Statistics	$411,856
10-4225	Local Health and Regional Operations	891,423
99-4210	Management and Administrative Services	4,015,307*
	Total Appropriation, Health Administration	$5,318,586*

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(3,573,302)
Positions transferred from another Statewide program	(8,819)
Materials and Supplies	(177,051)
Services Other Than Personal	(829,693)
Maintenance and Fixed Charges	(173,475)
Special Purpose:	
Governor's Council on Physical Fitness	(100,000)
Compensation awards	(90,000)
Affirmative action and equal employment opportunity program	(35,846)
Controlled dangerous substance technical research	(50,000)
Compulsive gambling	(200,000)
Additions, Improvements and Equipment	(10,400)

Receipts from various fees and licenses collected throughout the Department of Health in excess of those anticipated, not to exceed $850,000 are appropriated.

Total Appropriation, Department of Health	$30,233,383*

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

02-5400	Support to Independent Institutions	$18,844,250*
03-5400	New Jersey Educational Opportunity Fund	14,009,000
04-5400	Student Financial Support Services	42,729,611*
05-5400	Student Financial Assistance Administration	2,191,846
99-5400	Management and Administrative Services	11,749,636*
	Total Appropriation, Office of the Chancellor	$89,524,343*

Personal Services:	
Chancellor	($70,000)
Salaries and wages	(3,523,855)
Materials and Supplies	(160,572)
Services Other Than Personal	(860,311)
Maintenance and Fixed Charges	(51,873)
Special Purpose:	
Educational Opportunity Fund Board Expenses	(2,500)
Board of Higher Education expenses	(7,000)
Program development	(90,000)
State and county college councils ..	(3,000)
Basic skills assessment	(650,000)
Marine sciences consortium	(404,000)
Faculty fellows	(50,000)
Teacher education improvement ...	(100,000)
Affirmative action and equal employment opportunity program	(29,371)
Compulsive gambling research	(75,000)
Governor's School	(75,000)
Computer proficiency (State college programs)	(500,000)
Technical/engineering education (State college programs)	(300,000)
Math/science teaching (State college programs)	(500,000)

Computer proficiency (independent institutions)	(300,000)
Technical/engineering education (independent institutions)	(100,000)
Technical/engineering education (Marine Sciences Consortium)	(100,000)
Commission on Science and Technology expenses	(150,000)
Computer proficiency (Office of the Chancellor)	(150,000)
Technical/engineering education (Office of the Chancellor)	(75,000)
Telematics programs	(1,270,000)
Biotechnology programs	(717,800)
Food technology programs	(584,200)
Materials sciences programs	(1,219,200)
Hazardous waste management programs	(558,800)
To be allocated to the State colleges	(1,250,000*)
Grants:	
Veterinary medicine education	(1,065,000)
Aid to independent colleges and universities	(11,075,000*)
Schools of professional nursing	(1,500,000)
Dental school aid	(4,122,250*)
Optometric education	(332,000)
Einstein Chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program	(450,000)
Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University	(65,000)
To Seton Hall to publish Papers of Chief Justice Hughes	(30,000)
Alfred E. Driscoll Chair in Pharmaceutical/Chemical Studies at Fairleigh Dickinson University	(65,000)
Women's Studies Chair, Douglass College	(75,000)

Opportunity program grants	(9,411,000)
Supplementary education program grants	(4,598,000)
Veterans' tuition credit	(615,000)
Tuition aid grants, C18A:71–41 et seq.	(38,094,611*)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
Public tuition benefits	(10,000)
MIA-POW grants	(10,000)
Additions, Improvements and Equipment	(14,000)

An amount not to exceed $57,500* in the aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, C18A:72B–15 et seq., the number of full-time equivalent students (FTE) at the eight State Colleges is 51,675 for fiscal year 1983-84.

The unexpended balance as of June 30, 1983 and other income from the federal loan collection reimbursement program are appropriated.

The unexpended balances in the Special Purpose accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove in the tuition aid grants program shall be available for payment of obligations applicable to prior fiscal years.

The provisions of C18A:71–64 et seq. notwithstanding, the Department of Higher Education may make payments directly to eligible veterans enrolled in approved educational institutions without prior written agreements with such institutions for participation in the program.

Of the sums hereinabove appropriated for tuition aid grants not more than $429,420 shall be expended for out-of-State tuition aid grant awards;

provided, however, that such awards only be made to students holding awards prior to FY 1983.

The sum hereinabove to be allocated to the State colleges shall be allocated by the Chancellor of Higher Education with the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection (b) of C18A:71–47 the maximum grant level to tuition aid grants awards to eligible students in Rutgers, The State University, and the New Jersey Institute of Technology may be $1,600. The maximum grant level at the New Jersey independent colleges and universities may be $1,700. The minimum award at all eligible institutions shall be $200.

The unexpended balances in excess of $2,000,000 as of June 30, 1983, in the Student Financial Support Services accounts are appropriated solely for Tuition Aid Grants (C18A:71–41 et seq.).

5450 Thomas A. Edison State College

17-5450	Institutional Support	$1,853,531
	Total Appropriation, Thomas A. Edison State College	$1,853,531
	Personal Services:	
	Salaries and wages	($1,511,902)
	Materials and Supplies	(62,700)
	Services Other Than Personal	(157,429)
	Maintenance and Fixed Charges	(27,000)
	Special Purpose:	
	Affirmative action and equal employment opportunity program	(14,000)
	Bachelor of Nursing Program	(65,500)
	Additions, Improvements and Equipment	(15,000)

5500 Glassboro State College

11-5500	Instruction	$12,502,678
12-5500	Sponsored Programs and Research	75,000
13-5500	Extension and Public Service	459,000
15-5500	Academic Support	1,158,572
16-5500	Student Services	2,004,927
17-5500	Institutional Support	3,076,502
19-5500	Physical Plant Support Services	4,441,640
	Total Appropriation, Glassboro State College	$23,718,319

Personal Services:	
Salaries and wages	($17,822,222)
Student aides	(200,000)
Materials and Supplies	(2,501,515)
Services Other Than Personal	(1,469,366)
Maintenance and Fixed Charges	(347,848)
Special Purpose:	
Academic development	(100,000)
Separately budgeted research	(75,000)
Camden Urban Center	(459,000)
College work-study (State share)	(164,740)
Affirmative action and equal employment opportunity program	(47,474)
Compensation awards	(29,354)
Additions, Improvements and Equipment	(501,800)

5510 Jersey City State College

11-5510	Instruction	$12,134,110
12-5510	Sponsored Programs and Research	75,000
15-5510	Academic Support	1,141,477
16-5510	Student Services	1,402,467
17-5510	Institutional Support	2,732,716
19-5510	Physical Plant Support Services	3,608,260
	Total Appropriation, Jersey City State College	$21,094,030

Personal Services:	
Salaries and wages	($15,523,858)
Student aides	(150,000)
Materials and Supplies	(2,132,000)
Services Other Than Personal	(901,172)
Maintenance and Fixed Charges	(332,000)
Special Purpose:	
A. Harry Moore Laboratory School	(1,055,000)
Academic development	(90,000)
Separately budgeted research	(75,000)
National direct student loans (State share)	(10,000)
College work-study (State share)	(70,000)
Athletic fields	) 80,000)
Affirmative action and equal employment opportunity program	(51,000)
Compensation awards	(35,000)
Additions, Improvements and Equipment	(589,000)

All tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College and the unexpended balances, as of June 30, 1983 of such receipts are appropriated for operating expenses of the School.

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated for operating expenses of the College.

5520 Kean College of New Jersey

11-5520	Instruction	$13,603,200
12-5520	Sponsored Programs and Research	75,000
15-5520	Academic Support	1,208,617
16-5520	Student Services	2,326,526
17-5520	Institutional Support	3,644,912
19-5520	Physical Plant Support Services	4,763,913
	Total Appropriation, Kean College of New Jersey	$25,622,168

Personal Services:	
Salaries and wages	($19,826,360)
Student aides	(200,000)

Materials and Supplies	(3,072,000)
Services Other Than Personal	(1,470,215)
Maintenance and Fixed Charges	(316,000)
Special Purpose:	
Academic development	(120,000)
Separately budgeted research	(75,000)
National direct student loans (State share)	(10,000)
College work-study (State share)	(50,000)
Affirmative action and equal employment opportunity program	(44,613)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(392,980)

5530 The William Paterson College of New Jersey

11-5530	Instruction	$14,528,260
12-5530	Sponsored Programs and Research	75,000
15-5530	Academic Support	1,356,317
16-5530	Student Services	1,940,428
17-5530	Institutional Support	3,309,607
19-5530	Physical Plant Support Services	5,526,828
	Total Appropriation, The William Paterson College of New Jersey	$26,736,440

Personal Services:	
Salaries and wages	($20,549,638)
Student aides	(275,000)
Materials and Supplies	(3,253,786)
Services Other Than Personal	(1,281,016)
Maintenance and Fixed Charges	(478,000)
Special Purpose:	
Academic development	(130,000)
Separately budgeted research	(75,000)
College work-study (State share)	(60,000)
Affirmative action and equal employment opportunity program	(48,000)
Compensation awards	(25,000)
Additions, Improvements and Equipment	(561,000)

5540 Montclair State College

11-5540	Instruction	$17,227,000
12-5540	Sponsored Programs and Research	75,000
13-5540	Extension and Public Service	515,000
15-5540	Academic Support	1,699,840
16-5540	Student Services	2,583,300
17-5540	Institutional Support	3,612,388
19-5540	Physical Plant Support Services	4,766,273
	Total Appropriation, Montclair State College	$30,478,801

Personal Services:	
Salaries and wages	($23,352,000)
Student aides	(350,000)
Materials and Supplies	(2,866,715)
Services Other Than Personal	(1,332,198)
Maintenance and Fixed Charges	(431,000)
Special Purpose:	
Academic development	(150,000)
Separately budgeted research	(75,000)
New Jersey State School of Conservation	(515,000)
College work-study (State share)	(70,000)
Affirmative action and equal employment opportunity program	(101,888)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(1,190,000)

Receipts from the New Jersey School of Conservation in excess of $440,000 and the unexpended balance of such receipts, as of June 30, 1983, are appropriated.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550	Instruction	$13,062,660
12-5550	Sponsored Programs and Research	75,000
15-5550	Academic Support	1,691,555
16-5550	Student Services	2,456,774
17-5550	Institutional Support	2,843,146
19-5550	Physical Plant Support Services	5,105,576
	Total Appropriation, Trenton State College	$25,234,711

Personal Services:	
Salaries and wages	($19,111,442)
Student aides	(255,000)
Materials and Supplies	(3,105,889)
Services Other Than Personal	(1,272,580)
Maintenance and Fixed Charges	(464,000)
Special Purpose:	
Demonstration school services	(80,000)
Academic development	(100,000)
Separately budgeted research	(75,000)
Affirmative action and equal employment opportunity program	(40,800)
College work-study (State share)	(37,000)
Compensation awards	(50,000)
Additions, Improvements and Equipment	(643,000)

5560 Ramapo College of New Jersey

11-5560	Instruction	$5,027,246
12-5560	Sponsored Programs and Research	41,000
15-5560	Academic Support	838,963
16-5560	Student Services	978,066
17-5560	Institutional Support	2,095,306
19-5560	Physical Plant Support Services	2,931,742
	Total Appropriation, Ramapo College of New Jersey	$11,912,323

Personal Services:	
Salaries and wages	($9,015,214)
Student aides	(180,000)

Materials and Supplies	(1,485,647)
Services Other Than Personal	(648,034)
Maintenance and Fixed Charges	(231,690)
Special Purpose:	
Academic development	(50,000)
Separately budgeted research	(41,000)
College work-study (State share)	(42,000)
Affirmative action and equal employment opportunity program	(47,600)
Compensation awards	(9,600)
Additions, Improvements and Equipment	(161,538)

5570 Richard Stockton State College

11-5570	Instruction	$5,903,863
12-5570	Sponsored Programs and Research	70,000
15-5570	Academic Support	1,171,606
16-5570	Student Services	1,103,406
17-5570	Institutional Support	2,130,930
19-5570	Physical Plant Support Services	2,974,760
	Total Appropriation, Richard Stockton State College	$13,354,565

Personal Services:	
Salaries and wages	($9,652,858)
Student aides	(155,000)
Materials and Supplies	(1,865,988)
Services Other Than Personal	(877,146)
Maintenance and Fixed Charges	(234,500)
Special Purpose:	
Academic development	(60,000)
Separately budgeted research	(70,000)
College work-study (State share)	(40,000)
Affirmative action and equal employment opportunity program	(45,206)
Compensation awards	(37,000)
Additions, Improvements and Equipment	(316,867)

State College Programs

Receipts in excess of those anticipated from regular tuition at the State colleges and student fee revenues at Thomas A. Edison State College are appropriated, subject to approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The expenditure of the amounts hereinabove to each State college for academic development shall be subject to prior approval of the Chancellor of Higher Education and the Director of Division of Budget and Accounting.

Receipts from the operation of summer programs, special programs (on-campus) and extension and public service programs (off-campus) and the unexpended balances as of June 30, 1983 of such receipts are appropriated.

Receipts from the operation of auxiliary services in excess of those pledged for the payment of principal and interest on bonds of this State pursuant to N. J. S. 18A:64–18, and the unexpended balance as of June 30, 1983 of such receipts, are appropriated.

The amounts hereinabove allocated to the various State colleges for student aides constitute the appropriation to carry out the provisions of N. J. S. 18A:64–17; provided, however, that payment for the value of work performed by students shall be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

Receipts from student service charges and parking fees and the unexpended balances as of June 30, 1983 of such receipts are appropriated.

Notwithstanding the provisions of C18A:72A–26 et seq., no board of trustees of a State college shall enter into an agreement with the Educational Facilities Authority for housing facilities for students, without first securing written autho-

rization for such agreement from the Director of Budget and Accounting.

Any transfer of appropriation from the physical plant support services program classification to any other purpose shall be subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the transfer of funds between items of appropriation, as provided by law, the program classification accounts shall be deemed to be the primary expenditure accounts.

Rutgers, The State University

5600 General University

11-5600	Instruction		$100,835,589*
12-5600	Sponsored Programs and Research		4,745,294*
13-5600	Extension and Public Service		1,893,000
14-5600	Auxiliary Services		5,218,250
15-5600	Academic Support		10,897,716
16-5600	Student Services		18,473,119
17-5600	Institutional Support		26,145,215
19-5600	Physical Plant Support Services		41,037,524
	Sub-Total, General Operations		$209,245,707*
	Special Funds expense		32,000,000
	Auxiliary Funds expense		45,000,000
	Total All Operations		$286,245,707*
Less:			
	General services income	*$76,033,250*	
	Special funds income	*32,000,000*	
	Auxiliary services income	*45,000,000*	
	Total Income Deductions		*$153,033,250*
	Appropriation, Exclusive of Land Grant Interest	($133,206,657*)	
	Land Grant Interest	(5,800)	
	Sub-Total Appropriation		$133,212,457*

Personal Services:	
Salaries and wages	($150,367,813*)
Student aides	(936,960)
Materials and Supplies	(26,390,093*)
Services Other Than Personal	(14,314,097*)
Maintenance and Fixed Charges	(2,967,109*)
Special Purpose:	
Research grants	(325,000)
Forum for policy research and public service, Rutgers-Camden	(65,000)
Graduate and law school fellowships	(85,200)
Student aid	(3,889,259)
College work-study (State share)	(515,000)
Affirmative action and equal employment opportunity program	(111,305)
Retirement allowances	(735,000)
Bad debt expense	(100,000)
Special projects	(2,250,000)
Eagleton Poll	(80,000*)
Renovation of Winants Hall	(450,000)
Computer proficiency	(400,000)
Technical/Engineering education	(300,000)
High Technology Development Fund	(250,000)
Additions, Improvements and Equipment	(4,713,871)
Special Funds expense	(32,000,000)
Auxiliary Funds expense	(45,000,000)
Less:	
General services income	*(76,033,250)*
Special funds income	*(32,000,000)*
Auxiliary services income	*(45,000,000)*

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,990 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollment exceeds 30,590*, the amount hereinabove for Rutgers, The State University, may be re-

duced by a sum equal to the tuition receipts collected by the University for those FTE students above 30,590,* any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from physical plant support services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5620 Agricultural Experiment Station

12-5620	Sponsored Programs and Research	$7,132,000
13-5620	Extension and Public Service	4,158,500
	Sub-Total, General Operations	$11,290,500
	Federal research and extension funds expense	4,212,000
	Special funds expense	5,000,000
	Total All Operations	$20,502,500
Less:		
	Federal research and extension funds income	*($4,212,000)*
	Special funds income	*(5,000,000)*
	Total Income Deductions	*$9,212,000*
	Sub-Total Appropriation	$11,290,500
Personal Services:		
	Salaries and wages	($9,890,910)
	Student aides	(74,090)
	Materials and Supplies	(289,000)
	Services Other Than Personal	(351,000)
	Maintenance and Fixed Charges	(107,000)
Special Purpose:		
	Federal research and extension funds expense	(4,212,000)
	Special funds expense	(5,000,000)

Additions, Improvements and Equipment	(578,500)	
Less:		
Federal research and extension funds income	*(4,212,000)*	
Special funds income	*(5,000,000)*	
Total Appropriation, Rutgers, The State University		$144,502,957*

5630 University of Medicine and Dentistry of New Jersey

Instruction	($48,626,932)	
Sponsored Programs and Research	(22,248,792)	
Extension and Public Service	(83,328,071)	
Auxiliary Services	(1,571,943)	
Academic Support	(1,207,474)	
Student Services	(1,203,144)	
Institutional Support	(13,588,477)	
Physical Plant and Support Services	(27,092,672)	
Total All Operations	($198,867,505)	
Less:		
Total Income Deductions	*($108,321,133)*	

17950 Central Administration

All Operations	$7,492,947	
Less:		
Income	*692,000*	
Sub-Total Appropriation, Central Administration		$6,800,947

17951 University Programs

All Operations	$3,064,979	
Less:		
Income	*$816,750*	
Sub-Total Appropriation, University Programs		$2,248,229

17952 Physical Plant and Support Services

Educational Units	$18,043,720	
Hospitals	9,048,952	
Sub-Total Appropriation, Physical Plant and Support Services		$27,092,672

17953 New Jersey Medical School

All Operations	$31,794,408	
Less:		
Income	*$19,117,903*	
Sub-Total Appropriation, New Jersey Medical School		$12,676,505

17954 Rutgers Medical School, Piscataway

All Operations	$33,623,711	
Less:		
Income	*$19,995,900*	
Sub-Total Appropriation, Rutgers Medical School, Piscataway		$13,627,811

17955 Rutgers Medical School, South Jersey

All Operations	$2,083,937	
Less:		
Income	*$303,600*	
Sub-Total Appropriation, Rutgers Medical School, South Jersey		$1,780,337

17956 New Jersey School of Osteopathic Medicine

All Operations	$7,255,527	
Less:		
Income	*$2,470,000*	
Sub-Total Appropriation, New Jersey School of Osteopathic Medicine		$4,785,527

17957 New Jersey Dental School

All Operations	$8,391,796	
Less:		
Income	*$3,265,375*	
Sub-Total Appropriation, New Jersey Dental School		$5,126,421

17958 Graduate School of Biomedical Sciences

All Operations	$2,349,362	
Less:		
Income	*$309,698*	
Sub-Total Appropriation, Graduate School of Biomedical Sciences		$2,039,664

17959 School of Allied Health Professions

All Operations	$2,460,850	
Less:		
Income	*$656,789*	
Sub-Total Appropriation, School of Allied Health Professions		$1,804,061

17960 University Hospital

All Operations	$73,257,316	
Less:		
Income	*$60,693,118*	
Sub-Total Appropriation, University Hospital		$12,564,198

17962 Rutgers Medical School
Community Mental Health Center

All Operations	$8,257,000	
Less:		
Income	*$8,257,000*	
Sub-Total Appropriation, Rutgers Medical School Community Mental Health Center		$0

17963 New Jersey Medical School Community Mental Health Center

All Operations	$4,100,755	
Less:		
Income	*$4,100,755*	
Sub-Total Appropriation, New Jersey Medical School Community Mental Health Center		$0
Total Appropriation, University of Medicine and Dentistry of New Jersey		$90,546,372
Personal Services:		
Salaries and wages	($112,059,728)	
Materials and Supplies	(29,553,841)	
Services Other Than Personal	(14,802,115)	
Maintenance and Fixed Charges	(3,243,014)	
Special Purpose:		
Board of trustees planning fund	(17,413)	
University student aid	(522,693)	
Research under contract with the Institute of Medical Research, Camden	(395,112)	
Neurological consultation services	(162,661)	
Computer proficiency	(100,000)	
Additions, Improvements and Equipment	(1,832,438)	
Special Funds expense	(22,248,792)	
Auxiliary Funds expense	(1,571,943)	
Rutgers Medical School Community Mental Health Center	(8,257,000)	
New Jersey Medical School Community Mental Health Center	(4,100,755)	
Less:		
General services income	*($13,737,525)*	
Special services income	*(22,248,792)*	
Auxiliary services income	*(1,571,943)*	
Hospital services income	*(53,587,493)*	

Rutgers Medical School Community Mental Health Center income ...(8,257,000)

New Jersey Medical School Community Mental Health Center income .....(4,100,755)

All general services income in excess of the amounts hereinabove as income deductions shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1983-84 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made by organization.

Notwithstanding the provisions of C18A:64G-6(j), nonresident tuition for medical and dental students shall be established at an annual rate at least 50% greater than the rate of resident tuition.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracting organizations are appropriated.

The first $3,986,782 in hospital services income which is in excess of the amounts hereinabove as hospital services income deductions shall be returned and credited to the General Fund. Hospital services income in excess of $62,391,900 shall be

credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1983-84 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5640 New Jersey Institute of Technology

11-5640	Instruction	$14,166,662*
12-5640	Sponsored Programs and Research	602,831
13-5640	Extension and Public Service	575,430
14-5640	Auxiliary Services	3,000,000
15-5640	Academic Support	3,123,762
16-5640	Student Services	2,055,107
17-5640	Institutional Support	4,384,228
19-5640	Physical Plant Support Services	3,776,404
	Sub-Total, General Operations	$31,684,424*
	Special Funds Expense	3,997,000
	Total, All Operations	$35,681,424*
Less:		
	General services income *$9,049,000*	
	Auxiliary services income *3,000,000*	
	Special funds income *3,997,000*	
	Total Income Deductions	*$16,046,000*
	Total Appropriation	$19,635,424*

Personal Services:		
	Salaries and wages	($18,264,766*)
	Student aides	(220,000)
Materials and Supplies		(2,960,000)
Services Other Than Personal		(2,796,800)
Maintenance and Fixed Charges		(344,000)
Special Purpose:		
	Academic development	(250,000)
	Separately budgeted research	(440,000)

Student activities	(	106,000)
Scholarships, grants, fellowships	(	350,000)
Board of trustees	(	4,000)
Computer proficiency	(	250,000)
Technical/Engineering education	(	350,000)
Center for Information Age Technology	(	275,000)
High Technology Development Fund	(	250,000)
Affirmative action and equal employment opportunity program	(	55,658)
Fringe benefits/retirement allowances	(	1,061,000)
Additions, Improvements and Equipment	(	707,200)
Auxiliary fund expenses	(	3,000,000)
Special fund expenses	(	3,997,000)
Less:		
General services income	*(*	*9,049,000)*
Auxiliary services income	*(*	*3,000,000)*
Special fund income	*(*	*3,997,000)*

Actual full-time and part-time undergraduate enrollments, including summer session undergradute enrollments, exclusive of enrollments in extension and public service programs, shall not exceed 4,050* full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,131*, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the institute for those full-time equivalent students above 4,131*, 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.

Pursuant to NJS 18A:3–14a., the amount hereinabove shall be made available, subject to the execution of a contract, for the purchase of educational services between the Board of Higher

Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey.

Any transfer from physical plant support services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Higher Education	$524,213,984*

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computer Network (NJECN) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Veterinary medicine education	($1,065,000)
Optometric education	(332,000)
Aid to independent colleges and universities	(10,900,000)
Schools of professional nursing	(1,500,000)
Dental school aid	(4,050,000)
High technology initiatives	(10,000,000)
Compulsive gambling research	(75,000)

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$32,563,594
99-7700	Management and Administrative Services	1,524,166
	Total Appropriation, Division of Mental Health and Hospitals	$34,087,760

Personal Services:		
Salaries and wages	(	$3,137,832)
Positions transferred from other institutions	(	96,779)
Positions transferred from another Statewide program	(	59,000)
Materials and Supplies	(	84,000)
Services Other Than Personal	(	224,890)
Maintenance and Fixed Charges	(	160,000)
Special Purpose:		
Independent psychiatric evaluation and legal representation for indigent patients	(	18,000)
Affirmative action and equal employment opportunity program	(	25,093)
Compensation awards	(	166)
Grants:		
Community care	(	22,200,000)
Community Mental Health Center, University of Medicine and Dentistry, Newark	(	2,920,000)
Community Mental Health Center, University of Medicine and Dentistry, Rutgers	(	5,157,000)
Contact-Morris-Passaic, Inc.	(	5,000)

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

7710 Greystone Park Psychiatric Hospital

10-7710	Patient Care and Health Services	$19,239,948
98-7710	Physical Plant and Support Services	6,924,711
99-7710	Management and Administrative Services	4,585,135
	Total Appropriation, Greystone Park Psychiatric Hospital	$30,749,794

Personal Services:		
Salaries and wages	($23,221,332)	
Food in lieu of cash	(93,924)	
Materials and Supplies	(5,283,897)	
Services Other Than Personal	(1,057,018)	
Maintenance and Fixed Charges	(408,050)	
Special Purpose:		
Interim assistance	(65,000)	
Affirmative action and equal employment opportunity program	(17,073)	
Compensation awards	(180,500)	
Additions, Improvements and Equipment	(423,000)	

7720 Trenton Psychiatric Hospital

10-7720	Patient Care and Health Services	$17,548,802
98-7720	Physical Plant and Support Services	5,757,344
99-7720	Management and Administrative Services	3,942,110
	Sub-Total Appropriation	$27,248,256
Less:		
	Savings from hospital phase-down	*$1,500,000*
	Total Appropriation, Trenton Psychiatric Hospital	$25,748,256

Personal Services:		
Salaries and wages	($19,990,029)	
Food in lieu of cash	(47,198)	
Materials and Supplies	(4,497,532)	
Services Other Than Personal	(1,193,247)	
Maintenance and Fixed Charges	(600,900)	
Special Purpose:		
Interim assistance	(110,000)	
Affirmative action and equal employment opportunity program	(18,350)	
Compensation awards	(398,000)	
Additions, Improvements and Equipment	(393,000)	
Less:		
Savings from hospital phase-down	*(1,500,000)*	

7725 The Forensic Psychiatric Hospital

10-7725	Patient Care and Health Services	$4,368,798
98-7725	Physical Plant and Support Services	765,994
99-7725	Management and Administrative Services	501,722
	Total Appropriation, The Forensic Psychiatric Hospital	$5,636,514

Personal Services:		
Salaries and wages	(	$4,981,929)
Food in lieu of cash	(	11,012)
Materials and Supplies	(	460,642)
Services Other Than Personal	(	104,791)
Maintenance and Fixed Charges	(	52,700)
Special Purpose:		
Compensation awards	(	10,400)
Additions, Improvements and Equipment	(	15,040)

7730 Marlboro Psychiatric Hospital

10-7730	Patient Care and Health Services	$16,393,625
98-7730	Physical Plant and Support Services	4,884,249
99-7730	Management and Administrative Services	4,026,081
	Total Appropriation, Marlboro Psychiatric Hospital	$25,303,955

Personal Services:		
Salaries and wages	(	$19,180,961)
Food in lieu of cash	(	38,606)
Materials and Supplies	(	4,109,495)
Services Other Than Personal	(	916,520)
Maintenance and Fixed Charges	(	396,000)
Special Purpose:		
Interim assistance	(	121,800)
Affirmative action and equal employment opportunity program	(	17,073)
Compensation awards	(	205,000)
Additions, Improvements and Equipment	(	318,500)

7740 Ancora Psychiatric Hospital

10-7740	Patient Care and Health Services	$18,880,168
98-7740	Physical Plant and Support Services	4,868,582
99-7740	Management and Administrative Services	4,199,543
	Total Appropriation, Ancora Psychiatric Hospital	$27,948,293

Personal Services:		
Salaries and wages	($21,338,332)	
New positions	(121,205)	
Food in lieu of cash	(61,959)	
Materials and Supplies	(4,061,957)	
Services Other Than Personal	(997,267)	
Maintenance and Fixed Charges	(373,700)	
Special Purpose:		
Interim assistance	(170,000)	
Affirmative action and equal employment opportunity program	(17,073)	
Compensation awards	(103,000)	
Additions, Improvements and Equipment	(703,800)	

7750 Arthur Brisbane Child Treatment Center

10-7750	Patient Care and Health Services	$1,726,329
98-7750	Physical Plant and Support Services	342,315
99-7750	Management and Administrative Services	333,858
	Total Appropriation, Arthur Brisbane Child Treatment Center	$2,402,502

Personal Services:		
Salaries and wages	($1,839,604)	
Positions transferred from other institutions	(47,178)	
Food in lieu of cash	(6,075)	
Materials and Supplies	(286,313)	
Services Other Than Personal	(97,732)	
Maintenance and Fixed Charges	(55,600)	
Special Purpose:		
Compensation awards	(10,000)	
Additions, Improvements and Equipment	(60,000)	

7760 Glen Gardner Center for Geriatrics

10-7760	Patient Care and Health Services	$2,878,101
98-7760	Physical Plant and Support Services	1,333,788
99-7760	Management and Administrative Services	825,114
	Total Appropriation, Glen Gardner Center for Geriatrics	$5,037,003

Personal Services:	
Salaries and wages	($2,796,895)
Positions transferred from other agencies	(120,120)
Food in lieu of cash	(12,600)
Materials and Supplies	(1,039,433)
Services Other Than Personal	(241,075)
Maintenance and Fixed Charges	(94,680)
Special Purpose:	
Compensation awards	(18,000)
Additions, Improvements and Equipment	(50,000)

Division of Mental Health and Hospitals

Receipts not to exceed $2,000,000 resulting from accreditation of the Arthur Brisbane Child Treatment Center and Glen Gardner Center for Geriatrics be appropriated in support of the salary and wages accounts at the Greystone Park Psychiatric Hospital, Trenton Psychiatric Hospital, Marlboro Psychiatric Hospital, Ancora Psychiatric Hospital, Arthur Brisbane Child Treatment Center, and Glen Gardner Center for Geriatrics, as indicated below, subject to the approval of the Director of the Division of Budget and Accounting:

Greystone—	
Salaries and wages (10-7710)	($529,200)
Trenton—	
Salaries and wages (10-7720)	(457,300)
Marlboro—	
Salaries and wages (10-7730)	(447,600)

Ancora—		
Salaries and wages (10-7740)	(496,900)	
Glen Gardner—		
Salaries and wages (10-7750)	(50,500)	
Arthur Brisbane—		
Salaries and wages (10-7760)	(18,500)	

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540	Health Services Administration	$7,562,700
24-7540	Pharmaceutical Assistance to the Aged and Disabled	44,228,497
99-7540	Management and Administrative Services	4,427,772
	Total Appropriation, Division of Medical Assistance and Health Services	$56,218,969

Personal Services:		
Salaries and wages	($5,043,799)	
Positions transferred from other Statewide programs	(22,868)	
Materials and Supplies	(145,675)	
Services Other Than Personal	(1,569,472)	
Maintenance and Fixed Charges	(137,240)	
Special Purpose:		
Payments to fiscal agents	(4,245,407)	
Eligibility determination	(1,056,562)	
Payments to fiscal agents (PAA)	(1,476,000)	
Child support and paternity program	(194,250)	
AFDC homemaker/home health aid demonstration project—Title XIX	(250,000)	
Health facilities rate setting	(480,000)	
Health facilities inspections	(189,300)	
Affirmative action and equal employment opportunity program	(5,830)	
Professional standards review organization—utilization review	(650,101)	
Compensation awards	(25,650)	
Respite care for the frail and severely disabled	(200,000)	

Grants:
Pharmaceutical assistance to the aged-claims ..... (40,500,000)
Additions, Improvements and Equipment ..... (26,815)

The amounts hereinabove for payments for Pharmaceutical Assistance to the Aged are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of C30:4D–3i(7), the Division shall comply with the provisions of Pub. L. 97–248, 42 U. S. C. § 1396p.(e), which denies Medicaid eligibility for twenty-four months to persons who divest themselves of their assets in order to obtain Medicaid benefits, unless such person or spouse furnishes convincing evidence to establish that the transaction was exclusively for some other purpose. However, the period of disqualification shall bear a reasonable relationship to the uncompensated value of the assets.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	$14,713,163
02-7600	Social Supervision and Consultation	1,908,893
03-7600	Adult Activities	7,593,952
04-7600	Education and Day Training	4,366,265
99-7600	Management and Administrative Services	3,140,488
	Total Appropriation, Division of Mental Retardation	$31,722,761

Personal Services:		
Salaries and wages	(	$4,741,304)
Positions transferred from another Statewide program	(	18,934)
Positions established from lump sum appropriation	(	156,943)
Materials and Supplies	(	751,535)
Services Other Than Personal	(	579,698)
Maintenance and Fixed Charges	(	2,082,083)
Special Purpose:		
Family care	(	700,000)
Homemaker services (State share)	(	115,500)
Social services	(	195,000)
Social services	(	840,000)
Public service announcement spots	(	47,000)
Procurement of puppets	(	10,500)
Foster grandparents' program (State share)	(	295,264)
Developmental disabilities services	(	275,006)
Dental program for non-institutionalized mentally retarded and handicapped children	(	137,999)
Patient employees	(	317,999)
Social services	(	80,000)
Compensation awards	(	1,070,000)
Grants:		
Somerset County Retarded Citizens' Association	(	125,000)
Private institutional care	(	12,140,351)
Skill development homes	(	1,041,698)
Purchase of day training services	(	700,000)
Group homes	(	518,910)
Home assistance	(	200,000)
Adult activities	(	4,582,037)

The sum hereinabove for purchase of residential care shall be available for the payment of obligations applicable to prior fiscal years.

None of the funds for developmental disability services shall be expended without non-State matching funds.

The Division of Mental Retardation is authorized to transfer funds from the dental program for non-institutionalized mentally retarded and handicapped children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by Federal involvement through Medicaid in the dental program for non-institutionalized mentally retarded and handicapped children may be committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1983 in the tuition receipt accounts established pursuant to C18A:7B–1 et seq. in the various departments, are appropriated for education-related transportation costs (day training) in the Division of Mental Retardation in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; provided, however, that such amounts shall not be in excess of $1,000,000.

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	$212,413
06-7610	Health Services	82,000
07-7610	Education and Training	21,580
98-7610	Physical Plant and Support Services	495,748
99-7610	Management and Administrative Services	1,111,452
	Total Appropriation, Green Brook Regional Center	$1,923,193
	Materials and Supplies	($732,008)
	Services Other Than Personal	(251,400)
	Maintenance and Fixed Charges	(175,677)
	Special Purpose:	
	Green Brook mortgage	(709,608)
	Additions, Improvements and Equipment	(54,500)

7620 Vineland State School

05-7620	Residential Care and Habilitation	$13,898,497
06-7620	Health Services	4,510,714
07-7620	Education and Training	448,932
98-7620	Physical Plant and Support Services	4,667,184
99-7620	Management and Administrative Services	2,820,359
	Total Appropriation, Vineland State School	$26,345,686

Personal Services:		
Salaries and wages	($19,321,912)	
Food in lieu of cash	(27,200)	
Materials and Supplies	(5,603,656)	
Services Other Than Personal	(847,700)	
Maintenance and Fixed Charges	(258,918)	
Special Purpose:		
Family care	(5,500)	
Additions, Improvements and Equipment	(280,800)	

7630 North Jersey Training School at Totowa

05-7630	Residential Care and Habilitation	$7,063,674
06-7630	Health Services	1,586,940
07-7630	Education and Training	311,524
98-7630	Physical Plant and Support Services	2,148,697
99-7630	Management and Administrative Services	1,600,568
	Total Appropriation, North Jersey Training School at Totowa	$12,711,403

Personal Services:		
Salaries and wages	($9,629,595)	
Food in lieu of cash	(14,850)	
Materials and Supplies	(2,298,914)	
Services Other Than Personal	(506,955)	
Maintenance and Fixed Charges	(164,839)	
Additions, Improvements and Equipment	(96,250)	

7640 Woodbine State School

05-7640	Residential Care and Habilitation	$8,037,750
06-7640	Health Services	1,869,997
07-7640	Education and Training	121,808
98-7640	Physical Plant and Support Services	2,405,817
99-7640	Management and Administrative Services	1,570,815
	Total Appropriation, Woodbine State School	$14,006,187

Personal Services:		
Salaries and wages	($10,730,882)	
Positions transferred from another institution	(9,228)	
Food in lieu of cash	(29,687)	
Materials and Supplies	(2,680,402)	
Services Other Than Personal	(322,078)	
Maintenance and Fixed Charges	(145,031)	
Additions, Improvements and Equipment	(88,879)	

7650 New Lisbon State School

05-7650	Residential Care and Habilitation	$6,639,027
06-7650	Health Services	1,356,065
07-7650	Education and Training	572,154
98-7650	Physical Plant and Support Services	2,381,057
99-7650	Management and Administrative Services	1,774,935
	Total Appropriation, New Lisbon State School	$12,723,238

Personal Services:		
Salaries and wages	($8,851,411)	
Food in lieu of cash	(8,550)	
Materials and Supplies	(3,005,976)	
Services Other Than Personal	(510,554)	
Maintenance and Fixed Charges	(259,967)	
Additions, Improvements and Equipment	(86,780)	

7660 Woodbridge State School

05-7660	Residential Care and Habilitation	$8,206,255
06-7660	Health Services	2,750,206
07-7660	Education and Training	119,230
98-7660	Physical Plant and Support Services	3,005,616
99-7660	Management and Administrative Services	1,405,842
	Total Appropriation, Woodbridge State School	$15,487,149

Personal Services:	
Salaries and wages	($11,281,972)
Food in lieu of cash	(16,425)
Materials and Supplies	(3,114,824)
Services Other Than Personal	(579,795)
Maintenance and Fixed Charges	(387,115)
Additions, Improvements and Equipment	(107,018)

7670 Hunterdon State School

05-7670	Residential Care and Habilitation	$8,412,750
06-7670	Health Services	3,232,319
07-7670	Education and Training	164,761
98-7670	Physical Plant and Support Services	3,194,264
99-7670	Management and Administrative Services	2,522,680
	Total Appropriation, Hunterdon State School	$17,526,774

Personal Services:	
Salaries and wages	($13,203,918)
Food in lieu of cash	(1,350)
Materials and Supplies	(3,299,553)
Services Other Than Personal	(752,168)
Maintenance and Fixed Charges	(240,285)
Additions, Improvements and Equipment	(29,500)

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	$2,536,825
06-7680	Health Services	554,426
07-7680	Education and Training	521,201
25-7680	Research	230,147
98-7680	Physical Plant and Support Services	1,599,772
99-7680	Management and Administrative Services	771,364
	Total Appropriation, Edward R. Johnstone Training and Research Center	$6,213,735

Personal Services:	
Salaries and wages	($4,700,492)
Food in lieu of cash	(17,341)
Materials and Supplies	(1,224,309)
Services Other Than Personal	(165,566)
Maintenance and Fixed Charges	(106,027)

7690 New Jersey Neuropsychiatric Institute

05-7690	Residential Care and Habilitation	$7,099,432
06-7690	Health Services	1,786,073
07-7690	Education and Training	198,392
98-7690	Physical Plant and Support Services	3,243,947
99-7690	Management and Administrative Services	1,947,945
	Total Appropriation, New Jersey Neuropsychiatric Institute	$14,275,789

Personal Services:	
Salaries and wages	($10,880,026)
Positions transferred from another institution	(519,406)
Food in lieu of cash	(17,891)
Materials and Supplies	(2,606,054)
Services Other Than Personal	(438,106)
Maintenance and Fixed Charges	(260,935)
Additions, Improvements and Equipment	(42,720)

Division of Mental Retardation

In addition to the amount hereinabove for operation and support of educational institutions of the Division of Mental Retardation, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of institutions for the mentally retarded and available for matching federal funds.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation	$1,861,520
12-7560	Instruction and Community Programs ...	2,611,010
99-7560	Management and Administrative Services	1,220,186
	Total Appropriation, Commission for the Blind and Visually Impaired	$5,692,716

Personal Services:	
Salaries and wages .....(	$2,936,837)
Positions converted .....(	801,613)
Materials and Supplies .....(	113,089)
Services Other Than Personal .....(	316,877)
Maintenance and Fixed Charges ....(	172,000)
Special Purpose:	
Compensation awards .....(	2,800)
Grants:	
Services to rehabilitation clients ..(	250,900)
Educational services for children ..(	1,075,800)
Additions, Improvements and Equipment .....(	22,800)

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	$3,330,790
14-7550	Quality Control	888,649
15-7550	Income Maintenance	4,146,545
99-7550	Management and Administrative Services	3,505,236
	Total Appropriation, Division of Public Welfare	$11,871,220

Personal Services:	
Salaries and wages	($6,051,663)
Materials and Supplies	(104,160)
Services Other Than Personal	(2,854,054)
Maintenance and Fixed Charges	(325,088)
Special Purpose:	
Work incentive program (State share)	(750,000)
For transfer to the Division of Taxation for operation of wage reporting	(1,766,275)
Affirmative action and equal employment opportunity program	(13,730)
Additions, Improvements and Equipment	(6,250)

The unexpended balance as of June 30, 1983 in the development and implementation of income maintenance information system account is appropriated.

Receipts derived from counties and municipalities for data processing services, in addition to the unexpended balances of such receipts, as of June 30, 1983 are appropriated.

Any federal funds received for the direct or indirect costs incurred by the Division of Taxation for the operation of the wage reporting system shall be deposited in the General Fund.

Notwithstanding the provisions of C44:14–1 et seq. funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Community Family Services	$31,175,094
17-7570	Residential Services	5,014,764
99-7570	Management and Administrative Services	7,577,629
	Total Appropriation, Division of Youth and Family Services	$43,767,437

Personal Services:		
Salaries and wages	($30,617,155)	
Positions converted	(6,507,685)	
Food in lieu of cash	(7,200)	
Materials and Supplies	(688,139)	
Services Other Than Personal	(2,054,503)	
Maintenance and Fixed Charges	(962,059)	
Special Purpose:		
Work incentive program-social services	(155,135)	
County Human Services Advisory Board—formula funding:		
Atlantic	(70,350)	
Bergen	(119,350)	
Burlington	(70,150)	
Camden	(165,750)	
Cape May	(27,350)	
Cumberland	(52,950)	
Essex	(390,750)	
Gloucester	(45,950)	
Hudson	(245,550)	
Hunterdon	(11,750)	
Mercer	(91,950)	
Middlesex	(112,150)	
Monmouth	(116,150)	

Morris	(43,750)
Ocean	(93,550)
Passaic	(146,150)
Salem	(19,950)
Somerset	(26,550)
Sussex	(17,150)
Union	(114,150)
Warren	(18,600)
Microfilm service charges	(100,000)
Affirmative action and equal employment opportunity program	(49,977)
Compensation awards	(6,534)
Grants:	
Work incentive program—purchased services	(75,000)
Shelters for battered women	(137,550)
Social services for the homeless	(350,000)
Additions, Improvements and Equipment	(56,500)

Receipts derived pursuant to C37:1–12.1 are appropriated for domestic violence programs.

The appropriation for County Human Services Advisory Board—formula funding shall be distributed among the counties as follows: One-half of the funds shall be allocated to each county in the same proportion that its Medicaid eligible population bears to the total Medicaid eligible population in the State, and one-half of the funds shall be allocated to each county in the same proportion that the number of its households with incomes below $17,499, adjusted for family size, bears to the total number of households in the State with incomes below $17,499, adjusted for family size.

The unexpended balance as of June 30, 1983, not to exceed $1,500,000 is appropriated as follows: $1,170,000 for the purpose of expanding preventive and shelter services to children and adults; $50,000 for shelters for displaced women; $130,000 for shelters for victims of domestic violence; and $150,000 for shelters for spousal assault victims.

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500	Management and Administrative Services	$6,404,130*
	Total Appropriation, Division of Management and Budget	$6,404,130*

Personal Services:	
Commissioner	($70,000)
Salaries and wages	(2,893,705)
Positions transferred from other agencies	(1,862,065)
Materials and Supplies	(50,230)
Services Other Than Personal	(695,520)
Maintenance and Fixed Charges	(154,472)
Special Purpose:	
Contract auditing	(300,000)
Nursing scholarship program	(270,000)
Crisis intervention/patients' rights staff training	(15,000)
Affirmative action and equal employment opportunity program	(66,638)
Compensation awards	(6,500)
Additions, Improvements and Equipment	(20,000)

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520	Management and Field Services	$1,038,618
	Total Appropriation, Division of Veterans' Services	$1,038,618

Personal Services:		
Salaries and wages	(	$461,906)
Position transferred from another Statewide program	(	18,398)
Materials and Supplies	(	4,200)
Services Other Than Personal	(	21,384)
Maintenance and Fixed Charges	(	15,230)
Special Purpose:		
Vietnam veterans' special services council	(	200,000)
Grants:		
Veterans' orphans' fund—education grants	(	32,500)
Blind veterans' allowances	(	45,000)
Paraplegic and hemiplegic veterans' allowances	(	237,000)
Additions, Improvements and Equipment	(	3,000)

The unexpended balance as of June 30, 1983 in the Agent Orange Commission account is appropriated.

The unexpended balance as of June 30, 1983 in the establish and operate a veterans' cemetery account is appropriated.

Of the amount hereinabove appropriated for a Vietnam veterans' special services council, such sums as are determined necessary shall be expended to establish four veterans' outreach information and counselling centers.

7525 New Jersey Memorial Home for Disabled Soldiers at Menlo Park

20-7525	Domiciliary and Treatment Services	$4,854,644
98-7525	Physical Plant and Support Services	1,282,091
99-7525	Management and Administrative Services	774,013
	Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park	$6,910,748

Personal Services:		
Salaries and wages	($4,523,732)	
Food in lieu of cash	(15,300)	
Materials and Supplies	(1,012,806)	
Services Other Than Personal	(258,710)	
Maintenance and Fixed Charges	(59,500)	
Special Purpose:		
Compensation awards	(33,000)	
Additions, Improvements and Equipment	(80,700)	

7530 New Jersey Memorial Home for Disabled Soldiers at Vineland

20-7530	Domiciliary and Treatment Services	$4,118,240
98-7530	Physical Plant and Support Services	1,546,154
99-7530	Management and Administrative Services	789,060
	Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland	$6,453,454

Personal Services:		
Salaries and wages	($5,141,396)	
Food in lieu of cash	(9,225)	
Materials and Supplies	(929,628)	
Services Other Than Personal	(276,545)	
Maintenance and Fixed Charges	(46,760)	
Special Purpose:		
Compensation awards	(30,000)	
Additions, Improvements and Equipment	(19,900)	

Receipts not to exceed $1,000,000 attributable to the revised maintenance schedule approved by the New Jersey Veterans' Facilities Council is appropriated to the Division of Veterans' Services for expansion of services provided by the division's field offices.

Total Appropriation, Department of Human Services	$448,207,284*

Balances on hand as of June 30, 1983 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of such patients.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed $25.00 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $854,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget shall first be charged to the State Lottery Fund:

Operation of State psychiatric hospitals	($77,791,007)
Operation of schools for the mentally retarded	(68,626,123)
Operation of homes for disabled veterans	(8,947,334)

DEPARTMENT OF INSURANCE

Economic Planning, Development and Security

52 Economic Regulation

01-3110	Licensing and Enforcement	$2,351,731
02-3120	Actuarial Services	1,397,827
03-3130	Regulation of the Real Estate Industry	876,937
99-3150	Management and Administrative Services	1,412,797
	Total Appropriation, Economic Regulation	$6,039,292

Personal Services:		
Commissioner	(	$70,000)
Salaries and wages	(	4,901,187)
Position established from lump sum appropriation	(	42,808)
Materials and Supplies	(	166,700)
Services Other Than Personal	(	764,983)
Maintenance and Fixed Charges	(	66,750)
Special Purpose:		
Compensation awards	(	10,000)
Affirmative action and equal employment opportunity program	(	5,500)
Additions, Improvements and Equipment	(	11,364)

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There is appropriated from receipts a sum in accordance with the limitations of C17:24–13, to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

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.

Receipts in excess of those anticipated from increased fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Insurance	$6,039,292

DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570	Planning and Research	$409,819
99-4565	Management and Administrative Services	3,047,128
	Total Appropriation, Economic Planning and Development	$3,456,947

Personal Services:	
Commissioner	($60,000)
Salaries and wages	(1,253,686)
Positions transferred from other agencies	(208,777)
Materials and Supplies	(19,655)
Services Other Than Personal	(150,175)
Maintenance and Fixed Charges	(15,706)
Special Purpose:	
Data processing system	(1,691,000)
Affirmative action and equal employment opportunity program	(55,000)
Additions, Improvements and Equipment	(2,948)

The unexpended balance in the data processing system account as of June 30, 1983 is appropriated.

Of the amounts hereinabove for the data processing system account, an amount not to exceed $1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550	Promulgation and Licensing of Workplace Standards	$510,181
12-4550	Enforcement of Workplace Standards	3,279,958
	Total Appropriation, Economic Regulation	$3,790,139

Personal Services:	
Salaries and wages	($3,091,440)
Materials and Supplies	(40,671)
Services Other Than Personal	(324,480)
Maintenance and Fixed Charges	(194,432)
Special Purpose:	
Carnival-amusement ride safety advisory board	(1,200)
On-site consultation (State share)	(100,000)
Mine Safety Training Act (State share)	(7,482)
Compensation awards	(10,550)
Additions, Improvements and Equipment	(19,884)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as shall be necessary for payments.

Receipts in excess of those anticipated from fees charged by the Division of Workplace Standards and the unexpended balance as of June 30, 1983 of such fees are appropriated.

53 Economic Assistance and Security

01-4510	Unemployment Insurance	$2,018,312
03-4520	State Disability Insurance Plan	5,831,280
04-4520	Private Disability Insurance Plan	1,988,313
05-4525	Workers' Compensation	4,427,882
06-4530	Special Compensation Fund	890,359
	Total Appropriation, Economic Assistance and Security	$15,156,146

Personal Services:	
Salaries and wages	($11,179,265)
Positions transferred from other agencies	(16,738)
Positions converted	(50,252)
Materials and Supplies	(591,924)
Services Other Than Personal	(1,151,694)
Maintenance and Fixed Charges	(356,223)

Special Purpose:
For transfer to the Division of Taxation for wage reporting ..... (1,766,275)
Compensation awards ..... (28,600)
Additions, Improvements and Equipment ..... (15,175)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program, subject to the approval of the Director of the Division of Budget and Accounting, and such sums as may be necessary to pay disability benefits.

The amount hereinabove for Special Compensation Fund shall be payable out of the fund and, notwithstanding the $12,500 limitation set forth in RS 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 cost of administration and beneficiary payments.

The State Treasurer is empowered and 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, 1983.

Any Federal funds received for the direct or indirect costs of the operation of the wage reporting program shall be deposited in the General Fund.

The amounts hereinabove for the unemployment insurance program classification are appropriated from the Unemployment Compensation Auxiliary Fund.

Funds are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of paying interest on Title XII advances made to State unemployment funds.

Notwithstanding the provisions of RS 43:21–1 et seq., any employer who shall fail to pay unemployment compensation or disability insurance contributions due for any period on or before the date they are required by the Division of Unemployment and Disability Insurance to be paid, shall pay, in addition to the contribution, interest on the underpayment at a per annum rate of 5% above the average predominant prime rate as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due.

Such sums as may be necessary for expenses of administration under C54A:9–8.1 et al. for collection of unemployment insurance benefit overpayments shall be appropriated out of the Unemployment Compensation Auxiliary Fund and be available for the payment of obligations applicable to prior fiscal years.

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	$9,703,326
10-4545	Employment Development Services	618,401*
16-4555	Public Sector Labor Relations	1,555,875
16-4556	Public Sector Labor Relations Appeal Board	70,245
17-4560	Private Sector Labor Relations	408,633
23-4538	Services for the Deaf	241,378
	Total Appropriation, Manpower and Employment Services	$12,597,858*

Personal Services:		
Board members (7)	(	$10,500)
Salaries and wages	(	3,477,881)
Positions transferred from other agencies	(	96,540)
Positions transferred from another Statewide program	(	9,690)
Materials and Supplies	(	55,906)
Services Other Than Personal	(	531,492)
Maintenance and Fixed Charges	(	38,295)
Special Purpose:		
Governor's Office on the Disabled	(	75,000)
Services to clients (State share)	(	2,552,254)
Sheltered workshop support	(	5,000,000)
Training grant (State share)		3,500)
Work activity training center	(	156,000)
Services to deaf clients	(	50,000)
Advisory council on the deaf	(	800)
Grants:		
Customized training	(	500,000)
Additions, Improvements and Equipment	(	40,000)

Of the amount hereinabove for vocational rehabilitation services, $3,000,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

The sum hereinabove for the vocational rehabilitation services program classification is available for the payment of obligations applicable to prior fiscal years.

A sum of $8,000,000 is held in reserve in the Unemployment Compensation Auxiliary Fund for employment and training programs, subject to the enactment of enabling legislation.

The unexpended balances, not to exceed $150,000, as of June 30, 1983 in the vocational rehabilitation services account are appropriated.

Notwithstanding the provisions of C34:13A–1 et seq., the cost of fact-finding shall be borne equally

by the public employer and the exclusive employee representative.

The amount hereinabove for the employment development services account is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding any law to the contrary, the salary of the chairman of the Public Employee Relations Commission shall be established by the Civil Service Commission in the State Compensation Plan.

	Total Appropriation, Department of Labor	$35,001,090*

DEPARTMENT OF LAW AND PUBLIC SAFETY

01-1110	Licensing and Registration	$13,310,749
02-1110	Vehicle Control and Driver Testing	13,826,481
03-1110	Driver Control	4,746,085*
04-1140	Security Responsibility	4,830,341
05-1150	Unsatisfied Claims	557,970
99-1110	Management and Administrative Services	3,145,608
	Total Appropriation, Vehicular Safety	$40,417,234*

Personal Services:		
Salaries and wages	($25,788,695)	
Positions established in lieu of appropriated revenue	(395,277)	
Materials and Supplies	(2,936,178)	
Services Other Than Personal	(9,309,848)	
Maintenance and Fixed Charges	(879,564)	
Special Purpose:		
Transfer to an applicant State department for State share of cost of highway safety projects which qualify for no less than 50% Federal government matching	(150,000)	
Automated telephone call distribution	(260,000)	
Microfilm service charges	(307,322)	

Affirmative action and equal employment opportunity program	(	7,718)
Compensation awards	(	100,098)
Indirect costs	(	262,719)
Additions, Improvements and Equipment	(	19,815)

In addition to the amounts hereinabove, there are appropriated from driver's license and motor vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers under RS 39:3–3 and RS 39:10–25, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the transfer to an applicant State department for the State share of the cost of highway safety projects account, including the accounts of the several departments, as of June 30, 1983 is appropriated for such projects.

The amount hereinabove for security responsibility shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under C39:6–59, and any receipts in excess of the amount hereinabove are appropriated to defray additional cost of administration of the security responsibility program.

The amount hereinabove for unsatisfied claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such fund additional sums as may be necessary for the payment of claims under C39:6–67, and for such additional costs as may be required to administer the program pursuant to C39:6–62 et seq.

Receipts derived pursuant to C39:3–10g., with respect to motor vehicle drivers' licenses with color photographs and the unexpended balance as of June 30, 1983 of such receipts are appropriated to defray the cost of operation.

Receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982, C17:29A–33 et al., are appropriated for the purposes of the act. The unexpended balances as of June 30, 1983 in the Motor vehicles administrative expense account shall lapse to the General Fund.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	$56,760,456
07-1200	Police Services and Public Order	9,207,190
08-1200	Emergency Services	652,737
09-1020	Criminal Justice	8,848,081
10-1040	Police Training Commission	508,359
11-1050	State Medical Examiner	1,324,422
23-1200	State Capitol Complex Security	2,496,848
24-1200	Marine Police Operations	2,592,582
99-1200	Management and Administrative Services	8,057,197
	Total Appropriation, Law Enforcement	$90,447,872

Personal Services:		
Salaries and wages	($63,874,441)	
Positions established from lump sum appropriation	(90,041)	
Positions transferred from another department	(55,983)	
Cash in lieu of maintenance	(6,473,200)	
Materials and Supplies	(7,678,708)	
Services Other Than Personal	(5,808,091)	
Maintenance and Fixed Charges	(1,958,440)	
Special Purpose:		
Medical-evacuation helicopter replacement	(622,043)	
Office of State Fire Marshal	(70,000)	
Expenses of State Grand Jury	(215,000)	
State police recruit training	(809,355)	
Highway patrol merger	(200,000)	
Marine police patrol coverage—North Wildwood station	(105,500)	
Marine police patrol coverage—Ship Bottom station	(94,500)	

Marine police patrol coverage—	
Lake Hopatcong	(100,000)
Affirmative action and equal employment opportunity program	(141,220)
Compensation awards	(243,029)
Medicaid fraud investigation—State match	(485,061)
Additions, Improvements and Equipment	(1,423,260)

The unexpended balance as of June 30, 1983 in the revolving fund established under the New Jersey Antitrust Act, C56:9–1 et seq., is appropriated for the administration of the act and that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the General Fund such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act and that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1983, in patrol activities and crime control, police services and public order, State Capitol complex security and management and administrative services program classifications are appropriated for State Police recruit training.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense volunteers for the purpose of C.App.A:9–57.1 et seq.

Of the amount hereinabove for marine police operations, $1,300,000 shall be payable out of receipts pursuant to the New Jersey Boat Act of 1962, C12:7–34.36 et seq.

The unexpended balances as of June 30, 1983 in the marine police operations account are appropriated for the same purpose.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the

Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such cost for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

In addition to the amounts hereinabove to the Division of State Police there are appropriated to the Division of State Police all receipts, or portions thereof, charged for the processing of non-criminal justice applications for fingerprint records by the Federal Bureau of Investigation or the Division of State Police.

There are appropriated to the Division of State Police all registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel.

There is appropriated from receipts received pursuant to the assessment of electric utility companies under C26:2D–37 et seq. an amount of $2,051,945 for nuclear emergency response; provided, however, that the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	$712,063
20-1450	Review and Enforcement of Ethical Standards	112,393
21-1400	Regulation of Alcoholic Beverages	1,107,752
22-1410	Regulation of Racing Activities	1,680,640
	Total Appropriation, Special Law Enforcement Activities	$3,612,848

Personal Services:	
Salaries and wages	($2,975,922)
Materials and Supplies	(124,025)
Services Other Than Personal	(431,850)
Maintenance and Fixed Charges	(47,851)
Special Purpose:	
Payment to members of the Election Law Enforcement Commission, a per diem amount of $200 for each meeting of the commission attended	(24,000)
Compensation awards	(7,700)
Additions, Improvements and Equipment	(1,500)

The unexpended balance as of June 30, 1983 for law enforcement planning, including the accounts of the several departments, is appropriated for the same purposes; provided that $96,656 of the balance in the administration of SLEPA account is used for the administration of juvenile justice grants, and any remaining balance in the administration of SLEPA account is placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from amusement games control fees such sums as may be necessary to defray the cost of administering the provisions of C5:8–78 et seq., the expenditure of which shall

be subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from receipts derived from racing activities an amount not to exceed $82,500 for costs attributable to computerized licensing, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

99-1000	Management and Administrative Services	$2,214,232
	Total Appropriation, Central Planning, Direction and Management	$2,214,232
	Personal Services:	
	Attorney General	($70,000)
	Salaries and wages	(1,841,362)
	Materials and Supplies	(68,942)
	Services Other Than Personal	(105,331)
	Maintenance and Fixed Charges	(81,000)
	Special Purpose:	
	Affirmative action and equal employment opportunity program	(47,597)

There are appropriated out of the Veterans' Guaranteed Loan Fund created under C38:23B–1 such sums as may be necessary to pay for the administration thereof.

Government Direction, Management and Control

74 General Government Services

12-1010	Legal Services	$8,049,301
	Total Appropriation, General Government Services	$8,049,301
	Personal Services:	
	Salaries and wages	($6,933,466)
	New positions	(117,934)
	Materials and Supplies	(305,300)
	Services Other Than Personal	(514,649)
	Maintenance and Fixed Charges	(167,752)
	Special Purpose:	
	Compensation awards	(10,200)

Special Government Services

82 Protection of Citizens' Rights

14-1310	Consumer Affairs	$2,678,067
15-1320	Board of Accountancy	626,916
15-1321	Board of Architects	161,970
15-1322	Board of Dentistry	282,971
15-1323	Board of Mortuary Science	143,869
15-1324	Board of Professional Engineers and Land Surveyors	324,464
15-1325	Board of Medical Examiners	1,030,690
15-1326	Board of Nursing	860,049
15-1327	Board of Optometrists	86,770
15-1328	Board of Pharmacy	295,441
15-1329	Board of Veterinary Medical Examiners	44,892
15-1330	Board of Shorthand Reporting	16,719
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	72,643
15-1332	Board of Beauty Culture Control	414,751
15-1333	Board of Professional Planners	122,965
15-1334	Board of Examiners of Electrical Contractors	237,570
15-1335	Board of Psychological Examiners	62,124
15-1336	Board of Examiners of Master Plumbers	254,981
15-1337	Board of Marriage Counselor Examiners	42,113
15-1338	Board of Barber Examiners	115,822
15-1339	Board of Public Movers and Warehousemen	102,280
16-1350	Protection of Civil Rights	2,216,083
19-1440	Violent Crimes Compensation	2,779,414
	Total Appropriation, Protection of Citizens' Rights	$12,973,564

Personal Services:	
Salaries and wages	($6,801,052)
Materials and Supplies	(336,067)
Services Other Than Personal	(3,146,632)
Maintenance and Fixed Charges	(591,369)
Special Purpose:	
Hearing Aid Dispensers' Examining Committee	(2,000)

Excessive fee review committee	(2,000)
Claims—victims of violent crimes ..	(2,000,000)
Expansion of the Office of the State Athletic Commissioner	(50,000)
Compensation awards	(600)
Additions, Improvements and Equipment	(43,844)

Receipts derived from the assessment and recovery of costs of hearings, conducted pursuant to the Consumer Fraud Act, are appropriated for such purpose.

The amount hereinabove for each of the several State professional boards shall be provided from receipts of such boards and any receipts in excess of the amounts specifically provided to each of said boards are appropriated.

The sum hereinabove for claims—victims of violent crimes shall be available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties under C2C:43-3.1 and the unexpended balance as of June 30, 1983 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to C52:4B-1 et seq. and a sum not to exceed $150,000 shall be available for related administrative costs.

Of the sum hereinabove recommended for Consumer Affairs, not more than $42,000 shall be available to compensate the position of State Athletic Commissioner.

Total Appropriation, Department of Law and Public Safety	$157,715,051*

DEPARTMENT OF THE PUBLIC ADVOCATE

Government Direction, Management and Control

76 Management and Administration

99-8480	Management and Administrative Services	$1,463,784
	Total Appropriation, Management and Administration	$1,463,784
	Personal Services:	
	Commissioner	($70,000)
	Salaries and wages	(1,109,829)
	Materials and Supplies	(46,400)
	Services Other Than Personal	(100,740)
	Maintenance and Fixed Charges	(48,420)
	Special Purpose:	
	Affirmative action and equal employment opportunity program	(38,395)
	Microfilming services	(50,000)

Special Government Services

82 Protection of Citizens' Rights

01-8310	Mental Health Advocacy	$1,420,034
02-8320	Public Interest Advocacy	419,061*
03-8330	Citizens' Complaints and Dispute Settlement	573,483*
04-8410	Trial Services to Indigents and Special Programs	17,573,283
05-8420	Appellate Services to Indigents	2,947,796
06-8430	Public Defender Administration	838,132
08-8350	Advocacy for the Developmentally Disabled	204,330*
	Total Appropriation, Protection of Citizens' Rights	$23,976,119*
	Personal Services:	
	Salaries and wages	($18,234,387*)
	Materials and Supplies	(334,614)
	Services Other Than Personal	(4,582,844*)
	Maintenance and Fixed Charges	(192,235)

Special purpose:	
Child abuse representation ..... (	385,000)
Compensation awards ..... (	10,000)
Advocacy for developmentally disabled ..... (	198,357)
Additions, Improvements and Equipment ..... (	38,682)

Receipts from rate counsel services and the unexpended balance as of June 30, 1983 of such receipts are appropriated for the purpose of defraying the cost of operation of the rate counsel program classification and an amount not to exceed 20% of departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1983 of such receipts are appropriated.

The sum hereinabove for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of the Public Advocate	$25,439,903*

DEPARTMENT OF STATE

Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505	Commercial and Governmental Records Control	$2,627,521*
05-2530	Arts Council	3,546,322
06-2535	Museum Services	1,555,000
07-2540	Historical Commission	495,795
	Total Appropriation, Office of the Secretary of State	$8,224,638*

Personal Services:		
Secretary of State	(	$60,000)
Salaries and wages	(	3,101,413)
Positions transferred	(	18,398)
Materials and Supplies	(	221,130)
Services Other Than Personal	(	692,464)
Maintenance and Fixed Charges	(	89,072)
Special Purpose:		
Voter registration	(	200,000)
Voter declaration	(	4,000)
Oral History Project	(	27,000)
William Livingston Papers	(	58,000)
Folk Life and Ethnic History Programs	(	50,000)
Acquisition of Art and Historical Objects	(	60,000)
Cultural Projects	(	3,144,000)
Council Member Expenses	(	2,050)
Newark Center for the Arts	(	86,000)
Westfield Choral Arts Society—Inner City Outreach Program	(	4,500)
Morris Museum of Arts and Sciences	(	45,000)
Paper Mill Playhouse	(	50,000)
Affirmative action and equal employment opportunity program	(	21,600)
Microfilm service charges	(	132,000)
Office of Ethnic Affairs	(	100,000)
Additions, Improvements and Equipment	(	58,011)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1983 of such receipts are appropriated for the costs of making such examinations.

Receipts from the over the counter service surcharge and the unexpended balance of such charges as of June 30, 1983 are appropriated for the costs of over the counter corporate service.

2515 Adjudication of Administrative Appeals

03-2515	Adjudication of Administrative Appeals	$6,313,378
	Total All Operations	$6,313,378
Less:		
	Funds from Other Sources	
	Adjudication of Administrative Appeals	*$1,979,000*
	Administrative Procedures	*380,000*
	Total Deductions	*$2,359,000*
	Total Appropriation, Adjudication of Administrative Appeals	$3,954,378

Personal Services:	
Salaries and wages	($3,029,937)
Materials and Supplies	(252,000)
Services Other Than Personal	(458,031)
Maintenance and Fixed Charges	(52,400)
Special Purpose:	
Affirmative action and equal employment opportunity program	(7,510)
Compensation awards	(500)
Additions, Improvements and Equipment	(154,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Civil Service Commission in the State Compensation Plan.

Receipts from charges made for services by the Office of Administrative Law are appropriated.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law in this Department from 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.

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1983 of such receipts are appropriated for the preparation, printing and distribution of such publications.

The Director of the Division of Budget and Accounting shall transfer or credit to the Office of Administrative Law in this Department excess hearing cost for any department which was not charged for services during FY 1981 and FY 1982. These excess costs shall be based on any increase during FY 1984 in contested cases conducted by the Office of Administrative Law which exceeds the average of that department's hearings conducted by the Office of Administrative Law during FY 1981 and FY 1982. Such costs shall be based on a billing rate established by the Office of Administrative Law and approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State	$12,179,016*

The State Council on the Arts may require of recipient groups, and in the case of those receiving over $50,000 shall require, that performances be scheduled in several regional centers of the State.

Funds derived from the sale of collections and Museum materials, which have been approved by the Secretary of State, are appropriated to and used for the benefit of the State Museum.

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

01-6100	Roadway and Bridge Maintenance	$41,064,096
07-6110	Electrical and Traffic Operations	17,155,000
08-6120	Physical Plant	4,423,068
09-6130	Equipment Maintenance and Operations	18,745,044
71-6200	Transportation Construction Engineering	19,973,415
	Total Appropriation, State Highway Facilities	$101,360,623

Personal Services:	
Salaries and wages	($60,229,455)
Materials and Supplies	(11,510,352)
Services Other Than Personal	(3,791,916)
Maintenance and Fixed Charges	(16,007,000)
Special Purpose:	
Traffic signals, signs, lighting and safety improvements	(1,800,000)
Additions, Improvements and Equipment	(8,021,900)

The unexpended balance as of June 30, 1983 in this account is appropriated.

The Department shall be permitted to transfer, in an amount as approved by the Director of the Division of Budget and Accounting, funds previously appropriated for State highway projects, from the Transportation Rehabilitation and Improvement Fund created under P. L. 1979, c. 165 for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

The unexpended balance as of June 30, 1983 in this account is appropriated, provided, however, that $988,000 in the Control-State Highway facilities account shall lapse to the General Fund.

62 Public Transportation

04-6050	Railroad and Bus Operations	$149,000,000
04-6070	Aeronautics	596,769
	Total Appropriation, Public Transportation	$149,596,769

Personal Services:	
Salaries and wages	($533,307)
Materials and Supplies	(13,700)
Services Other Than Personal	(36,112)
Maintenance and Fixed Charges	(12,650)
Special Purpose:	
Passenger service subsidies for bus operations	(66,300,000)

Administration of New Jersey Transit Corporation	(10,700,000)	
Reimbursement to bus companies for student reduced fare program	(800,000)	
Reduced fare for motor bus transportation services to elderly and handicapped citizens	(8,700,000)	
Promotion of public transit ridership	(1,300,000)	
Passenger service subsidies for rail operations	(61,200,000)	
Additions, Improvements and Equipment	(1,000)	

64 Planning and General Management Support

02-6030	Planning	$1,446,873
03-6040	Research and Demonstration	596,567
97-6020	Financial Management	4,537,249
98-6010	Employee and Support Services	4,790,965
99-6000	Management and Administrative Services	3,839,910
	Total Appropriation, Planning and General Management Support	$15,211,569

Personal Services:		
Commissioner	($70,000)	
Salaries and wages	(10,563,026)	
Positions transferred from other Statewide programs/institutions	(14,836)	
Materials and Supplies	(247,790)	
Services Other Than Personal	(2,400,864)	
Maintenance and Fixed Charges	(156,150)	
Special Purpose:		
Comprehensive highway transportation planning studies	(50,600)	
Public transportation and aviation planning	(194,200)	
Metropolitan planning studies	(181,898)	
Microfilm service charges	(69,000)	
Affirmative action and equal employment opportunity program	(435,105)	

Compensation awards	(800,000)
Additions, Improvements and Equipment	(28,100)

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program may be transferred to this account for expenditure.

The unexpended balances as of June 30, 1983 in the planning and research and demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1983, and the reimbursements in the department stock purchase revolving fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Total Appropriation, Department of Transportation	$266,168,961

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in that act.

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

72 Governmental Review and Oversight

03-2015	Employee Relations and Collective Negotiations	$507,348
05-2030	Budget Planning and Control	2,817,013
07-2040	Accounting and Fiscal Management	7,717,023
08-2045	Management of Data Processing and Telecommunications	715,071
	Total Appropriation, Governmental Review and Oversight	$11,756,455

Personal Services:		
Salaries and wages	(	$6,970,902)
Positions transferred from another Statewide program	(	13,623)
Materials and Supplies	(	341,593)
Services Other Than Personal	(	4,258,333)
Maintenance and Fixed Charges	(	170,720)
Additions, Improvements and Equipment	(	1,284)

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 out of receipts derived from the investment of State funds such sums as may be necessary for bank service charges.

Such sums as may be necessary for the payment of debt service administrative costs are appropriated from the investment earnings of general obligation bond proceeds.

Such sums as may be necessary for administrative expenses incurred by the Bureau of Accounting in processing Federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in the acts.

There is appropriated a sum, not to exceed $265,000, for the administration of the New Jersey State Employees' Deferred Compensation Plan created under C52:18A–163 et seq.; provided, however, that such sum is appropriated as a loan to the New Jersey State Employees' Deferred Compensation Board, if and as requested by the Board, with any amount so appropriated to be repaid by the participants in the plan in accordance with a repayment schedule which the Board shall establish.

73 Financial Administration

13-2070	Special Procedures and Investigations ...	$8,342,202
14-2075	Tax Audit Services	12,712,787
15-2080	Processing and Administration	9,752,596
19-2120	Management of State Investments	1,644,238
	Total Appropriation, Financial Administration	$32,451,823

Personal Services:	
Salaries and wages	($26,609,487)
Materials and Supplies	(931,915)
Services Other Than Personal	(4,090,868)
Maintenance and Fixed Charges	(655,053)
Special Purpose:	
Out-of-State audits	(95,000)
Farmland Act administration	(5,500)
Compensation awards	(64,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for confiscation, storage, disposal and other related expenses thereof are appropriated.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refunds as may be necessary under the provisions of Title 54 of the Revised Statutes.

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act, C54:8A–1 et seq., and the Transportation Benefits Tax Act, C54:8A–58 et seq., first shall be charged to the Transportation Fund or the Transportation Benefits Fund, respectively, established in said acts and, in addition thereto, such sums as may be necessary for additional expenses of administration of said acts are appropriated from the receipts thereof.

There are appropriated, out of the State Lottery Fund, such sums as may be necessary for costs required to implement C5:9–1 et seq. and for payment of commissions, prizes and expenses of developing games pursuant to C5:9–7.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under C52:18–16.1.

74 General Government Services

09-2050	Purchasing and Inventory Management	$3,020,712
10-2055	Physical Plant Operation and Maintenance	8,310,220
11-2060	Other Property Management	737,883
11-2061	Real Property Management	89,982
12-2065	Construction Management	3,530,320
21-2140	Management of Employee Benefit Programs	9,154,281
	Total Appropriation, General Government Services	$24,843,398

Personal Services:	
Salaries and wages	($14,678,451)
Materials and Supplies	(5,023,316)
Services Other Than Personal	(4,537,095)
Maintenance and Fixed Charges	(483,465)
Special Purpose:	
Energy efficient procurement practices	(10,085)
Compensation awards	(91,107)
Additions, Improvements and Equipment	(19,879)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the construction management program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

A sum not to exceed $275,000, from the proceeds derived from the sale of State-owned surplus real property is hereby appropriated for administrative expenses connected with such sale or disposition.

There are appropriated from receipts from employee maintenance charges an amount not to exceed $100,000 for costs of the employee housing management, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for needs related to the implementation of improvements to the administrative systems of the Division of Pensions, including improvements to internal controls, systems and data processing.

There are appropriated, out of the New Jersey Spill Compensation Fund, such sums as may be required for hiring adjustors, administering the Fund and paying approved claims for damages.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1983, and the reimbursements thereto are appropriated for the purpose of making payments for purchases under RS 52:25–1 et seq., and for expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

2000-301-43 Print Shop

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund from any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1983 and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to C52:18A–19.6.

76 Management and Administration

01-2005	Federal Liaison Activity	$100,000
98-2006	Public Contracts Affirmative Action Office	482,470
99-2000	Management and Administrative Services	2,503,808
	Total Appropriation, Management and Administration	$3,086,278

Personal Services:	
State Treasurer	($70,000)
Salaries and wages	(2,297,484)
Positions transferred from another Statewide program	(17,398)
Materials and Supplies	(81,996)
Services Other Than Personal	(131,959)
Maintenance and Fixed Charges	(79,061)

Special Purpose:		
Federal Liaison Office—Washington, D.C.	(100,000)	
Office of Management Services	(250,000)	
Governor's Advisory Committee on Gambling	(25,000)	
Affirmative action and equal employment opportunity program	(19,530)	
Compensation awards	(10,000)	
Additions, Improvements and Equipment	(3,850)	
Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1983 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.		
Total Appropriation, Department of the Treasury		$72,137,954

MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03-9130	Interstate Sanitation Commission	$250,000
	Total Appropriation, Interstate Sanitation Commission	$250,000
Special Purpose:		
Expenses of Commission	($250,000)	

9140 Delaware River Basin Commission

02-9140	Water Supply Management	$398,000*
	Total Appropriation, Delaware River Basin Commission	$398,000*
Special Purpose:		
Expenses of Commission	($398,000*)	

Transportation Services

61 State Highway Facilities

9120 Delaware River Joint Toll Bridge Commission

07-9120	Delaware River Joint Toll Bridge Commission	$2,054,121
	Total Appropriation, Delaware River Joint Toll Bridge Commission	$2,054,121

Personal Services:	
Salaries and wages	($1,253,090)
Materials and Supplies	(81,800)
Services Other Than Personal	(226,900)
Maintenance and Fixed Charges	(43,000)
Special Purpose:	
Other special purpose	(29,775)
Additions, Improvements and Equipment	(419,556)

Government Direction, Management and Control

72 Governmental Review and Oversight

9150 New Jersey Commission on Capital Budgeting and Planning

08-9150	New Jersey Commission on Capital Budgeting and Planning	$130,000
	Total Appropriation, New Jersey Commission on Capital Budgeting and Planning	$130,000

Special Purpose:	
Expenses of Commission	($130,000)
Total Appropriation, Miscellaneous Executive Commissions	$2,832,121*

INTER-DEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400	Property Rentals	$43,942,755
02-9400	Insurance and Other Services	2,335,000
	Total Appropriation, Property Rentals, Insurance and Other Services	$46,277,755

Maintenance and Fixed Charges ....($43,942,755)

Special Purpose:

Excess liability insurance master policy	(300,000)
Tort Claims Liability Fund, N. J. S. 59:12–1	(2,000,000)
Retroactive premium—master automobile policy	(35,000)

Of the amount hereinabove for property rentals, so much as is necessary may be used for offices, rent, telephones, answering services, furniture and office equipment for district offices of members of the Legislature; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary interest; provided, further, however, that the sum not be used to provide remuneration to any members of the Legislature; and provided, further, however, that the expenditure be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund;

and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rent of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 1983 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, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N. J. S. 59:12–1 shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the Fund.

The unexpended balances as of June 30, 1983 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, or for reallocation to departments based on loss experience.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410	Employee Benefits	$415,562,189
	Total Appropriation, Employee Benefits	$415,562,189

Special Purpose:

Heath Act	($50,000)
Veterans' Act	(100,000)
Miscellaneous special acts	(8,500)
Annuity for Governors' Widows	(8,000)
Judicial Retirement System	(7,771,591)
Prison Officers' Pension Fund	(2,200,000)
Public Employees' Retirement System	(98,900,000)
Social Security tax	(117,573,000)
State Police Retirement System	(13,000,000)
Police and Firemen's Retirement System, C43:16A–1 et seq.	(5,601,583)
Police and Firemen's Retirement System (P. L. 1979, c. 109)	(4,815,034)
Pension Adjustment Act	(28,000,000)
Employer contributions, alternate benefit program	(10,200,000)
Pension and non-contributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(5,000,000)
Accrued liability—1983 pension interest payments	(11,000,000)
Dental care program, shared cost	(7,030,779)
State employees' health benefits	(85,607,854)
Prescription drug program	(7,085,848)
Unemployment insurance—employer liability	(8,000,000)
Temporary disability insurance	(2,700,000)
Vision care	(910,000)

Of the sum hereinabove, upon application to the Director of the Division of Budget and Accounting, an annuity of $4,000 shall be paid to the widow of any person, now deceased, who was

elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor and, provided, further, that this shall not apply to any widow receiving a pension granted under RS 43:8–2, and continued by P. L. 1955, c. 190.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the system not later than June 30, 1984 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1983 through the date of such payment.

Such additional sums as may be required for Social Security tax, unemployment compensation liability and State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated and shall first be charged to investment earnings.

The amount hereinabove for the prescription drug program is based upon a co-payment of $3.50 for each eligible prescription.

Of the 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 Fund upon reimbursement from local public employers.

In addition to the sums hereinabove appropriated, a sum not to exceed $22,000,000 of the unexpended

balance as of June 30, 1983 in the Inter-departmental Accounts is hereby appropriated for State employees' health benefits.

9420 State Contingency Fund

04-9420	State Contingency Fund	$23,384,000
	Total Appropriation, State Contingency Fund	$23,384,000

Special Purpose:

To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of $5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State .. ($300,000)

To the Director of the Division of Budget and Accounting, for allotment, as required, to meet contingencies, including increases in the price of fuel and food and other commodities and services beyond those anticipated ..... (1,250,000)

To the Director of the Division of Budget and Accounting, for allotment to the various departments and agencies who make application for and demonstrate the need for seed money to implement cost saving processes or other productivity improvements ..... (50,000)

To the Director of the Division of Budget and Accounting, for allot-

ment to the various departments or agencies to pay compensation awards allowed State employees. (100,000)

To the Director of the Division of Budget and Accounting, for payment to the Emergency Services Fund as a restoration of amounts withdrawn for emergencies ..... (200,000)

For allotment to the Department of Energy for the New Jersey contribution to the Three Mile Island clean-up, subject to the approval of the State Treasurer ..... (1,875,000)

To the Director of the Division of Budget and Accounting for allotment to the following departments and agencies in the amounts and for the projects and programs specified:

To the Judiciary for requirements analysis study relative to the automation of municipal court activities that interface with the Division of Motor Vehicles, Department of Law and Public Safety ..... (250,000)

To the Judiciary to expedite the development of the National Center for State Courts Requirements Analysis and Master Plan ..... (500,000)

To the Governor's office for requirements analysis, detail system design and implementation of legislative bill status system. (500,000)

To the Department of Civil Service for a personnel system detail design and implementation. (1,000,000)

To the Department of Civil Service for continuation of existing data processing systems and the development and operation of improved data processing systems ..... (831,500)

To the Department of Corrections for integrated information systems development ..... (200,000)

To the Department of Environmental Protection to expand existing air pollution monitoring system for radiation detection ..... (100,000)

To the Department of Environmental Protection for the purchase of a solid waste system from Sun Information Systems and installation of same ..... (100,000)

To the Department of Health to accelerate the updating of 103 hospitals to DRG Model charges under the Federal Pilot program ..... (250,000)

To the Department of Higher Education for tuition aid grant —software development ..... (150,000)

To the Department of Higher Education for college information system and higher education management system ..... (100,000)

To the Department of Higher Education for additional tuition aid grant—software development ..... (500,000)

To the Department of Human Services for implementation of family assistance management

information system (State share)	(81,394)
To the Department of Human Services for automated child support enforcement program (State share)	(516,311)
To the Department of Human Services for computerized menu planning	(39,000)
To the Department of Human Services for financial information systems	(50,000)
To the Department of Human Services for the family assistance management information system	(2,200,000)
To the Department of Human Services for the automated child support enforcement system ..	(1,500,000)
To the Department of Human Services for the St. Clair client information system	(600,000)
To the Department of Human Services for a departmental single system financial information system	(1,200,000)
To the Department of Human Services for the installation of an on-line eligibility verification system	(150,000)
To the Department of Human Services for a bank match system to enable the Division of Public Welfare to utilize IRS Form 1099 data base for a computer match against the client data base	(250,000)

To the Department of Human Services for a check cycling system	(775,000)
To the Department of Human Services for a retro medicare system	(575,000)
To the Department of Insurance for requirements analysis and system design of centralized accident reporting system	(250,000)
To the Department of Labor for statistical reporting (State share)	(75,000)
To the Department of Labor to automate the temporary disability insurance system	(500,000)
To the Department of Law and Public Safety to accelerate master plan to automate Division of Motor Vehicles offices	(500,000)
To the Department of Law and Public Safety for Division of State Police mobile and portable computers	(400,000)
To the Department of Law and Public Safety to acquire and install a case management system plus "LEXIS" legal research system	(400,000)
To the Department of Treasury to accelerate the design and implementation of the State pension system	(2,300,000)
To the Department of Treasury for a detailed information system study	(500,000)

To the Department of Treasury for management of data processing and telecommunications	(1,415,795)
To the Department of Treasury for implementation of the Taxation Unremitted Liability Inventory Plotting System (TULIPS)	(650,000)
To the Senate and General Assembly for word processing and information automation systems	(200,000)

Of the amounts hereinabove appropriated for data processing projects and programs, no funds shall be allotted or expended other than in accordance with the allotment schedule and projects and programs hereinabove set forth, provided, however, that any change to this allotment schedule may be effected with the approval of the Director of the Division of Budget and Accounting, and the Legislative Budget Officer.

The Director of the Division of Budget and Accounting shall provide the Legislative Budget Officer with quarterly reports detailing the expenditure of all funds hereinabove appropriated for data processing projects and programs within 20 working days after the end of each quarter. These reports shall detail such expenditures by department and agency and by specific project and program.

The sums hereinabove appropriated for the Senate and General Assembly for word processing and information automation systems shall be made directly available, notwithstanding allotment schedules or quarterly reports.

The unexpended balance as of June 30, 1983 in the productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost saving processes or other productivity improvements may be transferred to the productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

Revenue in excess of that anticipated resulting from the implementation of a revenue producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

9430 Salary and Other Benefits

05-9430	Salary and Other Benefits	$81,301,499
	Total Appropriation, Salary and Other Benefits	$81,301,499

Special Purpose:

To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave under C11:14–9 ..... ($3,300,000)

To the Director of the Division of Budget and Accounting for allotment to the various agencies for the costs of salary and other benefits resulting from signed contractual agreements with employee organizations ..... (3,700,000)

To the Director of the Division of Budget and Accounting for allotment to the various agencies for the costs of salary and other benefits resulting from negotiated agreements with various employee organizations and the costs of salary and other benefits for those

employees not covered by a negotiated contractual agreement with any employee organization ..... (40,000,000)

To the Director of the Division of Budget and Accounting for allotment, as required, to the various agencies to compensate employees for authorized overtime at the applicable rate of pay, for those employees in class titles eligible for such payment, under the regulations promulgated by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided, however, that, subject to the provision of the aforesaid regulations compensation may be in the form of time off ..... (34,301,499)

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

The State Treasurer, the President of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the bi-weekly pay period nearest July 1, 1983 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations to the Subcommittee on Personnel of the Joint Appropriations Committee.

Any sums appropriated for salaries shall be made available for any person holding State office, posi-

tion or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Each person holding such State office, position or employment whose compensation from State funds is derived in whole or in part from Federal or non-State fund sources shall be entitled to such salary payments as may be authorized which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal government or non-State fund sources consent thereto and pay the cost thereof; and provided further, the funds required therefor are appropriated and the expenditure thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Inter-Departmental Accounts	$566,525,443

THE JUDICIARY

Public Safety and Criminal Justice

15 Judicial Services

01-9710	Supreme Court	$2,037,760
02-9720	Superior Court	25,940,375
03-9785	Tax Court	1,623,750
06-9730	Official Court Reporters	7,073,333
07-9740	General Support Services	6,743,728
08-9750	Legal Services	1,272,150

09-9760	Probation Services	2,413,711
99-9770	Management and Administrative Services	1,339,158
	Total Appropriation, Judicial Services	$48,443,965

Personal Services:		
Chief Justice	($80,000)	
Associate Justices (6 @ $78,000) .	(468,000)	
Judges (245)	(17,180,000)	
Salaries and wages	(21,266,301)	
Positions converted	(478,015)	
New positions	(350,688)	
Materials and Supplies	(1,403,403)	
Services Other Than Personal	(3,405,841)	
Maintenance and Fixed Charges	(136,875)	
Special Purpose:		
Implementation of Family Court, C2A:4–3.1 et seq.	(748,750)	
New Jersey Criminal Disposition Commission	(19,175)	
Affirmative action and equal employment opportunity program	(70,715)	
Compensation awards	(25,000)	
Child support and paternity (State share)	(166,702)	
Intensive probation supervision ...	(1,600,000)	
Community service program	(650,000)	
Additions, Improvements and Equipment	(394,500)	
Total Appropriation, Judiciary		$48,443,965

The unexpended balance of June 30, 1983 in this account is appropriated.

Receipts from charges to the Superior Court trust funds, Clients' Security Fund, Board of Trial Attorney Certification and Attorney Regulation Fund for services provided to those funds are hereby appropriated.

Total Appropriation, Direct State Services .	$2,548,530,333*

STATE AID

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development—State Aid

20-2800	Economic Development	$2,500,000
	Total Appropriation, Department of Commerce and Economic Development ...	$2,500,000

State Aid:
Debt Service Reserve Fund requirement under C12:11A–14 .($846,200)
Property Tax Reserve Fund requirement under C12:11A–20 .(1,053,800)
Property Tax Reserve Fund payment for retroactive payments to city of Camden:
Calendar Year 1981 .....(300,000)
Calendar Year 1982 .....(300,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the Debt Service Reserve Fund under C12:11A–14 and the Property Tax Reserve Fund under C12:11A–20, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020	Housing Services	$2,750,000
04-8030	Local Government Services	76,065,780*
06-8015	Uniform Construction Code	39,600
	Total Appropriation, Community Development Management	$78,855,380*

State Aid:

Relocation assistance	($250,000)
Neighborhood preservation	(2,500,000)
Municipal aid pursuant to C52:27D–178 et seq.	(39,692,750)
Safe and clean neighborhoods	(19,210,570)
Aid to depressed rural centers	(487,460)
County welfare equalization	(15,000,000*)
Special municipal and safe and clean aid	(450,000*)
Payment to the City of Newark to raze vacant buildings	(500,000)
Payment to Jersey City for urban aid and redevelopment planning	(625,000*)
Tax collectors' training	(50,000)
Municipal finance officers' training	(50,000)
Municipal memberships in Building Code Association	(39,600)

Of the sum hereinabove for neighborhood preservation, a sum not to exceed $280,000 may be used as the State match for the small cities block grant program, and a sum not to exceed $400,000 may be used for administration of the neighborhood preservation program. No additional funds shall be used for administrative costs.

The unexpended balance as of June 30, 1983, not to exceed $250,000, in the Relocation assistance account is appropriated.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed $75,000 may be used for administrative and technical assistance.

Notwithstanding the provisions of C52:27D–165, the amount hereinabove for aid to depressed rural centers shall be distributed in the same amount and to the same municipalities which received such aid in calendar year 1982.

Notwithstanding the provisions of C52:27D–162 et seq., the amount hereinabove for aid to depressed rural centers shall be used to provide

State aid under the Depressed Rural Centers Aid Act.

The amount hereinabove for relocation assistance shall be available to municipalities qualifying for assistance; provided, however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the department.

Notwithstanding the provisions of C44:14–1 et seq., funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The amount hereinabove for special municipal and safe and clean neighborhoods aid shall be reserved for allocation to those additional municipalities which become eligible for such aid according to the provisions of Assembly Bill No. 1768 of 1982 as enacted.

Notwithstanding the provisions of C52:27D–118.1 et seq., $3,000,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 84,000; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any municipality be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the Local Government Supervision Act (1947), C52:27BB–54 et seq., are in effect, may be pledged as a guarantee for payment of principal of and interest on any bond anticipation notes issued pursuant to NJS 40A:2–8 and any tax anticipation notes issued pursuant to NJS 40A:4–64 by such municipality. Such funds, if so pledged shall

be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal of and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such times and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	$1,995,000*
05-8060	Programs for the Aging	1,628,338
	Total Appropriation, Related Social Services Programs	$3,623,338*

State Aid:

State Legal Services	($750,000*)
Recreation for the handicapped	(150,000)
Office of Hispanic Affairs	(650,000)
Special Olympics	(125,000)
County offices on aging	(420,000)
Older Americans' Act (State share)	(1,208,338)
Cultural development for ethnic groups	(120,000)
Newark Fresh Air Fund	(50,000)
Grant Avenue Community Center	(150,000)

Government Direction, Management and Control

76 Management and Administration—State Aid

99-8070	Management and Administrative Services	$2,650,000
	Total Appropriation, Management and Administrative Services	$2,650,000

State Aid:
Hackensack Meadowlands
Development Commission:

Municipal Committee	($50,000)
Debt Service	(400,000)
Commission Operations	(2,100,000)
Special Capital Projects	(100,000)

Notwithstanding the provisions of C5:10–6, all funds received by the State from the New Jersey Sports and Exposition Authority shall be deposited in the General Fund and only the amount hereinabove is appropriated for the Hackensack Meadowlands Development Commission; provided, however, that such amounts necessary for the payment of principal and interest for outstanding notes are appropriated, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting; provided further, however, that if receipts are not adequate, the amount hereinabove may, at the discretion of the State Treasurer, be considered to be a loan from the General Fund to be repaid at such interest rate as the Treasurer may establish.

The unexpended balance as of June 30, 1983 in the Food Distribution Center Feasibility Study account is appropriated for the same purpose.

Total Appropriation, Department of Community Affairs	$85,128,718*

Department of Education

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

01-5120	General Formula Aid	$125,794,072
02-5120	Non-Public School Aid	22,104,175*
03-5120	Miscellaneous Grants-in-Aid	3,200,000
04-5030	Adult and Continuing Education	4,083,946*

07-5120 Special Education	14,900,000*
Total Appropriation, Direct Educational Services and Assistance	$170,082,193*

State Aid:

Current expense equalization aid Minimum aid	($125,794,072)
Aid to non-public education	(3,799,175)
Non-public nutrition aid	(430,000)
Non-public handicapped aid	(9,125,000*)
Non-public auxiliary services aid	(8,383,000)
Non-public auxiliary services aid—transportation	(367,000)
Emergency fund	(200,000)
Public School Safety Act	(2,500,000)
Educational Information and Resource Center	(500,000)
Evening school for the foreign-born	(253,000)
High school equivalency	(1,463,478*)
Adult education	(1,136,949)
Adult literacy	(1,230,519)
Projects for handicapped infants	(1,750,000*)
County special services districts	(13,150,000)

Of the amount hereinabove for current expense equalization aid, an amount equal to the total earnings on investments of the School Fund shall first be charged to such Fund.

With respect to the amount hereinabove for non-public auxiliary services aid—transportation, the department is authorized to allocate this amount to local school districts to provide transportation services to students who are eligible under C18A:46A–1 et seq.

Of the amount hereinabove in the high school equivalency and the adult literacy accounts, such sums as are necessary may be transferred to an applicant State department.

In the event that sufficient funds are not appropriated to fully fund NJS 18A:50-7, supervisors of adult education in local school districts, the department shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

The amount hereinabove for non-public auxiliary services to provide compensatory education services, and to provide supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability, shall be apportioned to local school districts by multiplying the Statewide average cost of providing such services to children enrolled in the public schools by the actual number of pupils enrolled in the non-public schools who were receiving such services on October 23, 1982, adjusted by the number of pupils enrolled in the non-public schools requiring services as of June 30, 1983.

33 Supplemental Education and Training Programs—State Aid

20-5040	General Vocational Education Programs	$7,146,000
20-5120	General Vocational Education Programs	7,836,476
	Total Appropriation, Supplemental Education and Training Programs	$14,982,476

State Aid:

District and regional vocational education	($2,000,000)
Schools of industrial education	(21,000)
Vocational education	(4,500,000)
National Guard cooperative education	(125,000)
Work-study	(500,000)
Local vocational aid	(7,836,476)

34 Educational Support Services—State Aid

36-5120	Pupil Transportation Services	$115,382,513
37-5120	School Nutrition	6,993,218
38-5120	Facilities Planning and School Building Aid	89,791,631
39-5095	Teachers' Pension and Annuity Assistance	482,173,939*
	Total Appropriation, Educational Support Services	$694,341,301*

State Aid:

Computerized bus scheduling	($250,000)
Transportation aid	(115,132,513)
State school lunch aid	(6,993,218)
School building aid debt service	(22,465,912)
School building aid	(67,325,719)
Teachers' Pension and Annuity Fund and Insurance	(238,801,939)
Minimum pension for pre-1955 retirees	(600,000)
Social Security tax	(162,000,000)
Pension Adjustment Act	(80,772,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1981-1982 school year.

The unexpended balance as of June 30, 1983, not to exceed $250,000, in the account for transportation aid is appropriated for the purpose of effecting the consolidation of school transportation systems.

The unexpended balance as of June 30, 1983 in the school building aid debt service account is appropriated for the same purpose.

The sum in the Pension Adjustment Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Notwithstanding the provisions of any other law, the sum hereinabove for the State contribution to

the Teachers' Pension and Annuity Fund shall be paid to the Fund not later than June 30, 1984 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1983 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

The unexpended balance as of June 30, 1983 in the Pension Adjustment Act account is appropriated for the same purpose.

The amount hereinabove for minimum pension for pre-1955 retirees is appropriated, subject to the enactment of enabling legislation. Further, subject to the enactment of enabling legislation, the Director of the Division of Budget and Accounting is authorized to transfer such sums as are necessary to provide minimum pensions for other eligible former public employees who retired prior to January 1, 1955 with at least 20 years of creditable service.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services	$7,715,000
Total Appropriation, Cultural and Intellectual Development Services	$7,715,000

State Aid:

Per capita library aid	($5,516,380)
Area library aid	(1,744,400)
Research library aid	(292,820)
Emergency aid/incentive grants	(146,400)

Ocean County Library, Berkeley Twp. branch	(15,000)	
Total Appropriation, Department of Education		$887,120,970*

The amounts appropriated hereinabove for general formula aid and school building aid shall be apportioned to local school districts using a guaranteed valuation per pupil of 1.31212 times the State average valuation per pupil for 1982 and a minimum aid guaranteed valuation per pupil of 7.69630 times the State average valuation per pupil for 1982.

The unexpended balances as of June 30, 1983 in the State Aid accounts, not to exceed $650,000, are 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 below shall first be charged to the State Lottery Fund:

Non-public school aid	($24,704,175)
School building aid debt service	(22,465,912)
School building aid	(69,573,502)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management—State Aid

15-4890	Marine Lands Management	$192,000*
	Total Appropriation, Natural Resource Management	$192,000*

State Aid:

Town of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures	($192,000)

There is allocated from funds previously appropriated from the Beaches and Harbors Fund the sum of $495,000 for costs attributable to planning and administration of the shore protection program.

43 Environmental Quality—State Aid

17-4900	Solid Waste Resource Management	$500,000
	Total Appropriation, Environmental Quality	$500,000

State Aid:
Implementation and demonstration grants to solid waste management districts, contingent upon no less than 50% participation by such districts .....($500,000)

The unexpended balance as of June 30, 1983 in implementation and demonstration grants to solid waste management districts account is appropriated.

Of the sum hereinabove for solid waste resource management, an amount not to exceed $10,000 is allocated for purposes of auditing such grants.

44 Hazardous and Toxic Pollution Control—State Aid

The unexpended balance as of June 30, 1983 in these accounts is appropriated.

45 Recreational Resource Management—State Aid

21-4895	Navigational Aids	$1,850,000*
	Total Appropriation, Recreational Resource Management	$1,850,000*

State Aid:
Dredging of inland waterways—
State aid to counties and municipalities, 100% grants for maintenance dredging projects ..... ($1,850,000*)

Of the amount hereinabove appropriated for dredging of inland waterways, $450,000 shall be made available for the dredging of Deal Lake, Monmouth County.

The unexpended balance, not to exceed $1,000,000, as of June 30, 1983 in the dredging of inland waterways account is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800	Management and Administrative Services	$5,503,053
	Total Appropriation, Environmental Planning and Administration	$5,503,053

State Aid:
Payments in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes ..... ($1,118,727)

Reimbursements and loans for interest and debt service cost under C58:25–9, Pennington and Hopewell Boroughs ..... (109,557)
Ramsey ..... (1,150,674)
Mahwah ..... (1,574,095)

Administration, planning and development activities of the Pinelands Commission ..... (1,150,000)

Mosquito control, research, administration, and operations ..... (400,000)

Of the amount appropriated for payments in lieu of taxes not more than $100,000 will be paid to certain municipalities in the Pinelands Manage-

ment Area based on differences between current in lieu of tax payments and payments calculated using effective municipal and school tax rates.

In addition to the sums hereinabove appropriated to the Pinelands Commission, such sums as the Director of the Division of Budget and Accounting shall determine may be made available from the Interdepartmental Accounts.

The unexpended balance as of June 30, 1983 in the mosquito control, research, administration and operations account and the payments in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes accounts are appropriated.

The amount hereinabove for mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission, provided, however, that an amount not to exceed $90,000 shall be available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts derived from the rental of property acquired under C58:21A–1 et seq.; C58:21B–1 et seq.; PL 1971, c. 165; PL 1974, c. 102 and PL 1978, c. 118, and the unexpended balance as of June 30, 1983, of such receipts are appropriated for payments in lieu of taxes on such properties and for maintenance of such properties.

Total Appropriation, Department of Environmental Protection	$8,045,053*

DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Administration—State Aid

10-4225	Local Health and Regional Operations	$3,638,736*
	Total Appropriation, Health Administration	$3,638,736*

State Aid:
Community health services ..... ($3,638,736*)
The capitation is set at 37.5 cents* for the year ending June 30, 1984 for the purposes described in C26:2F–1 et seq.

Total Appropriation, Department of Health $3,638,736*

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

5400 Office of the Chancellor

06-5400	Aid to County Colleges	$72,527,500*
	Total Appropriation	$72,527,500*

State Aid:

Operational costs	($58,187,500*)
Debt Service under NJS 18A:64A–22	(3,400,000)
Employer contributions, alternate benefit program	(9,640,000)
High Technology Initiative—Computer proficiency	(400,000)
Technical/Engineering education ..	(900,000)

The unexpended balance as of June 30, 1983 in this account is 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 included in the Governor's budget first shall be charged to the State Lottery Fund:

Aid to county colleges for operational costs ..... ($56,187,500)

Total Appropriation, Department of Higher Education $72,527,500*

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health—State Aid

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$25,000,000
	Total Appropriation, Division of Mental Health and Hospitals	$25,000,000

State Aid:
Support of patients in county mental hospitals ..... ($25,000,000)

The sums hereinabove shall be available for payments of obligations applicable to prior fiscal years.

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540	General Medical Services	$464,308,824
	Total Appropriation, Division of Medical Assistance and Health Services	$464,308,824

State Aid:
Payments for medical assistance recipients (State share) ..... ($464,308,824)

All funds recovered under C30:4D–1 et seq. during the fiscal year ending June 30, 1984 are appropriated.

The amounts hereinabove for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Divi-

sion of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a Federal financial participation rate of 47.16%; provided, however, that if the Federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of C44:7–76 et seq., the medical assistance to the aged program is eliminated; provided, however, that necessary medical services be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

The unexpended balance as of June 30, 1983 in the general medical services program classification, not to exceed $2,500,000, is appropriated for the same purpose.

No copayment or other form of cost sharing shall be imposed on any individual eligible for medical assistance except as mandated by federal law as a condition of federal financial participation.

Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550	Income Maintenance	$251,774,409*
	Total Appropriation, Division of Public Welfare	$251,774,409*

State Aid:
Payments to municipalities for cost of general assistance (State share) ..... ($48,332,396*)

Payments for dependent children assistance, regular segment (State share)	(165,993,855)
Payments for emergency assistance (State share)	(1,685,970)
Payments for supplemental security income (State share)	(20,264,200)
Payments for dependent children assistance, unemployment of father (State share)	(10,242,888)
Payments for dependent children assistance, insufficient employment of parents (State share)	(5,255,100)

The net State share of reimbursements and the net balances remaining after full payment of sums due the Federal government of all funds recovered under RS 44:7–14, C44:10–1 et seq., C30:4B–1 et seq., and RS 44:3–1 et seq. during the fiscal year ending June 30, 1984 are appropriated.

The unexpended balances as of June 30, 1983 in the income maintenance program classification, not to exceed $2,800,000, are appropriated for the same purpose.

Receipts from State administered municipalities during the fiscal year ending June 30, 1984, are appropriated.

A portion of the amount hereinabove for payments to municipalities for cost of general assistance (State share), not to exceed $1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program under C44:8–108 et seq. Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined first shall be approved by the Director of the Division of Budget and Accounting.

55 Related Social Services Programs—State Aid

7570 Division of Youth and Family Services

16-7570	Community Family Services	$18,465,860
17-7570	Residential Services	15,508,094
	Total Appropriation, Division of Youth and Family Services	$33,973,954

State Aid:

Substitute family care	($13,974,000)
Family support services	(4,491,860)
Maintenance to children residing in institutions	(15,237,094)
Community based alternative programs	(130,000)
Juveniles in need of supervision	(141,000)

Funds recovered under C30:4C–1 et seq., during the fiscal year ending June 30, 1984, are appropriated.

The unexpended balance as of June 30, 1983 in the Youth Services Planning account is appropriated.

Of the amount hereinabove for family support services, the Division of Youth and Family Services may expend up to $375,000 to provide emergency services funds to families with children to prevent the out-of-home placement of such children.

Of the amount hereinabove appropriated for substitute family care, the Division of Youth and Family Services may expend up to $225,000 for recruitment of foster and adoptive families; provided, however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove are available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1983, not to exceed $1,600,000, in the Community Family Services account is hereby appropriated for the purpose of increasing foster care and adoption subsidy allowances.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs first shall be approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	$775,057,187*

DEPARTMENT OF TRANSPORTATION

Transportation Services

63 Local Highway Facilities—State Aid

20-6220	Federal Aid Urban System Projects	$8,000,000
30-6220	Federal Aid Rural Highway Projects	
40-6240	Federal Aid Bridge and Highway Safety Projects	
60-6220	County and Municipal Aid	1,700,000
	Total Appropriation, Local Highway Facilities	$9,700,000

State Aid:

Federal Aid Urban System Projects	($8,000,000)
Federal Aid Rural Highway Projects	
Federal Aid Bridges and Highway Safety Projects	
County and Municipal Aid for Lighting	(1,700,000)

Of the amount hereinabove appropriated for Federal Aid Urban System Highway Projects, $176,000 is appropriated for the Ocean Boulevard Project, Long Branch.

The unexpended balance as of June 30, 1983 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting, to provide the non-Federal share of construction of local highway facilities.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Total Appropriation, Department of Transportation	$9,700,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

28-2077	County Boards of Taxation	$659,274
29-2088	Locally Provided Services	13,050,000
31-2082	Business Personal Property Tax Replacement	158,703,825
35-2087	Consolidated Police and Firemen's Pension Fund	5,391,350
36-2081	Municipal Purposes Tax Assistance Program	30,500,000
	Total Appropriation, State Subsidies and Financial Aid	$208,304,449

Personal Services:
County Tax Board members (69) ..($659,250)
Services Other Than Personal .....(24)

State Aid:

Payments to municipalities for services to State owned property	(13,000,000)
Payments to municipalities to replace property tax on business personalty	(158,703,825)
Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program under C54:1–46 et seq.	(30,500,000)
Tuition payments for local assessors and staff	(50,000)
State contribution to Consolidated Police and Firemen's Pension Fund	(5,391,350)

Notwithstanding the provisions of C54:10A–33 et seq., there are appropriated so much of the proceeds derived from the taxes collected from banking corporations pursuant to the Corporation Business Tax Act and the Business Personal Property Tax Act as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C54:10B–2 et seq., there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

There are appropriated so much of the proceeds of taxes collected from fire insurance companies, pursuant to the Insurance Tax Act, as may be required for payment to the local taxing districts pursuant to C54:18A–2 et seq.

The unexpended balance as of June 30, 1983 from the taxes collected pursuant to C54:30A–16 et seq. and C54:30A–49 et seq. shall lapse.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association under RS 54:17–4.

Notwithstanding the provisions of C54:30A–24.1 and C54:30A–61.1, the payments to municipalities from the public utilities franchise and gross receipts taxes in June, 1984, shall be limited to $105 million; provided, however, that amounts collected in excess of these sums shall be anticipated as revenue for general State purposes.

Total Appropriation, Department of the Treasury	$208,304,449

DEPARTMENT OF STATE

Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services	$989,444
Total Appropriation	$989,444
State Aid:	
Newark Museum Association ($989,444)	
Total Appropriation, Department of State	$989,444
Total Appropriation, State Aid	$2,053,012,057*

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 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, and with the approval of the Subcommittee on Transfers of the Joint Appropriations Committee, 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 Treasurer is hereby authorized to pay to any municipality, on or before December 31, 1983, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1984. 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, 1983, 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, 1984 is fixed by statute.

CAPITAL CONSTRUCTION

LEGISLATURE

Government Direction, Management and Control

71 Legislative Activities

0003 Office of Legislative Services

03 Management and General Support

Capital Projects:		
Space Planning, Historical Restoration and Renovation in the State House and State House Annex	($300,000)	
Total Appropriation, Legislature		$300,000

Of the amount hereinabove appropriated, all shall be made available for research and planning of repair and replacement of the State House Annex elevators.

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

16 Detention and Rehabilitation

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

Capital Projects:		
Toms River armory addition, planning and design	($17,400)	
Woodbury armory addition	(379,500)	
Major maintenance and handicapped access projects	(200,000)	
Total Appropriation, Department of Defense		$596,900

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

5010 Division of Field Services

The unexpended balance as of June 30, 1983 in this account is appropriated.

New Jersey State Library

32 Operation and Support of Educational Institutions

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:

Roof replacement	($51,400)
Glass replacement	(94,400)
Gym renovations	(156,600)

The unexpended balance as of June 30, 1983 in this account is appropriated.

37 Cultural and Intellectual Development Services

5070 Division of the State Library

The unexpended balance as of June 30, 1983 in this account is appropriated.

37 Cultural and Intellectual Development Services

5080 Division of State Museum

The unexpended balance as of June 30, 1983 in this account is appropriated.

Total Appropriation, Department of Education $302,400

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10 Public Broadcasting Services

Capital Project:

Purchase and replacement of equipment ..... ($400,000)

Total Appropriation, Department of Energy $400,000

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

The unexpended balance as of June 30, 1983 in this account is appropriated.

45 Recreational Resource Management

Capital Project:
Multiple use historic sites ..... ($1,045,000*)
Major maintenance and
improvement program ..... (600,000)

Of the amounts previously appropriated from Green Acres bond funds, $100,000 shall be allocated for the reconstruction of Mason's Creek Dam, Rancocas State Park.

Of the amount hereinabove appropriated for multiple use historic sites, $15,000 shall be made available for restoration of Edison Memorial Tower and Museum, Edison Township.

The unexpended balance as of June 30, 1983 in this account is appropriated.

45 Recreational Resource Management

4876 Palisades Interstate Park Commission

Capital Project:
Parkway improvements ..... ($100,000)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balances of such revenues, as of June 30, 1983 are appropriated for capital projects and plans.

Funds hereinabove shall be provided as the State share for Federal aid highway projects.

The unexpended balance as of June 30, 1983 in this account is appropriated.

46 Environmental Planning and Administration

Capital Projects:
Replace equipment ..... ($85,000)

Total Appropriation, Department of Environmental Protection $1,830,000*

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

Capital Projects:
Laboratory Equipment ..... ($496,500)

Total Appropriation, Department of Health . $496,500

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

Capital Projects:
Renewal and replacement projects—
Higher education facilities ..... ($6,000,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

36 Higher Educational Services

State College Construction

The unexpended balance as of June 30, 1983 in this account is appropriated.

36 Higher Educational Services

5600, 5620 Rutgers, The State University

The unexpended balance as of June 30, 1983 in this account is appropriated.

36 Higher Educational Services

5630 University of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1983 in this account is appropriated.

36 Higher Educational Services

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1983 in this account is appropriated.

Total Appropriation, Department of Higher Education $6,000,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

Division of Mental Health

The unexpended balance as of June 30, 1983 in this account is appropriated.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

Division of Mental Retardation

The unexpended balance as of June 30, 1983 in this account is appropriated.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

The unexpended balance as of June 30, 1983 in this account is appropriated.

Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

The unexpended balance as of June 30, 1983 in this account is appropriated.

Government Direction, Management and Control

76 Management and Administration

The unexpended balance as of June 30, 1983 in this account is appropriated.

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

The unexpended balance as of June 30, 1983 in this account is appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

The unexpended balance as of June 30, 1983 in this account is appropriated.

12 Law Enforcement

Capital Project:
State Police Headquarters, Ewing Township ..... ($350,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

19 Central Planning, Direction and Management

Capital Project:
Deferred maintenance ..... ($150,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

Special Government Services

82 Protection of Citizens' Rights

The unexpended balance as of June 30, 1983 in this account is appropriated.

Total Appropriation, Department of Law and Public Safety $500,000

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

70-6200	Physical Plant	$650,000
10-6200	Federal Aid Interstate Highway Projects	21,000,000
20-6200	Federal Aid Urban System Projects	
25-6200	Federal Aid Consolidated Primary Projects	
30-6200	Federal Aid Rural Highway Projects	16,000,000
40-6200	Federal Aid Safety Projects	
60-6200	Non-Federal Aid Highway Projects	
65-6200	Rail Freight Lines	1,000,000
	Total Appropriation, State Highway Facilities	$38,650,000

Capital Projects:

Physical Plant	($650,000)
Federal Aid Interstate Highway Projects	(21,000,000)
Betterment, construction, reconstruction, improvement or rebuilding of State highways, including resurfacing and major bridge repairs or rehabilitation	(5,000,000)
Rail freight lines	(1,000,000)
Non-federal aid highway projects	(3,000,000)
State matching funds-various federal systems	(8,000,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

The sums hereinabove for construction shall be set forth in a construction program by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting, and not be expended or contracted for without the approval of the Governor.

From the amount hereinabove for construction there may be allocated such amounts as the Commissioner of Transportation may determine, with the approval of the Director of the Division of Budget and Accounting, for personal services by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

Funds hereinabove shall be available for construction of local highway facilities or public transportation capital purposes.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8–1 et seq., Emergency Transportation Tax Act, as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such act.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1983 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 interdepartmental accounts for employee benefits shall be considered as appropriated on behalf of State highway construction and transportation construction engineering and be available for matching federal funds.

The department shall be permitted to transfer funds in the amount as approved by the Director of the Division of Budget and Accounting from the Capital Construction betterments accounts to Direct State Services for highway maintenance.

Of the amount hereinabove appropriated for State highway construction, State matching funds, $1 million shall be made available for the reconstruction of Laurelton Circle, Ocean County.

Of the amount hereinabove appropriated, $150,000 shall be made available to conduct a study of the feasibility of expanding the Thomas A. Edison Bridge on Route 9 in Middlesex County.

Of the amount hereinabove appropriated, $75,000 shall be made available for construction of a pedestrian walkway across Route 22, Scotch Plains.

62 Public Transportation

The unexpended balance as of June 30, 1983 in this account is appropriated.

Total Appropriation, Department of Transportation	$38,650,000

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

74 General Government Services

Capital Projects:

Planning and maintenance improvement program	($250,000)
Replace sidewalks and curbs, roads and parking lots, Trenton Complex	(25,000)
Fire protection system, State Library	(320,000)
Rebuild chillers and water tower, Capitol Complex	(440,000)
Install auxiliary transformers, State House and Health and Agriculture Building	(362,000)
Facilities utilization study	(875,000)
Total Appropriation, Department of the Treasury	$2,272,000

Notwithstanding any other provision in this act, the Director of the Division of Budget and Accounting is authorized to transfer to another department or agency, from the sums hereinabove appropriated for facilities utilization study, such sums for expenditure purposes as he shall determine.

The unexpended balance as of June 30, 1983 in this account is appropriated.

MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9140 Delaware River Basin Commission

Capital Project:
Amortization of multipurpose dams($2,000)

The unexpended balance as of June 30, 1983 in this account is appropriated.

Government Direction, Management and Control

72 Governmental Review and Oversight

9150 New Jersey Commission on Capital Budgeting and Planning

Capital Project:
Program planning revolving loan fund .....($250,000)

Total Appropriation, Miscellaneous Executive Commissions	$252,000
Total Appropriation, Capital Construction ..	$51,599,800*

Funds derived from the sale of any lands and buildings in excess of the amount anticipated or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to

the approval of the Director of the Division of Budget and Accounting.

The amount provided hereinabove for capital construction is exempt from the provisions of C52:9H–5 et seq.

DEBT SERVICE

DEPARTMENT OF COMMUNITY AFFAIRS

Government Direction, Management and Control

76 Management and Administration

99-8070	Interest on Bonds	$1,921,690
99-8070	Redemption of Bonds	1,390,000
	Total Appropriation, Department of Community Affairs	$3,311,690

Interest on Bonds:
- Interest on State Housing Assistance Bonds pursuant to PL 1968, c. 127 ($363,700)
- Interest on State Mortgage Assistance Bonds pursuant to PL 1976, c. 94 (1,557,990)

Redemption of Bonds:
- Redemption of State Housing Assistance Bonds pursuant to PL 1968, c. 127 (600,000)
- Redemption of State Mortgage Assistance Bonds pursuant to PL 1976, c. 94 (790,000)

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000	Interest on Bonds	$8,940,842
99-7000	Redemption of Bonds	5,659,000
	Total Appropriation, Department of Corrections	$14,599,842

Special Purpose:

Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	($678,589)
Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79	(2,724,608)
Interest on State Institution Construction Bonds pursuant to PL 1960, c. 156	(80,250)
Interest on New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(184,440)
Interest on Institutions Construction Bonds pursuant to PL 1976, c. 93	(3,058,119)
Interest on Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(2,214,836)
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(871,000)
Redemption of State Institution Construction Bonds pursuant to PL 1960, c. 156	(675,000)
Redemption of New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(900,000)
Redemption of Institutions Construction Bonds pursuant to PL 1976, c. 93	(1,411,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(1,170,000)
Redemption of Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(632,000)

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5095	Interest on Bonds	$2,365,864
99-5095	Redemption of Bonds	4,181,500
	Total Appropriation, Department of Education	$6,547,364

Interest on Bonds:
- Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128 .....($879,332)
- Interest on State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149 .....(896,200)
- Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79 .....(590,332)

Redemption of Bonds:
- Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128 .....(1,128,000)
- Redemption of State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149 .....(2,800,000)
- Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79 .....(253,500)

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-4050	Interest on Bonds	$239,798
99-4050	Redemption of Bonds	308,000
	Total Appropriation, Cultural and Intellectual Development Services	$547,798

Special Purpose:		
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	($239,798)	
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(308,000)	

Community Development and Environmental Management

42 Natural Resource Management

99-4030	Interest on Bonds	$831,250
99-4030	Redemption of Bonds	500,000
	Total Appropriation, National Resource Management	$1,331,250
Special Purpose:		
Interest on Energy Conservation Bonds pursuant to PL 1980, c. 68	($831,250)	
Redemption of Energy Conservation Bonds pursuant to PL 1980, c. 68	(500,000)	
	Total Appropriation, Department of Energy	$1,879,048

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800	Interest on Bonds	$47,053,789
99-4800	Redemption of Bonds	35,135,000
	Total Appropriation, Department of Environmental Protection	$82,188,789
Special Purpose:		
Interest on Water Development Bonds pursuant to PL 1958, c. 35	($209,750)	
Interest on State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(368,000)	

Interest on Water Conservation Bonds pursuant to PL 1969, c. 127	(8,104,962)
Interest on State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1971, c. 165	(3,109,800)
Interest on State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(13,649,358)
Interest on Clean Waters Bonds pursuant to PL 1976, c. 92	(6,677,143)
Interest on Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(1,760,650)
Interest on State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(9,687,713)
Interest on Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(899,450)
Interest on Natural Resources Bonds pursuant to PL 1980, c. 70	(2,239,563)
Interest on Water Supply Bonds pursuant to PL 1981, c. 261	(347,400)
Redemption of Water Development Bonds pursuant to PL 1958, c. 35	(2,500,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(2,600,000)
Redemption of Water Conservation Bonds pursuant to PL 1969, c. 127	(10,075,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1971, c. 165	(2,680,000)
Redemption of State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(7,330,000)
Redemption of Clean Waters Bonds pursuant to PL 1976, c. 92	(4,100,000)
Redemption of Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(400,000)

Redemption of State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(3,900,000)
Redemption of Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(400,000)
Redemption of Natural Resources Bonds pursuant to PL 1980, c. 70	(1,000,000)
Redemption of Water Supply Bonds pursuant to PL 1981, c. 261	(150,000)

DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Administration

99-4210	Interest on Bonds	$41,441
99-4210	Redemption of Bonds	53,000
	Total Appropriation, Department of Health	$94,441

Interest on Bonds:	
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	($41,441)
Redemption of Bonds:	
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(53,000)

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

99-5400	Interest on Bonds	$18,342,400
99-5400	Redemption of Bonds	22,210,000
	Total Appropriation, Department of Higher Education	$40,552,400

Interest on Bonds:		
Interest on State Higher Education Construction Bonds pursuant to PL 1964, c. 142	(	$460,200)
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	(	6,475,200)
Interest on Higher Education Construction Bonds pursuant to PL 1971, c. 164	(	5,893,900)
Interest on Medical Education Facilities Bonds pursuant to PL 1977, c. 235	(	5,513,100)
Redemption of Bonds:		
Redemption of State Higher Education Construction Bonds pursuant to PL 1964, c. 142	(	2,800,000)
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(	8,310,000)
Redemption of Higher Education Construction Bonds pursuant to PL 1971, c. 164	(	7,100,000)
Redemption of Medical Education Facilities Bonds pursuant to PL 1977, c. 235	(	4,000,000)

DEPARTMENT OF HUMAN SERVICES

Government Direction, Management and Control

76 Management and Administration

99-7500	Interest on Bonds	$14,278,509
99-7500	Redemption of Bonds	10,883,000
	Total Appropriation, Department of Human Services	$25,161,509

Special Purpose:		
Interest on Public Building Construction Bonds pursuant to PL 1968, c. 128	(	$2,477,639)

Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79	(5,358,395)
Interest on State Institution Construction Bonds pursuant to PL 1960, c. 156	(133,750)
Interest on New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(430,360)
Interest on Institutions Construction Bonds pursuant to PL 1976, c. 93 .	(2,837,051)
Interest on Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(3,041,314)
Redemption of Public Building Construction Bonds pursuant to PL 1968, c. 128	(3,180,000)
Redemption of State Institution Construction Bonds pursuant to PL 1960, c. 156	(1,125,000)
Redemption of New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(2,100,000)
Redemption of Institutions Construction Bonds pursuant to PL 1976, c. 93	(1,309,000)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79	(2,301,000)
Redemption of Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(868,000)

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

12 Law Enforcement

99-1050	Interest on Bonds	$408,691
99-1050	Redemption of Bonds	175,500
	Total Appropriation, Department of Law and Public Safety	$584,191

Special Purpose:
Interest on Institutional Construction Bonds pursuant to PL 1978, c. 79 ..... ($408,691)
Redemption of Institutional Construction Bonds pursuant to PL 1978, c. 79 ..... (175,500)

DEPARTMENT OF TRANSPORTATION

Transportation Services

64 Planning and General Management Support

61 State Highway Facilities

99-6000	Interest on Bonds	$30,891,439
99-6000	Redemption of Bonds	24,270,000
	Sub-Total Appropriation, State Highway Facilities	$55,161,439

Special Purpose:
Interest on Highway Improvement and Grade Crossing Elimination Bonds pursuant to PL 1930, c. 228($41,504)
Interest on State Transportation Bonds pursuant to PL 1968, c. 126(15,595,259)
Interest on Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165 ..... (15,254,676)
Redemption of Highway Improvement and Grade Crossing Elimination Bonds pursuant to PL 1930, c. 228 ..... (440,000)
Redemption of State Transportation Bonds pursuant to PL 1968, c. 126(19,530,000)
Redemption of Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165(4,300,000)

62 Public Transportation

99-6000	Interest on Bonds	$14,129,391
99-6000	Redemption of Bonds	10,830,000
	Sub-Total Appropriation, Public Transportation	$24,959,391

Special Purpose:

Interest on State Transportation Bonds pursuant to PL 1968, c. 126	($7,088,754)
Interest on Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(7,040,637)
Redemption of State Transportation Bonds pursuant to PL 1968, c. 126	(8,880,000)
Redemption of Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165	(1,950,000)

Total Appropriation, Department of Transportation $80,120,830

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

73 Financial Administration

99-2070	Interest on Bonds	$17,500,000
	Total Appropriation, Department of the Treasury	$17,500,000

Special Purpose:

For transfer to applicable State departments upon sale of specific bonds for payment of interest	($17,500,000)

Total Appropriation, Debt Service $272,540,104

Such sums as may be necessary for payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of

the State are appropriated and shall first be charged to the earnings from the investment of such bond proceeds.

There are appropriated from the investment earnings of general obligations bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

FEDERAL FUNDS

DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

01-3310	Animal Disease Control	$18,000
02-3320	Plant Pest and Disease Control	625,000
	Total Appropriation, Natural Resource Management	$643,000

Special Purpose:

Cooperative gypsy moth suppression	($600,000)
Brucellosis eradication	(18,000)
Plant pest survey and detection program	(25,000)

Economic Planning, Development and Security

51 Economic Planning and Development

06-3360	Marketing Services	$9,630
07-3360	Community Distribution	77,739
	Total Appropriation, Economic Planning and Development	$87,369

Special Purpose:

Bridgeton clerical assistance	($9,630)
Food distribution administrative expense fund	(77,739)

52 Economic Regulation

05-3350	Other Commodity Regulation	$20,000
	Total Appropriation, Economic Regulation..	$20,000
	Special Purpose:	
	Cooperative inspection service ....($20,000)	
	Total Appropriation, Department of Agriculture	$750,369

DEPARTMENT OF CIVIL SERVICE

Government Direction, Management and Control

74 General Government Services

04-2740	Employee Development and Personnel Services	$150,000
	Total Appropriation, Employee Development and Personnel Services	$150,000
	Personal Services:	
	Salaries and wages .....($150,000)	
	Total Appropriation, Department of Civil Service	$150,000

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

02-8020	Housing Services	$32,476,233
12-8025	Boarding Home Regulation and Assistance	98,769
	Total Appropriation, Community Resource Management	$32,575,002

Special Purpose:		
Moderate rehabilitation housing assistance	(	$258,638)
Rental assistance for low income families	(	1,918,701)
Community development block grant —technical assistance	(	300,000)
Small cities block grant program	(	11,915,000)
Boarding homes	(	98,769)
State Aid and Grants:		
Moderate rehabilitation housing assistance	(	3,328,378)
Rental assistance for low income families	(	14,755,516)

Economic Planning, Development and Security

55 Related Social Service Programs

05-8050	Human Resources	$21,886,546*
08-8060	Programs for the Aging	26,339,332
	Total Appropriation, Related Social Service Programs	$48,225,878*

Special Purpose:		
Purchase of legal services	(	$1,436,684)
Older Americans' Act—Title III	(	906,750)
Home energy assistance program—weatherization programs	(	2,500,000)
Food distribution-Title VII	(	2,850,000)
New Jersey advocacy assistance programs	(	52,937)
Title IV-A training—aging	(	79,645)
State Aid and Grants:		
Older Americans' Act—Title III	(	22,450,000)
Weatherization assistance program	(	4,940,474)
Energy crisis intervention program	(	2,400,000)
Community services block grant	(	10,609,388)
Total Appropriation, Department of Community Affairs		$80,800,880*

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7040 State Prison, Trenton

10-7040	Education Program	$44,450
	Total Appropriation, State Prison, Trenton	$44,450
	Personal Services:	
	Salaries and wages (	$44,450)

7050 State Prison, Rahway

10-7050	Education Program	$2,000
	Total Appropriation, State Prison, Rahway	$2,000
	Personal Services:	
	Salaries and wages (	$2,000)

7060 State Prison, Leesburg

10-7060	Education Program	$21,200
	Total Appropriation, State Prison, Leesburg	$21,200
	Personal Services:	
	Salaries and wages (	$17,200)
	Materials and Supplies (	4,000)

7070 Mid-State Correctional Facility

10-7070	Education Program	$7,000
	Total Appropriation, Mid-State Correctional Facility	$7,000
	Special Purpose:	
	Chapter I, Education program (	$4,000)
	Adult basic education program (	3,000)

7080 Correctional Institution for Women, Clinton

09-7080	Institutional Treatment Program	$20,000
10-7080	Education Program	52,889
99-7080	Management and Administrative Services	3,230
	Total Appropriation, Correctional Institution for Women, Clinton	$76,119

Personal Services:
Salaries and wages ..... ($72,889)

Special Purpose:
Library services and construction act, Title I ..... (3,230)

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090	Education Program	$8,419
	Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	$8,419

Special Purpose:
Chapter I, Education program ..... ($4,569)
Adult basic education program ..... (3,850)

7110 Youth Reception and Correction Center, Yardville

10-7110	Education Program	$183,965
	Total Appropriation, Youth Reception and Correction Center, Yardville	$183,965

Personal Services:
Salaries and wages ..... ($183,965)

7120 Youth Correctional Institution, Bordentown

10-7120	Education Program	$48,375
	Total Appropriation, Youth Correctional Institution, Bordentown	$48,375

Personal Services:
Salaries and wages ..... ($48,375)

7130 Youth Correctional Institution, Annandale

10-7130	Education Program	$143,597
	Total Appropriation, Youth Correctional Institution, Annandale	$143,597

Personal Services:
Salaries and wages ..... ($143,597)

7210 Training School for Boys, Skillman

10-7210	Education Program	$278,797
	Total Appropriation, Training School for Boys, Skillman	$278,797

Personal Services:
Salaries and wages ..... ($259,797)
Employee benefits ..... (19,000)

7220 Training School for Boys, Jamesburg

10-7220	Education Program	$322,444
	Total Appropriation, Training School for Boys, Jamesburg	$322,444

Personal Services:
Salaries and wages ..... ($322,444)

18 Juvenile Correctional Services

7270 Juvenile Community Programs

12-7270	Residential Care	$381,982
	Total Appropriation, Juvenile Community Programs	$381,982

Personal Services:
Salaries and wages ..... ($361,982)
Special Purpose:
Vocational education ..... (20,000)

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	$95,000
99-7000	Management and Administrative Services	238,350
	Total Appropriation, Central Planning, Direction and Management	$333,350
	Personal Services:	
	Salaries and wages ($333,350)	
	Total Appropriation, Department of Corrections	$1,851,698

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	$31,575
02-3600	Management of National Guard Installations	3,547,769
	Total Appropriation, Military Services	$3,579,344
	Special Purpose:	
	Training and equipment pool sites ($445,340)	
	Army facilities—service contract (1,023,950)	
	Atlantic City Air Base—service contract (645,352)	
	McGuire Air Force Base—service contract (903,665)	
	ANG Sec. Agree.—A.C. (265,000)	
	ANG Sec. Agree.—McGuire (38,862)	
	National Guard communication services (31,575)	
	Firefighter/crash rescue service agreement—Atlantic City (225,600)	
	Total Appropriation, Department of Defense	$3,579,344

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5110	Miscellaneous Grants-in-Aid	$12,521,423
03-5120	Miscellaneous Grants-in-Aid	82,160,915
04-5030	Adult and Continuing Education Programs	3,737,600
05-5030	Bilingual Education Programs	333,100
06-5030	Compensatory Education Programs	1,375,000
07-5030	Special Education Programs	2,751,800
07-5120	Special Education Programs	38,000,000
	Total Appropriation, Direct Educational Services and Assistance	$140,879,838

Personal Services:		
Salaries and wages	(	$1,980,026)
Employee benefits	(	421,505)
Materials and Supplies	(	17,000)
Services Other Than Personal	(	120,000)
Maintenance and Fixed Charges	(	25,000)
Special Purpose:		
Compensation awards	(	10,000)
Indo-Chinese refugee purchase plan	(	2,500)
Adult basic education program	(	73,395)
Technical assistance for bilingual education	(	26,000)
Transition program for refugee children	(	25,000)
Migrant educational program	(	36,500)
New Jersey MAP's	(	200,000)
ESEA, Title I	(	20,000)
ESEA, Title VI (handicapped), Administration	(	550,000)
Preschool incentive grant	(	6,200)
State Aid and Grants:		
Education block grant—Chapter II —programmatic	(	12,521,423)
ESEA, Title I	(	79,248,480)
Migrant education programmatic	(	2,912,435)

Indo-Chinese refugee purchase plan	(	515,000)
Cuban-Haitian entrant social service	(	804,000)
Adult basic education program	(	2,184,674)
Transition program for refugee children	(	233,100)
Teacher training for special education—graduate program	(	100,000)
Implementation—preschool handicapped	(	80,000)
Preschool incentive grant	(	767,600)
ESEA, Title VI (handicapped)	(	38,000,000)

32 Operation and Support of Educational Institutions

12-5011	Educational Institutions for the Handicapped	$808,356
13-5010	Newark Skills Center	287,669
15-5010	Project COED	67,386
	Total Appropriation, Operation and Support of Educational Institutions	$1,163,411

Personal Services:		
Salaries and wages	(	$250,501)
Employee benefits	(	34,928)
Materials and Supplies	(	34,639)
Services Other Than Personal	(	10,332)
Maintenance and Fixed Charges	(	10,850)
Special Purpose:		
Deaf-blind program	(	150,000)
High school vocational education program	(	12,200)
Vocational education program	(	105,000)
Vocational assessment and guidance	(	20,000)
ESEA, Title I	(	521,156)
Vocational education—basic grants	(	3,400)
Vocational education—program improvement and supportive services	(	420)
Additions, Improvements and Equipment	(	9,985)

33 Supplemental Education and Training Programs

20-5040	General Vocational Education Programs	$16,535,365
21-5040	Special Vocational Education Programs	135,000
22-5040	Occupational Career Research	175,000
	Total Appropriation, Supplemental Education and Training Programs	$16,845,365

Personal Services:		
Salaries and wages	(	$1,180,025)
Employee benefits	(	258,507)
Materials and Supplies	(	5,893)
Services Other Than Personal	(	89,788)
Special Purpose:		
Veterans' readjustment benefits	(	64,000)
Consumer and useful homemaking education—administration	(	38,000)
Vocational education—basic grants—administration	(	44,787)
Vocational education program—improvement and supportive service—administration	(	660,000)
Vocational education—basic grants	(	14,000)
State Aid and Grants:		
CETA—Vocational education (Title II-B, C)	(	550,000)
Planning and evaluation—vocational education	(	95,000)
Vocational education—program improvement and support—programmatic	(	1,800,000)
Consumer and useful homemaking—programmatic	(	735,000)
Vocational education—disadvantaged—programmatic	(	380,000)
Vocational education—basic grants—programmatic	(	10,930,365)

34 Educational Support Services

30-5030	Curriculum Process	$104,500
33-5110	Services to Local Districts	2,481,870
34-5100	Equal Educational Opportunities	875,000
36-5120	Pupil Transportation Services	38,000
37-5120	School Nutrition Programs	76,312,860
	Total Appropriation, Educational Support Services	$79,812,230

Personal Services:		
Salaries and wages	(	$1,614,475)
Employee benefits	(	353,014)
Materials and Supplies	(	50,000)
Services Other Than Personal	(	98,000)
Maintenance and Fixed Charges	(	40,500)
Special Purpose:		
Chapter II block grant—administration	(	2,251,870)
Race desegregation	(	52,300)
Child nutrition	(	87,311)
Child nutrition program summer	(	4,760)
State facilitator project	(	104,500)
ESEA, Title VI	(	11,000)
Civil rights—national origin desegregation	(	32,500)
Sex desegregation	(	14,000)
Pupil transportation safety	(	38,000)
State Aid and Grants:		
Child nutrition programs—programmatic	(	70,000,000)
Child nutrition summer—programmatic	(	5,060,000)

35 Education Administration and Management

45-5120	School Finance and Auditing	$314,620
99-5095	Management and Administrative Services	14,700
	Total Appropriation, Education Administration and Management	$329,320

Personal Services:		
Salaries and wages	(	$225,000)
Employee benefits	(	49,600)
Services Other Than Personal	(	12,500)
Maintenance and Fixed Charges	(	15,000)
Special Purpose:		
Child nutrition	(	5,520)
ESEA, Title I (School Finance and Auditing)	(	6,000)
ESEA, Title VI	(	1,000)
Common core data survey	(	14,700)

37 Cultural and Intellectual Development Services

51-5070 Library Services	$2,826,301
Total Appropriation, Cultural and Intellectual Development Services	$2,826,301

Personal Services:		
Salaries and wages	(	$734,524)
Employee benefits	(	150,633)
Materials and Supplies	(	21,801)
Services Other Than Personal	(	35,888)
Maintenance and Fixed Charges	(	6,250)
Special Purpose:		
LSCA Title I public library services	(	77,286)
LSCA Title III interlibrary cooperation	(	6,800)
Basic block grant	(	18,037)
Arts in school	(	73,332)
State Aid and Grants:		
LSCA Title I public library services	(	1,410,000)
LSCA Title III interlibrary cooperation	(	290,000)
Additions, Improvements and Equipment	(	1,750)

Total Appropriation, Department of Education	$241,855,950

DEPARTMENT OF ENERGY

Community Development and Environmental Management

42 Natural Resource Management

05-4030	Energy Resource Management	$6,673,373
	Total Appropriation, Natural Resource Management	$6,673,373
	Personal Services:	
	Salaries and wages	($883,384)
	Employee benefits	(194,346)
	Materials and Supplies	(12,227)
	Services Other Than Personal	(39,043)
	Special Purpose:	
	CEIP—administration	(267,228)
	National Energy Act—schools and hospitals	(385,397)
	Sec. 155—institutional conservation	(1,000,000)
	Sec. 155—energy extension service	(200,000)
	Sec. 155—State energy conservation	(2,300,000)
	Appropriate technology	(17,000)
	HUD solar bank	(400,000)
	State energy conservation program	(145,767)
	National Energy Act—public care and local government buildings	(2,260)
	Energy extension service	(33,067)
	State Aid and Grants:	
	Coastal energy impact program grants—Round V	(178,490)
	Consolidated CEIP grant	(90,800)
	CEIP Acquisition and development of park property—Pennsauken	(250,823)
	CEIP Delaware River park property acquisition and development —Greenwich	(216,050)
	CEIP grants	(56,789)
	Additions, Improvements and Equipment	(702)
	Total Appropriation, Department of Energy	$6,673,373

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Flood Plain Management	$540,000
11-4870	Forest Resource Management	542,211
13-4880	Hunters' and Anglers' License Fund	1,294,650
14-4885	Shellfish and Marine Fisheries Management	238,320
15-4890	Marine Lands Management	1,098,000
	Total Appropriation, Natural Resource Management	$3,713,181

Special Purpose:

Water supply—safe drinking water	($540,000)
Hunters' and Anglers' license fund	(1,000,000)
Rural community fire protection program	(34,000)
Forest resource management—	
Cooperative forest fire control	(174,741)
Gypsy moth suppression	(54,425)
Consolidated forest management	(279,045)
Marine fisheries enforcement	(35,000)
Striped bass monitoring	(34,000)
Marine fisheries coordination	(40,000)
Shellfish research and inventory	(42,000)
Fisheries management council	(25,000)
D & R marine research survey	(25,000)
Marine fisheries technical assistance	(20,624)
Offshore pelagic fishery investigation	(3,000)
Marine fish life histories study	(39,363)
River herring restoration	(19,333)
Coastal zone implementation 3rd year	(1,098,000)
Hunter safety training	(259,650)

43 Environmental Quality

02-4825	Air Pollution Control	$3,150,000
07-4850	Water Monitoring and Planning	80,500
08-4855	Water Enforcement	1,500,000
09-4860	Public Wastewater Facilities	5,125,000
22-4861	Water Quality Management	3,000,000
	Total Appropriation, Environmental Quality	$12,855,500

Special Purpose:	
Air pollution maintenance program	($3,150,000)
Water pollution control program	(1,500,000)
Construction grants program	(4,100,000)
Statewide pre-treatment program	(3,000,000)
Publicly-owned treatment works training grant	(25,000)
Leased land for flood control	(400)
Underground injection control	(80,100)
State Aid and Grants:	
Construction grants program	(1,000,000)

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	$54,400
04-4835	Pesticide Control	142,185
19-4815	Spill Prevention, Response and Site Cleanup	15,000,000
23-4910	Hazardous Waste	1,500,000
	Total Appropriation, Hazardous and Toxic Pollution Control	$16,696,585

Special Purpose:	
Environmental monitoring program	($54,400)
Pesticide technology	(21,000)
Resource conservation recovery act —hazardous waste	(1,500,000)
Cooperative pesticide enforcement	(121,185)
Superfund grants	(15,000,000)

45 Recreational Resource Management

12-4875	Parks Management	$301,165
	Total Appropriation, Recreational Resource Management	$301,165
	Special Purpose:	
	Historic preservation—planning and surveys ($301,165)	

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	$2,500,000
	Total Appropriation, Environmental Planning and Administration	$2,500,000
	Special Purpose:	
	Historic conservation and recreation service ($1,000,000)	
	State Aid and Grants:	
	Historic conservation and recreation service (1,500,000)	
	Total Appropriation, Department of Environmental Protection	$36,066,431

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220	Community Health Services	$39,762,356
03-4230	Epidemiology and Disease Control	2,551,638
04-4240	Narcotic and Drug Abuse Control	9,872,000
05-4250	Alcoholism Control	4,625,046
08-4280	Diagnostic Services	168,432
09-4290	Clinical Laboratory Services	34,674
	Total Appropriation, Health Services	$57,014,146

Personal Services:	
Salaries and wages	($6,866,660)
Employee benefits	(1,511,023)
Materials and Supplies	(643,306)
Services Other Than Personal	(1,487,101)
Maintenance and Fixed Charges	(330,317)
Special Purpose:	
Child nutrition program—inspection services	(6,216)
Supplemental food program—W.I.C.	(18,630,070)
Emergency medical services—infant restraint project	(6,285)
Emergency medical services—administration—highway safety	(1,651)
Emergency medical services—training project—highway safety	(11,905)
Food inspection program	(40,589)
Preventive health and health services block grant	(83,371)
Maternal and child health block grant	(320,047)
Perinatal services	(6,010)
Genetic services program	(9,731)
Improved pregnancy outcome program	(24,454)
Diabetes research	(18,535)
Social services block grant—family planning	(14,623)
Alternative birthing sites	(18,969)
Family planning program—Title X	(23,786)
Nutrition facilities inspections	(9,429)
Migrant dental health	(8,062)
Cancer study program	(103,235)
Venereal disease project	(199,407)
Vocational education—program improvement and support services	(16,000)
Health program for Indo-Chinese refugees	(14,011)
Immunization project	(70,933)
Alcohol, drug abuse and mental health block grant—narcotic and drug abuse control	(375,505)

Alcohol, drug abuse and mental health block grant—alcoholism control	(242,138)
Social services block grant—alcohol rehabilitation program	(5,785)
Alcohol demonstration program in Medicare and Medicaid	(18,514)
State Aid and Grants:	
Migrant dental health	(33,000)
Family planning program—Title X	(1,756,341)
Improved pregnancy outcome program	(239,618)
Social services block grant—family planning	(1,814,882)
Genetic service program	(20,656)
Perinatal services	(22,880)
Energy assistance block grant—maternal and child health services	(680,000)
Maternal and child health block grant	(5,815,969)
Preventive health and health services block grant	(2,228,478)
Emergency medical services—training project—highway safety	(141,339)
Emergency medical services—infant restraint project	(119,415)
Supplemental food program—W.I.C.	(3,119,550)
Immunization project	(34,500)
Alcohol, drug abuse and mental health block grant—narcotic and drug abuse control	(7,115,815)
Vocational assessment project	(25,000)
Alcohol, drug abuse and mental health block grant—alcoholism control	(2,043,044)
Social services block grant—alcohol rehabilitation program	(648,815)
Alcohol demonstration program in Medicare and Medicaid	(5,576)
Additions, Improvements and Equipment	(31,600)

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation		$696,000
07-4270	Health Planning and Resource Development		564,997
	Total Appropriation, Health Planning and Evaluation		$1,260,997
	Personal Services:		
	Salaries and wages	($787,124)	
	Employee benefits	(173,167)	
	Materials and Supplies	(16,621)	
	Services Other Than Personal	(63,860)	
	Maintenance and Fixed Charges	(19,210)	
	Special Purpose:		
	Certification for Titles XVIII and XIX eligibility	(121,544)	
	Health planning and resource development	(69,659)	
	Prospective hospital rate setting	(9,812)	

25 Health Administration

01-4215	Vital Statistics		$186,724
10-4225	Local and Regional Health Operations		458,211
	Total Appropriation, Health Administration		$644,935
	Personal Services:		
	Salaries and wages	($335,106)	
	Employee benefits	(73,923)	
	Materials and Supplies	(15,088)	
	Services Other Than Personal	(66,746)	
	Special Purpose:		
	Vital statistics component	(18,981)	
	Preventive health services block grant	(29,102)	
	Cuban-Haitian entrant program	(24,312)	
	State Aid and Grants:		
	Preventive health services block grant	(17,988)	
	Cuban-Haitian entrant program	(63,689)	
	Total Appropriation, Department of Health		$58,920,078

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400	Student Financial Support Services	$1,622,000
05-5400	Student Financial Assistance Administration	4,345,385
99-5400	Management and Administrative Services	2,119,026
	Total Appropriation, Office of the Chancellor	$8,086,411

Special Purpose:
- Miscellaneous federal programs ($278,977)
- Vocational education—planning and evaluation (107,521)
- Student loan administrative cost deduction and allowance (4,245,393)

State Aid and Grants:
- Vocational education—county colleges (1,832,520)
- State student incentive grant program (1,622,000)

5500 Glassboro State College

11-5500	Instruction	$472,660
16-5500	Student Services	3,803,250
	Total Appropriation, Glassboro State College	$4,275,910

Personal Services:
- Salaries and wages ($869,000)

Special Purpose:
- National direct student loan program (500,000)
- Miscellaneous federal programs (472,660)

State Aid and Grants:
- Basic educational opportunity grant (2,000,000)
- Educational opportunity grant program (434,250)

5510 Jersey City State College

12-5510	Sponsored Research	$227,909
16-5510	Student Services	3,552,000
	Total Appropriation, Jersey City State College	$3,779,909

Special Purpose:

Basic educational opportunity grant	($2,800,000)
College work-study program	(435,000)
Educational opportunity grant program	(135,000)
National direct student loan program	(182,000)
Miscellaneous federal programs	(227,909)

5520 Kean College of New Jersey

12-5520	Sponsored Programs and Research	$200,000
16-5520	Student Services	2,539,950
	Total Appropriation, Kean College of New Jersey	$2,739,950

Special Purpose:

Basic educational opportunity grant	($1,900,000)
National direct student loan program	(145,950)
Educational opportunity grant program	(129,000)
College work-study program	(365,000)
Miscellaneous federal programs	(200,000)

5530 The William Paterson College of New Jersey

16-5530	Student Services	$2,342,959
	Total Appropriation, The William Paterson College of New Jersey	$2,342,959

Special Purpose:		
Miscellaneous federal programs	(	$24,000)
Supplemental educational opportunity grant—initial year	(	51,345)
Supplemental educational opportunity grant—renewal year	(	61,614)
Basic educational opportunity grant	(	1,800,000)
National direct student loan program	(	126,000)
College work-study program	(	280,000)

5540 Montclair State College

12-5540	Sponsored Programs and Research	$520,631
16–5540	Student Services	3,200,000
	Total Appropriation, Montclair State College	$3,720,631

Special Purpose:		
Supplemental educational opportunity grant—initial	(	$70,000)
Basic educational opportunity grant	(	2,200,000)
College work-study program	(	330,000)
Educational opportunity grant program	(	75,000)
National direct student loan program	(	525,000)
Miscellaneous federal programs	(	520,631)

5550 Trenton State College

12-5550	Sponsored Programs and Research	$633,069
16-5550	Student Services	2,628,394
	Total Appropriation, Trenton State College	$3,261,463

Special Purpose:		
Basic educational opportunity grant	(	$1,500,000)
College work-study program	(	179,635)
Educational opportunity grant program	(	97,140)
Miscellaneous federal programs	(	685,602)
State Aid and Grants:		
National direct student loan program	(	799,086)

5560 Ramapo College of New Jersey

15-5560	Academic Support	$1,000
16-5560	Student Services	1,630,372
	Total Appropriation, Ramapo College of New Jersey	$1,631,372
	Special Purpose:	
	National direct student loan program	($100,000)
	College work-study program	(230,000)
	Miscellaneous federal programs	(141,372)
	State Aid and Grants:	
	Basic educational opportunity grant	(1,070,000)
	Educational opportunity grant program	(90,000)

5570 Richard Stockton State College

12-5570	Sponsored Programs and Research	$6,315
15-5570	Academic Support	1,000
16-5570	Student Services	1,908,000
19-5570	Physical Plant Support Services	70,000
	Total Appropriation, Richard Stockton State College	$1,985,315
	Special Purpose:	
	Basic educational opportunity grant	($1,600,000)
	College work-study program	(160,000)
	Miscellaneous federal programs	(80,315)
	State Aid and Grants:	
	National direct student loan program	(85,000)
	Educational opportunity grant program	(60,000)

Rutgers, The State University

5600 General University

13-5600	Extension and Public Service	$357,500
	Total Appropriation, Rutgers, The State University	$357,500

5630 University of Medicine and Dentistry of New Jersey

13-5630	Extension and Public Service	$20,000
	Total Appropriation, University of Medicine and Dentistry of New Jersey	$20,000
	Special Purpose:	
	Miscellaneous federal programs ($20,000)	
	Total Appropriation, Department of Higher Education	$32,201,420

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	$14,741,424
	Total Appropriation, Division of Mental Health and Hospitals	$14,741,424
	Special Purpose:	
	Mental health block grant services ($14,741,424)	

7710 Greystone Park Psychiatric Hospital

10-7710	Patient Care and Health Services	$77,894
	Total Appropriation, Greystone Park Psychiatric Hospital	$77,894
	Personal Services:	
	Salaries and wages ($77,894)	

7720 Trenton Psychiatric Hospital

10-7720	Patient Care and Health Services	$204,428
	Total Appropriation, Trenton Psychiatric Hospital	$204,428
	Personal Services: Salaries and wages .....(	$204,428)

7730 Marlboro Psychiatric Hospital

10-7730	Patient Care and Health Services	$60,729
	Total Appropriation, Marlboro Psychiatric Hospital	$60,729
	Personal Services: Salaries and wages .....(	$60,729)

7740 Ancora Psychiatric Hospital

10-7740	Patient Care and Health Services	$24,941
	Total Appropriation, Ancora Psychiatric Hospital	$24,941
	Personal Services: Salaries and wages .....(	$24,941)

7750 Arthur Brisbane Child Treatment Center

10-7750	Patient Care and Health Services	$177,520
	Total Appropriation, Arthur Brisbane Child Treatment Center	$177,520
	Personal Services: Salaries and wages .....(	$177,520)

24 Special Medical Services

7540 Division of Medical Assistance and Health Services

21-7540	Health Administration Services	$17,788,824
22-7540	General Medical Services	432,889,532
99-7540	Management and Administrative Services	9,868,975
	Total Appropriation, Division of Medical Assistance and Health Services	$460,547,331

Personal Service:	
Salaries and wages	($8,323,905)
Employee benefits	(1,647,858)
Materials and Supplies	(93,100)
Services Other Than Personal	(1,868,170)
Maintenance and Fixed Charges	(695,332)
Special Purpose:	
Payments to fiscal agents	(10,454,593)
Eligibility determination	(920,938)
Professional standard review organization—utilization review	(1,509,702)
Child support and paternity program	(175,750)
Administration of U. S. Department of Health and Human Services Programs	(271,996)
Alcoholism services project	(190,000)
Health facilities rate setting	(570,555)
Health facilities inspections	(387,330)
Certification survey	(500,000)
Compensation awards	(21,505)
Affirmative action and equal employment opportunity program	(5,830)
State Aid and Grants:	
Medical assistance	(432,889,532)
Additions, Improvements and Equipment	(21,235)

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	$27,551,297
02-7600	Social Supervision and Consultation	5,197,228
03-7600	Adult Activities	11,581,047
04-7600	Education and Day Training	6,350,512
99-7600	Management and Administrative Services	6,951,380
	Total Appropriation, Division of Mental Retardation	$57,631,464

Personal Services:	
Salaries and wages	($9,749,053)
Materials and Supplies	(53,700)
Services Other Than Personal	(82,791)
Maintenance and Fixed Charges	(414,945)
Special Purpose:	
Community care waiver (purchased residential care)	(93,429)
Community care waiver (social supervision and consultation)	(923,928)
Community care waiver (adult activities)	(612,182)
Community care waiver (education and day training)	(5,308,735)
Intermediate care facilities—mental retardation (management administrative services)	(2,939,951)
State Aid and Grants:	
Intermediate care facilities—mental retardation (purchased residential care)	(24,255,660)
Expansion of social services	(100,000)
Intermediate care facilities—mental retardation (social supervision and consultation)	(1,226,045)
Community care waiver (purchased residential care)	(2,537,951)

Adult activities services—social services block grant	(1,645,752)
Intermediate care facilities—mental retardation (adult activities)	(1,944,513)
Community care waiver (adult activities)	(3,777,931)
Developmental disabilities	(842,657)
Day care services	(966,965)
Citizen advocacy program	(70,000)
Work-study training program for caseworkers	(48,000)
Additions, Improvements and Equipment	(37,276)

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	$1,610,681
06-7610	Health Services	399,491
07-7610	Education and Training	111,468
98-7610	Physical Plant and Support Services	505,210
99-7610	Management and Administrative Services	521,547
	Total Appropriation, Green Brook Regional Center	$3,148,397

Personal Services:
Salaries and wages ($3,148,397)

7620 Vineland State School

05-7620	Residential Care and Habilitation	$5,777,832
06-7620	Health Services	2,653,144
07-7620	Education and Training	139,713
98-7620	Physical Plant and Support Services	545,397
99-7620	Management and Administrative Services	794,326
	Total Appropriation, Vineland State School	$9,910,412

Personal Services:
Salaries and wages ($9,910,412)

7630 North Jersey Training School at Totowa

05-7630	Residential Care and Habilitation	$2,621,538
06-7630	Health Services	1,448,326
07-7630	Education and Training	53,253
98-7630	Physical Plant and Support Services	341,543
99-7630	Management and Administrative Services	625,249
	Total Appropriation, North Jersey Training School at Totowa	$5,089,909
	Personal Services:	
	Salaries and wages	($5,089,909)

7640 Woodbine State School

05-7640	Residential Care and Habilitation	$4,684,082
06-7640	Health Services	896,988
07-7640	Education and Training	148,928
98-7640	Physical Plant and Support Services	836,196
99-7640	Management and Administrative Services	446,563
	Total Appropriation, Woodbine State School	$7,012,757
	Personal Services:	
	Salaries and wages	($7,011,957)
	Materials and Supplies	(800)

7650 New Lisbon State School

05-7650	Residential Care and Habilitation	$6,496,153
06-7650	Health Services	1,799,183
07-7650	Education and Training	137,306
98-7650	Physical Plant and Support Services	1,037,384
99-7650	Management and Administration	448,099
	Total Appropriation, New Lisbon State School	$9,918,125
	Personal Services:	
	Salaries and wages	($9,913,125)
	Materials and Supplies	(1,850)
	Additions, Improvements and Equipment	(3,150)

7660 Woodbridge State School

05-7660	Residential Care	$6,285,965
06-7660	Health Services	673,510
07-7660	Education and Training	434,688
98-7660	Physical Plant and Support Services	214,320
99-7660	Management and Administrative Services	628,846
	Total Appropriation, Woodbridge State School	$8,237,329

Personal Services:
Salaries and wages ..... ($8,237,329)

7670 Hunterdon State School

05-7670	Residential Care and Habilitation	$3,365,783
06-7670	Health Services	788,295
07-7670	Education and Training	345,744
98-7670	Physical Plant and Support Services	903,141
99-7670	Management and Administrative Services	536,825
	Total Appropriation, Hunterdon State School	$5,939,788

Personal Services:
Salaries and wages ..... ($5,938,988)
Materials and Supplies ..... (800)

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	$155,044
06-7680	Health Services	65,928
07-7680	Education and Training	168,101
98-7680	Physical Plant and Support Services	18,417
99-7680	Management and Administrative Services	43,624
	Total Appropriation, Edward R. Johnstone Training and Research Center	$451,114

Personal Services:
Salaries and wages ..... ($451,114)

7690 New Jersey Neuropsychiatric Institute

05-7690	Residential Care and Habilitation	$2,813,152
06-7690	Health Services	340,782
07-7690	Education and Training	16,600
98-7690	Physical Plant and Support Services	247,946
99-7690	Management and Administrative Services	569,763
	Total Appropriation, New Jersey Neuropsychiatric Institute	$3,988,243

Personal Services:
Salaries and wages ($3,988,243)

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation	$3,542,441
12-7560	Instruction and Community Programs	758,252
99-7560	Management and Administrative Services	865,245
	Total Appropriation, Commission for the Blind and Visually Impaired	$5,165,938

Personal Services:
Salaries and wages ($2,480,484)
Employee benefits (474,694)
Materials and Supplies (36,331)
Services Other Than Personal (244,847)
Maintenance and Fixed Charges (529,976)

Special Purpose:
Vocational rehabilitation—direct services (50,445)
Migrant education program (45,680)
ESEA, Title I (15,268)
Rehabilitation Act section 120 (9,845)
Compensation awards (1,244)
Deaf-blind Title VI-C (2,219)

State Aid and Grants:
Deaf-blind training grant Title VI-C (53,900)

Vocational rehabilitation—direct services	(968,410)
Vocational rehabilitation—purchased services	(242,416)
Additions, Improvements and Equipment	(10,179)

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	$7,958,729
14-7550	Quality Control	1,261,376
15-7550	Income Maintenance	402,299,519
99-7550	Management and Administrative Services	6,932,864
	Total Appropriation, Division of Public Welfare	$418,452,488

Personal Services:	
Salaries and wages	($6,441,662)
Employee benefits	(1,295,593)
Materials and Supplies	(79,506)
Services Other Than Personal	(8,754,439)
Maintenance and Fixed Charges	(574,197)
Special Purpose:	
Public welfare administration	(326,178)
Food stamp program—county operations	(13,050,000)
Food stamp program—division operations	(1,450,000)
Supplemental security income	(3,250,000)
Title XIX medical assistance administration—county operations	(1,480,000)
Social service county welfare agencies	(21,150,801)
Child support and paternity program—county operations	(9,540,000)
Child support and paternity program—division operations	(1,060,000)
Dependent children assistance	(237,057,364)

Dependent children assistance—county administration	(35,000,000)
Job search demonstration project for food stamp recipients—division operations	(36,934)
Job search demonstration project for food stamp recipients—county administration	(276,066)
Low income energy assistance block grant—county operations	(2,918,219)
Low income energy assistance block grant—division operations	(1,945,479)
Low income energy assistance block grant—payments	(64,938,004)
Work incentive program—Department of Labor	(7,224,091)
Automated child support enforcement program	(457,842)
Implementation of family assistance management information system	(139,863)
Additions, Improvements and Equipment	(6,250)

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Community Family Services	$69,395,772
17-7570	Residential Services	378,147
17-7571	Cedar Grove Residential Center	40,947
17-7572	Ewing Residential	30,243
17-7573	Vineland Residential Center	53,416
17-7574	Woodbridge Emergency Reception and Child Diagnostic Center	38,043
99-7570	Management and Adminstrative Services	8,490,000
	Total Appropriation, Division of Youth and Family Services	$78,426,568

Personal Services:	
Salaries and wages	($16,662,050)
Employee benefits	(3,438,666)

Materials and Supplies	(	816,924)
Services Other Than Personal	(	4,144,260)
Maintenance and Fixed Charges	(	5,000,096)
Special Purpose:		
Administration of U. S. Department of Health and Human Services programs	(	517,000)
Medicaid payments for children in institutions	(	300,000)
Compensation awards	(	91,315)
State Aid and Grants:		
Work incentive program—social services	(	675,000)
Restricted grants	(	317,000)
Title IV A/E	(	1,672,000)
Title IV-B child welfare services	(	366,966)
Social services block grant—Purchase of service contracts	(	31,662,819)
Emergency Jobs Act, Pub. L. 98-8—District office operations—Purchase of service contracts	(	1,553,269)
Emergency Jobs Act—allocation to counties for social services:		
Atlantic	(	184,400)
Bergen	(	312,700)
Burlington	(	183,900)
Camden	(	248,700)
Cape May	(	71,800)
Cumberland	(	138,800)
Essex	(	586,200)
Gloucester	(	120,500)
Hudson	(	643,200)
Hunterdon	(	17,700)
Mercer	(	138,000)
Middlesex	(	293,900)
Monmouth	(	174,300)
Morris	(	65,700)
Ocean	(	245,100)
Passaic	(	219,300)
Salem	(	52,400)

Somerset	(39,900)
Sussex	(45,000)
Union	(169,800)
Warren	(48,700)
Low income energy assistance—Purchase of services	(4,200,000)
Refugee resettlement program	(1,447,000)
Cuban-Haitian entrant program	(1,221,000)
Additions, Improvements and Equipment	(341,203)

The $5,533,269 in Emergency Jobs Appropriations Act, Pub. L. 98-8, social services block grant funds shall be expended as follows: $3,000,000 shall be distributed among the counties in the following manner: one-half of the funds shall be allocated to each county in the same proportion that its Medicaid population bears to the total Medicaid eligible population in the State, and one-half of the funds shall be allocated to each county in the same proportion that its number of households with incomes below $17,499, adjusted for family size, bears to the total number of households with incomes below $17,499, adjusted for family size in the State; $1,000,000 shall be distributed among those counties which are underfunded as determined by computing each county's percentage under the one-half/one-half households below $17,499 and comparing it to the amount each county received on July 1, 1982 for county welfare agencies and purchased social services; and $1,533,269 shall be provided to the Division of Youth and Family Services for purchased social services.

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500	Management and Administrative Services	$11,082,993
	Total Appropriation, Division of Management and Budget	$11,082,993

Special Purpose:		
Medical assistance administration	($2,200,000)	
Child support and paternity	(66,600)	
Rehabilitation act, section 120	(25,000)	
Title IV-C Work incentive program	(50,000)	
Social services block grant	(1,315,118)	
Food stamp administration	(75,000)	
Adult basic education	(7,000)	
ESEA, Title I	(118,000)	
Deaf-blind training grant Title VI-C	(171,150)	
Long-term care channeling project	(750,000)	
AFDC homemaker/home health and demonstration project	(6,264,125)	
Vocational education and career preparation—subchapter 2	(23,000)	
Vocational education and career preparation—subchapter 3	(18,000)	
Total Appropriation, Department of Human Services		$1,100,289,792

DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570	Planning and Research	$4,357,971
99-4565	Management and Administrative Services	12,375,328
	Total Appropriation, Economic Planning and Development	$16,733,299

Personal Services:		
Salaries and wages	($10,514,441)	
Employee benefits	(2,341,144)	
Materials and Supplies	(206,459)	
Services Other Than Personal	(1,923,738)	
Maintenance and Fixed Charges	(1,060,223)	

Special Purpose:		
OSHA statistical program	(2,821)	
OSHA 200-S survey	(2,408)	
Occupational informational coordinating program	(20,021)	
Management and administration	(289,892)	
Planning and research	(76,161)	
Career information delivery system	(160,000)	
Additions, Improvements and Equipment	(135,991)	

52 Economic Regulation

12-4550	Enforcement of Workplace Standards	$1,229,925
	Total Appropriation, Economic Regulation	$1,229,925

Personal Services:		
Salaries and wages	($746,115)	
Employee benefits	(167,876)	
Materials and Supplies	(32,455)	
Services Other Than Personal	(101,663)	
Maintenance and Fixed Charges	(85,859)	
Special Purpose:		
OSHA on-site consultation	(66,193)	
Mine safety educational program	(2,094)	
Additions, Improvements and Equipment	(27,670)	

53 Economic Assistance and Security

01-4510	Unemployment Insurance	$52,290,200
02-4515	Disability Determination	22,919,492
	Total Appropriation, Economic Assistance and Security	$75,209,692

Personal Services:		
Salaries and wages	($41,001,192)	
Employee benefits	(8,538,633)	
Materials and Supplies	(791,011)	
Services Other Than Personal	(9,184,577)	
Maintenance and Fixed Charges	(5,527,331)	

Special Purpose:	
Unemployment insurance	(1,123,263)
Old age and survivors' insurance—	
Disability determination	(2,097,529)
Compensation awards	(9,442)
State Aid and Grants:	
Old age and survivors' insurance—	
Disability determination	(6,804,616)
Additions, Improvements and	
Equipment	(132,098)

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation	$21,524,902
09-4545	Employment Services	21,060,848
10-4545	Employment Development Services	87,196,330
	Total Appropriation, Manpower and Employment Services	$129,782,080

Personal Services:	
Salaries and wages	($21,748,264)
Employee benefits	(4,873,068)
Materials and Supplies	(217,937)
Services Other Than Personal	(2,825,491)
Maintenance and Fixed Charges	(2,305,715)
Special Purpose:	
Independent living program	(400,000)
Vocational rehabilitation services—	
Federal	(9,541,419)
Vocational rehabilitation services—	
migratory workers	(2,221)
Employment services	(464,327)
CETA Title I administration	(10,400)
Jobs Training Partnership Act,	
Pub. L. 97-300	(83,560,300)
CETA SETC—staff	(41,275)
Job corps program	(5,142)
State Aid and Grants:	
Work activity centers	(463,617)
CETA State employment training	
council—staff	(1,466,029)

Vocational rehabilitation services—disability insurance beneficiaries	(85,000)	
Rehabilitation of supplemental security income beneficiaries	(43,000)	
Employment services	(1,150,000)	
CETA Title I Administration	(324,924)	
CETA YETP Title IV-A—balance of State	(135,000)	
Additions, Improvements and Equipment	(118,951)	
Total Appropriation, Department of Labor		$222,954,996

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

11 Vehicular Safety

03-1110	Driver Control	$3,193,700
	Total Appropriation, Vehicular Safety	$3,193,700

State Aid and Grants:		
Federal highway safety program	($3,193,700)	

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	$722,368
07-1200	Police Services and Public Order	44,764
08-1020	Emergency Services	2,310,802
09-1020	Criminal Justice	2,015,000
99-1200	Management and Administrative Services	58,400
	Total Appropriation, Law Enforcement	$5,151,334

Special Purpose:		
Supplemental patrol traffic accident reduction	($513,900)	
Police alcohol breath test program	(200,000)	
Radiological systems maintenance	(118,800)	
Occupational alcoholism service grant	(58,400)	

Nuclear civil protection planning	(165,000)	
Emergency management training and education	(62,480)	
Emergency management assistance program	(1,614,800)	
Radiological defense officer project	(56,057)	
Disaster preparedness improvement grant	(25,000)	
Medicaid fraud unit	(2,015,000)	
Chemical test course	(3,231)	
Breathalyzer maintenance	(3,171)	
Grant management	(2,000)	
Northwestern University	(44,764)	
Maintenance and services	(45,431)	
State assistance program	(85,800)	
Hurricane preparedness	(82,500)	
National safety survey	(55,000)	
13 Special Law Enforcement Activities		
18-1430 Law Enforcement Planning		$1,140,000
Total Appropriation, Special Law Enforcement Activities		$1,140,000
State Aid and Grants:		
Juvenile justice administration and grants	($1,140,000)	
Special Government Services		
82 Protection of Citizens' Rights		
16-1350 Protection of Civil Rights		$559,209
Total Appropriation, Protection of Citizens' Rights		$559,209
Special Purpose:		
Salaries and wages	($369,016)	
Employee benefits	(86,528)	
Special Purpose:		
New charge resolution project	(18,321)	
Age discrimination project	(2,815)	
Fair housing assistance program	(82,529)	
Total Appropriation, Department of Law and Public Safety		$10,044,243

DEPARTMENT OF THE PUBLIC ADVOCATE

Special Government Services

82 Protection of Citizens' Rights

04-8410	Trial Services to Indigents and Special Programs	$275,209
	Total Appropriation, Protection of Citizens' Rights	$275,209
	Personal Services:	
	Salaries and wages ($5,813)	
	Special Purpose:	
	Averting litigation/responding to judicial decrees (269,396)	
	Total Appropriation, Department of the Public Advocate	$275,209

DEPARTMENT OF STATE

37 Cultural and Intellectual Development

05-2530	Support of the Arts	$363,722
07-2540	Development of Historical Resources	169,722
	Total Appropriation, Cultural and Intellectual Development Services	$533,444
	Personal Services:	
	Salaries and wages ($300,000)	
	Employee benefits (63,722)	
	Special Purpose:	
	National historical publication commission (15,000)	
	NEH Papers of William Livingston(154,722)	
	Total Appropriation, Department of State	$533,444

DEPARTMENT OF TRANSPORTATION

Transportation Services

61 State Highway Facilities

07-6110	Electrical and Traffic Operations	$125,000
10-6200	Federal Aid Interstate Highway Projects	192,150,000
12-6200	Resurfacing	30,500,000
15-6200	Interstate Transfer Program Funds—NJ/NY Metro Area	40,000,000
20-6200	Federal Aid Urban System Highway Projects	6,000,000
25-6200	Federal Aid Consolidated Primary Highway Projects	48,200,000
42-6200	Bridge Replacement	51,150,000
	Total Appropriation, State Highway Facilities	$368,125,000

Special Purpose:

Interstate highway projects	($192,150,000)
Interstate resurfacing	(30,500,000)
Interstate transfer program fund	(40,000,000)
Urban systems	(6,000,000)
Consolidated primary projects	(48,200,000)
Bridge replacement	(51,150,000)
Updating statistical files for traffic records	(125,000)

62 Public Transportation

04-6050	Railroad and Bus Operations	$1,600,000
05-6070	Aeronautics	12,000,000
	Total Appropriation, Public Transportation	$13,600,000

Special Purpose:

Erie-Lackawanna rehabilitation	($1,000,000)
New York and Long Branch rehabilitation	(600,000)
Airport fund	(12,000,000)

63 Local Highways Facilities

20-6220	Federal Aid Urban System Highway Projects	$24,000,000
30-6220	Federal Aid Rural Highway Projects	5,500,000
40-6220	Federal Aid Bridge and Highway Safety Projects	12,450,000
	Total Appropriation, Local Highway Facilities	$41,950,000

Special Purpose:
Rural secondary highway projects ($5,500,000)

State Aid and Grants:
Urban systems (24,000,000)
Bridge and highway safety projects(12,450,000)

64 Planning and General Management Support

02-6030	Planning	$7,075,307
03-6040	Research and Demonstration	1,318,250
99-6000	Management and Administrative Services	271,650
	Total Appropriation, Planning and General Management Support	$8,665,207

Special Purpose:
Metropolitan planning studies ($3,359,107)
Planning and payroll research (2,880,200)
New Jersey Statewide public transportation grant (836,000)
Research—Federal payroll (1,318,250)
Federal payroll—management and administration (271,650)

99 Management and Administrative Services

99-6000	Commissioner's Office	$1,500,000
	Total Appropriation, Management and Administrative Services	$1,500,000

Special Purpose:		
Rail service assistance program	($1,500,000)	
Total Appropriation, Department of Transportation		$433,840,207

THE JUDICIARY

Public Safety and Criminal Justice

15 Judicial Services

07-9740	General Support Services	$15,750,000
	Total Appropriation, Judicial Services	$15,750,000
State Aid and Grants:		
Child support and paternity program—Title IV-D	($15,750,000)	
	Total Appropriation, The Judiciary	$15,750,000
	Total Appropriation, Federal Funds	$2,246,537,434*

Notwithstanding any State law to the contrary, no State agency shall accept or expend any federal funds except as appropriated in this act.

In addition to the federal funds hereinabove appropriated, there are appropriated the following funds, subject to allotment by the Director of the Division of Budget and Accounting: pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required except, for the purpose of this section, federal funds 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; and Basic Educational Opportunity

Grants (Pell Grants) in excess of the amount specifically appropriated, provided, however, that the Director of the Division of Budget and Accounting notify the Legislative Budget Officer of such additional grants; and all other grants of $200,000 or less which have been awarded competitively.

For the purposes of this section: "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or who receives the allocation; and "grants" refer to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances as of June 30, 1983, of federal funds are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget Officer of accounts receivable balances which are established and reappropriated.

The unexpended balances as of June 30, 1983, of federal funds are appropriated for the same purpose. The Director of the Division of Budget and Accounting shall inform the Legislative Budget Officer of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

Total Appropriation, General Fund $7,172,219,728*

PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

73 Financial Administration

15-2080	Processing and Administration	$18,625,569
	Total Appropriation, Financial Administration	$18,625,569

Special Purpose:
Administrative costs of the collection of the Gross Income Tax ...($14,108,465)
Administrative costs of paying homestead exemptions .....(4,517,104)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated such additional sums as may be required for collection of the Gross Income Tax and the administration of the Homestead Exemptions Act, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

	Total Appropriation, Department of the Treasury	$18,625,569
	Total Appropriation, Direct State Services .	$18,625,569

STATE AID

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

01-5120	General Formula Aid	$982,324,838
05-5120	Bilingual Education Programs	14,722,386
06-5120	Compensatory Education Programs	80,053,235
07-5120	Special Education Programs	191,673,972

Total Appropriation, Direct Educational Services and Assistance	$1,258,774,431

State Aid:

Current expense equalization aid	($982,324,838)
Bilingual education aid	(14,722,386)
Compensatory education aid	(80,053,235)
Special education aid	(191,673,972)
Total Appropriation, Department of Education	$1,268,774,431

The amounts appropriated hereinabove for general formula aid shall be apportioned to local school districts using a guaranteed valuation per pupil of 1.31212 times the State average valuation per pupil for 1982 and a minimum aid guaranteed valuation per pupil of 7.69630 times the State average valuation per pupil for 1982.

The amount hereinabove is appropriated from the Property Tax Relief Fund.

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

32-2071	Revenue Sharing	$50,000,000
33-2076	Homestead Exemptions	275,000,000
34-2078	Reimbursement—Senior/Disabled Citizens' and Veterans' Property Tax Exemptions	37,600,000
	Total Appropriation, State Subsidies and Financial Aid	$362,600,000

State Aid:

Distribution of revenue sharing funds to qualifying municipalities	($50,000,000)
Payments to homeowners for homestead exemptions	(275,000,000)

State reimbursement to municipalities for senior/disabled citizens' property tax exemptions ..... (15,400,000)

State reimbursement for veterans' property tax exemptions ..... (22,200,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead exemptions.

Notwithstanding the provisions of C54A:10–4, the amount of revenue sharing paid by the State to municipalities for the calendar year 1983 shall be the same amount which was paid during calendar year 1982.

Total Appropriation, Department of the Treasury	$362,600,000
Total Appropriation, Property Tax Relief ..	$1,631,374,431
Total Appropriation, Property Tax Relief Fund	$1,650,000,000

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, and with the approval of the Subcommittee on Transfers of the Joint Appropriations Committee, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

DIRECT STATE SERVICES

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice

30-1460	Gaming Enforcement	$23,027,225
	Total Appropriation, Special Law Enforcement Activities	$23,027,225

Personal Services:	
Salaries and wages	($10,892,100)
Cash in lieu of maintenance	(568,750)
Employee benefits	(3,220,402)
Materials and Supplies	(847,940)
Services Other Than Personal	(4,167,628)
Maintenance and Fixed Charges	(2,264,242)
Special Purpose:	
Compensation awards	(7,000)
Indirect costs	(943,611)
Additions, Improvements and Equipment	(115,552)

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for the operation of the Division of Gaming Enforcement, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	$23,027,225

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

73 Financial Administration

25-2095	Administration of Casino Gambling	$15,060,410
	Total Appropriation, Financial Administration	$15,060,410

Personal Services:		
Chairman	($65,000)	
Commission members (4 @ $60,000)	(240,000)	
Salaries and wages	(9,300,010)	
New positions	(59,904)	
Employee benefits	(2,018,011)	
Materials and Supplies	(338,548)	
Services Other Than Personal	(1,508,239)	
Maintenance and Fixed Charges	(956,698)	
Special Purpose:		
Compensation awards	(3,500)	
Indirect costs	(496,000)	
Additions, Improvements and Equipment	(74,500)	

The amount hereinabove for administration of casino gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for administration of casino gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	$15,060,410
Total Appropriation, Casino Control Fund ..	$38,087,635

CASINO REVENUE FUND

DIRECT STATE SERVICES

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

12-8025	Boarding Home Regulation and Assistance	$750,000
	Total Appropriation, Community Development Management	$750,000

Special Purpose:
Boarding Home Rental Assistance .($750,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Economic Planning, Development and Security

55 Related Social Services Programs

08-8060	Programs for the Aging	$550,000
	Total Appropriation, Economic Planning, Development and Security	$550,000

Special Purpose:
Congregate housing support services($550,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

	Total Appropriation, Department of Community Affairs	$1,300,000

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Health Services

24-7540	Pharmaceutical Assistance to the Aged and Disabled	$26,232,398
	Total Appropriation, Special Health Services	$26,232,398

Personal Services:	
Salaries and wages	($863,328)
Employee benefits	(172,665)
Materials and Supplies	(20,920)
Services Other Than Personal	(328,105)
Maintenance and Fixed Charges	(7,430)
Special Purpose:	
Payments to fiscal agents (PAAD)	(832,300)
Compensation awards	(525)
Other special purpose	(28,490)
Grants:	
Pharmaceutical assistance to the aged and disabled—claims	(23,977,500)
Additions, Improvements and Equipment	(1,135)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Economic Planning, Development and Security

28-7540	Lifeline Programs	$69,069,910
	Total Appropriation, Economic Assistance and Security	$69,069,910

Personal Services:	
Salaries and wages	($905,160)
Employee benefits	(181,030)
Materials and Supplies	(62,040)
Services Other Than Personal	(404,915)
Maintenance and Fixed Charges	(81,360)
Special Purpose:	
Other special purpose	(29,870)

Grants:
Payments for lifeline credits ..... (43,790,000)
Payments for tenants' lifeline assistance ..... (23,610,000)
Additions, Improvements and Equipment ..... (5,535)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to persons qualifying for lifeline programs. The annual lifeline benefit shall be $200 effective October 1, 1983.

Total Appropriation, Department of Human Services $95,302,308

Total Appropriation, Direct State Services—Casino Revenue Fund $96,602,308

STATE AID

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Health Services

22-7540 General Medical Services $10,500,000

Total Appropriation, Special Health Services $10,500,000

State Aid:
Payments for medical assistance recipients ..... ($10,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims the

expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	$10,500,000

STATE AID

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

33-2076	Homestead Exemptions	$20,500,000
34-2076	Reimbursement—Senior and Disabled Citizens' Tax Exemptions	30,400,000
	Total Appropriation, State Subsidies and Financial Aid	$50,900,000

State Aid:

Payments to senior citizens or disabled homeowners for the added rebate of $50 permitted under the homestead exemption program	($20,500,000)
Reimbursement to municipalities for senior citizens' and disabled citizens' property tax exemptions	(30,400,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to senior citizens or disabled homeowners, or reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	$50,900,000

Total Appropriation, State Aid—Casino Revenue Fund	$61,400,000
Total Appropriation, Casino Revenue Fund	$158,002,308
Grand Total Appropriation, All Funds	$9,018,309,671*

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1983 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1983 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from Federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to the approval of the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1983 in the accounts of the several departments and agencies heretofore appropriated or established in the category of additions, improvements, and equipment, where such unexpended balances exceed $300.00 are

appropriated; provided, however, that an amount not to exceed $2,000,000.00 shall be lapsed to the General Fund as shall be determined by the Director of the Division of Budget and Accounting.

8. Unless otherwise provided, balances remaining as of June 30, 1983 in accounts of appropriations enacted subsequent to April 1, 1983 are appropriated.

9. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature, receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation; provided that such transfer is not between or among a State Aid, Direct State Services, Capital Construction, or a Debt Service account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget Officer upon the effective date thereof. Cumulative transfers or allotments in excess of $200,000.00 from or to any account and any transfer or allotment, regardless of amount, to or from a line item in the category of accounts identified as Grant or Special Purpose, other than those in the category of Salary and Other Benefits in the Interdepartmental Accounts, shall be transmitted to the Legislative Budget Officer for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within 10 working days. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires approval of the Legislative Budget Officer, the request shall be deemed to be approved by the Legislative Budget Officer, if, within 20 working days of the physical receipt of the request, the Legislative Budget Officer does not disapprove the request and so inform the requesting officer. Except as otherwise provided, no sum appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance. However, any item for capital improvement may be transferred to any other item of capital improvement. Transfers or allotments between or among State Aid, Direct State Services, Capital Construction, or Debt Service

accounts may be made only if approved by the Subcommittee on Transfers of the Joint Appropriations Committee.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget Officer upon the effective date thereof. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, telephone, motor pool, insurance and postage to credit or transfer to the Department of the Treasury, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as

an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget Officer, upon the effective date of such ruling.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with federal insurance administration requirements.

15. The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department for data processing costs which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

16. The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of costs of the Microfilm Section within the State Library.

17. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

18. From appropriations to the various departments of State Government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

19. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from

any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

20. There is constituted a Subcommittee on Transfers of the Joint Appropriations Committee, appointed by its chairman, which shall consist of two members of the Assembly Committee on Revenue, Finance and Appropriations, one of each political party; two members of the Senate Committee on Revenue, Finance and Appropriations, one of each political party; and the Chairman of the Joint Appropriations Committee.

21. If pursuant to this act, the Legislative Budget Officer should withhold his approval from any transfer, the Subcommittee on Transfers of the Joint Appropriations Committee is empowered to review such transfer, and may direct that said Legislative Budget Officer approve it.

22. The total appropriation which is subject to the provisions of P. L. 1976, c. 67 (C. 52:9H–5 et seq.) is authorized to exceed the limitation provided therein by an amount equal to any reduction in the Federal funds received for any program.

23. Federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund. The Director of the Division of Budget and Accounting may reallocate that portion of the Federal appropriation of the department so determined for the purpose of reimbursing the General Fund for agency and central support services, indirect and administrative costs into a special account for that purpose. The Director of the Division of Budget and Accounting shall not permit any reduction in the amount an agency transmits to the Department of the Treasury without first notifying the Legislative Budget Officer and providing him with documentation to support that reduction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

24. 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 (NJECN) as if they were State Government agencies pursuant to P. L. 1954, c. 48, s. 5(a) (C. 52:34–10(a)).

25. The Director of the Division of Budget and Accounting may settle any claim not exceeding $100.00 due and owing to the State.

26. 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 $500.00 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $500.00, 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.

27. 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.

28. Any unexpended balance as of June 30, 1983 not exceeding $100.00, in the several Federal, dedicated, other non-State, and revolving funds where there has been no activity in the account during the preceding 12 months shall be transferred to a suspense account for a period not to exceed three years; provided, however, that such sums as may be required for refunds are appropriated. Any unclaimed or unexpended balances remaining after three years shall be lapsed to the credit of the General Fund as determined by the Director of the Division of Budget and Accounting.

29. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations

established by said Director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

30. State agencies shall prepare and submit a copy of their departmental spending plan involving all State, federal, and other non-State funds to the Director, Division of Budget and Accounting and the Legislative Budget Officer by October 1, 1983 and an updated spending plan on January 1 and April 1, 1984. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director, Division of Budget and Accounting.

31. The Director, Division of Budget and Accounting shall provide the Legislative Budget Officer with copies of all BB-4s, Application for Non-State Funds, and accompanying project proposal or grant application with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the Director's approval or disapproval of the application.

32. The appropriate executive agencies shall prepare and submit to the Joint Appropriations Committee by March 1, 1984 reports on proposed expenditures during FY 1985 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; and the social services block grant. Such reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

33. The Director of the Division of Budget and Accounting shall record revenue of not more than $20 million from the federal social services block grant as a June 30, 1983 receivable with a corresponding increase to General Fund undesignated fund balance as of June 30, 1983, as the Director shall determine.

34. In establishing federal receivables each agency shall indicate the amount anticipated for each federal program under its jurisdiction. On September first and December first, 1983 and March first and June first, 1984, each agency shall report to the Director, Division of Budget and Accounting and the Legislative Budget Officer the amount of federal funds each agency received in the previous quarter by individual federal program.

35. The Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust the appropriations bill to reflect any reorganizations which have been implemented since the formulation of the Governor's Budget. This shall include, but is not limited to, the transfer of the State Museum, Historical Commission and the Council on the Arts from the Department of Education to the Department of State.

36. The Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is hereby directed and empowered to cause this act to be printed in bill form, including such addenda as may be attached, subject to the approval of the Chairman of the Joint Appropriations Committee, and is empowered to make such corrections before printing as are necessary to make the appropriations herein available in accordance with legislative intent.

37. There shall be constituted a Subcommittee on Personnel of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of a Subcommittee Chairman from the majority members of the Assembly Committee on Revenue, Finance and Appropriations, and four other members, two from each political party from the members of the Joint Appropriations Committee.

38. The Director of the Division of Budget and Accounting is hereby authorized to review the total complement of budgeted positions now maintained among the various Executive Departments and abolish not less than 525 positions which have remained vacant for eight months or more, as of June 30, 1984.

39. This act shall take effect July 1, 1983.

Approved June 30, 1983.

STATEMENT TO SENATE BILL No. 3500

I am today returning Senate Bill No. 3500 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto.

In its basic components, this Budget is essentially the one which I delivered to the Legislature on January 31 of this year. As I observed then, these are difficult times and this Budget reflects those times.

This remains a Budget which demands that we meet the challenge of diminishing resources with imagination and a willingness to make difficult but necessary decisions and choices. This budget is a tool which we can use to revitalize New Jersey's economy and put our people back to work. Yet, it clearly recognizes our society's obligation to aid the needy, support the aged, and care for those who cannot defend and care for themselves.

I am proud to note that this Budget has required no new taxes or fiscal gimmickry. To achieve this end required difficult choices, as we held the operating budgets of 17 departments constant in the document which I originally delivered to the Legislature, and on the whole there have been few significant departures from that standard. Accordingly, the drafting of this Budget required difficult decisions on the part of each Cabinet member and each program manager throughout State government.

I am pleased that, in preserving the basic integrity of this Budget, the Legislature has also shown the willingness and the courage to make similarly difficult decisions as we have cooperated in keeping spending at close to continuation levels in most operating areas. This is a Budget which does not ask the citizens of New Jersey to pay higher taxes, nor does it indirectly mortgage our future with the kind of short-term fiscal trickery which only puts off financial obligations until a future date.

The Legislature did propose to add funds for several worthwhile programs. Unfortunately, we do not have the revenues to fund all of these increases. As a result, this message reflects some difficult but necessary choices made by my Administration in holding down State spending. The Legislature must learn to accept the fact that it cannot mandate increases in spending without specifying revenue sources or alternative cuts in spending to pay for these increases.

This Budget is the first one which I, together with my Cabinet and Administration, have been able to put together from its earliest stages. As such, it can be viewed as an initial step in our effort to establish a system in New Jersey of management improvement where government lives within its means, where the dollars we spend return the greatest possible value to our taxpayers, and where we insist that all managers throughout State government use each and every dollar they spend carefully, cost-effectively, and with the kind of imagination and creativity that enables us to indeed achieve more with less.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 3500 are available to support appropriations made by Senate Bill No. 3500 for the fiscal year ending June 30, 1984.

General Fund

Undesignated fund balance July 1, 1983	$75,867,153
Major taxes:	
Cigarette	220,000,000
All other major taxes, same as S-3500	3,861,000,000
Miscellaneous taxes, fees, and revenues:	
Department of Insurance:	
Licensing and Enforcement	3,800,000
Real Estate Commission	2,000,000
All other miscellaneous taxes, fees and revenues, same as S-3500	483,562,547
Interfund transfers:	
Unemployment Compensation Auxiliary Fund	11,000,000
All other interfund transfers, same as S-3500	362,179,085
Total General Fund Resources	$5,019,408,785

Property Tax Relief Fund

All resources, same as S-3500	$1,655,000,000

Casino Control Fund

All resources, same as S-3500	$38,087,635

Casino Revenue Fund

Undesignated fund balance July 1, 1983	$42,964,976
Gross revenue tax	132,000,000
Investment income	3,000,000
Total Casino Revenue Fund	$177,964,976
Grand Total Resources	$6,890,461,396*

*Does not include $2,279,169 in revenues certified with the signing of S-3434.

These resources combined with the impact of Senate Bill No. 3433 and Senate Bill No. 3434 will provide for an undesignated fund balance or surplus on June 30, 1984 as follows:

General Fund	$48,732,585
Property Tax Relief Fund	5,000,000
Sub-total	$53,732,585
Casino Revenue Fund	19,962,668
Total	$73,695,253

Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prohibits me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to P. L. 1944, c. 112, s. 17 (C. 52:27B–26), I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal grants to support any expenditure are receivable or have been received by the State.

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3500 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

"Direct State Services"

"Executive Branch"

"Department of Agriculture"

On Page 18:
Line 3, "03-3330 Resource Development Services ..... $951,407"
This item is reduced to $785,407.

On Page 18:
Lines 4-5, "Total Appropriation, Natural Resource Management ..... 3,050,880"
This item is reduced to $2,884,880.

On Page 18:
Line 7, "Salaries and wages ..... (2,376,574)"
This item is reduced to $2,293,574.

On Page 18:
Line 8, "New positions ..... (56,000)"
This item is deleted in its entirety.

On Page 18:
Line 10, "Services Other Than Personal ..... (153,886)"
This item is reduced to $126,866.

On Page 19:
Line 1, "06-3360 Marketing Services ..... 879,196"
This item is reduced to $819,196.

On Page 19:
Lines 2-4, "Total Appropriation, Economic Planning and Development ..... 879,196"
This item is reduced to $819,196.

On Page 19:
Line 11, "Promotional Market Development .... (385,000)"
This item is reduced to $325,000.

On Page 20:
Lines 17-18, "Total Appropriation, Department of Agriculture ..... 6,326,495"
This item is reduced to $6,100,495.

"Department of Civil Service"

On Page 21:
Lines 8-9, "05-2750 Equal Employment Opportunity and Affirmative Action ..... 720,895"
This item is reduced to $620,895.

On Page 22:
Lines 12-13, "Total Appropriation, General Government Services ..... 12,124,223"
This item is reduced to $12,024,223.

On Page 22:
Lines 26-27, "Task Force on Equitable Compensation ..... (100,000)"
This item is deleted in its entirety.

On Page 22:
Lines 30-31, "Total Appropriation, Department of Civil Service ..... 12,124,223"
This item is reduced to $12,024,223.

"Department of Commerce and Economic Development"

On Page 22:
Line 1, "20-2800 Economic Development ..... 1,691,765"
This item is reduced to $1,641,765.

On Page 22:
Lines 8-9, "Total Appropriation, Economic Planning and Development ..... 6,278,500"
This item is reduced to $6,228,500.

On Page 23:
Line 12, "Salaries and wages ..... (1,394,961)"
This item is reduced to $1,344,961.

On Page 23:
Lines 45-46, "Total Appropriation, Department of Commerce and Economic Development ..... 6,278,500"
This item is reduced to $6,228,500.

"Department of Community Affairs"

On Page 26:
Line 3, "14-8061 Ombudsman's Office ..... 553,296"
This item is reduced to $530,006.

On Page 26:
Lines 5-6, "Total Appropriation, Related Social Services Programs ..... 1,997,367"
This item is reduced to $1,974,077.

On Page 26:
Line 8, "Salaries and wages ..... (1,182,167)"
This item is reduced to $1,158,877.

On Page 27:
Lines 19-20, "Total Appropriation, Department of Community Affairs ..... 13,092,133"
This item is reduced to $13,068,843.

"Department of Corrections"

On Page 36:
Line 5, "12-7270 Juvenile Community Programs 3,369,952"
This item is reduced to $3,233,952.

On Page 36:
Lines 6-7, "Total Appropriation, Juvenile Correctional Services ..... 4,571,459"
This item is reduced to $4,435,459.

On Page 36:
Line 19, "Community centers ..... (627,433)"
This item is reduced to $491,433.

On Page 37:
Lines 32-35, "Of the amount hereinabove for community centers, not less than $136,000 shall be allocated for the Camden Community Service Center in Camden city."
The quoted language is deleted in its entirety.

On Page 37:
Lines 1-2, "01-7000 Planning, Management and General Support ..... 1,868,372"
This item is reduced to $1,827,372.

On Page 37:
Line 3, "02-7000 Program Operations Support 23,856,847"
This item is reduced to $23,759,847.

On Page 37:
Lines 6-7, "Total Appropriation, Central Planning, Direction and Management ..... 30,985,210"
This item is reduced to $30,847,210.

On Page 38:
Line 46, "Theatre without bars ..... (97,000)"
This item is deleted in its entirety.

On Page 38:
Lines 47-48, "Transportation assistance for inmates' families' visitations ..... (226,600)"
This item is reduced to $185,600.

On Page 38:
Lines 70-71, "Total Appropriation, Department of Corrections ..... 185,260,326"
This item is reduced to $184,986,326.

"Department of Defense"

On Page 39:
Lines 3-4, "02-3600 Management of National Guard Installations ..... 6,104,408"
This item is reduced to $5,861,408.

On Page 39:
Line 6, "Total Appropriation, Military Services 9,737,746"
This item is reduced to $9,494,746.

On Page 39:
Line 10, "Materials and Supplies ..... (2,169,075)"
This item is reduced to $1,926,075.

On Page 40:
Line 35, "Total Appropriation, Department of Defense ..... 9,737,746"
This item is reduced to $9,494,746.

"Department of Education"

On Page 40:
Line 6, "07-5065 Special Education ..... 1,341,764"
This item is reduced to $1,316,764.

On Page 40:
Lines 7-8, "Total Appropriation, Direct Educational Services and Assistance ..... 2,566,468"
This item is reduced to $2,541,468.

On Page 41:
Lines 19-20, "Programs for the gifted and talented ..... 125,000"
This item is reduced to $100,000.

On Page 41:
Lines 21-24, "Of the amounts hereinabove for Programs for the gifted and talented, $25,000 shall be made available as a grant for the Gifted and Talented Program in the Trenton School District."
The quoted language is deleted in its entirety.

On Page 44:
Lines 16-17, "Total Appropriation, Department of Education ..... 28,728,912"
This item is reduced to $28,703,912.

"Department of Energy"

On Page 46:
Line 4, "99-4040 Management and Administrative Services ..... 1,448,340"
This item is reduced to $1,436,340.

On Page 46:
Line 5, "Total Appropriation, Economic Regulation ..... 6,914,228"
This item is reduced to $6,902,228.

On Page 46:
Line 7, "Board Members (3 @ $56,000) ..... (180,000)"
This item is reduced to $168,000.

On Page 46:
Line 29, "Total Appropriation, Department of Energy ..... 14,091,431"
This item is reduced to $14,079,431.

"Department of Health"

On Page 57:
Line 3, "99-4210 Management and Administrative Services ..... 4,115,307"
This item is reduced to $4,015,307.

On Page 57:
Line 4, "Total Appropriation, Health Administration ..... 5,418,586"
This item is reduced to $5,318,586.

On Page 58:
Line 23, "Somerset Medical Center ..... (100,000)"
This item is deleted in its entirety.

On Page 58:
Line 30, "Total Appropriation, Department of Health ..... 30,333,383"
This item is reduced to $30,233,383.

"Department of Higher Education"

On Page 58:
Line 1, "02-5400 Support to Independent Institutions ..... 19,091,500"
This item is reduced to $18,844,250.

On Page 58:
Line 4, "04-5400 Student Financial Support Services ..... 45,729,611"
This item is reduced to $42,729,611.

On Page 58:
Line 7, "99-5400 Management and Administrative Services ..... 12,999,636"
This item is reduced to $11,749,636.

On Page 58:
Line 8, "Total Appropriation, Office of the Chancellor ..... 94,021,593"
This item is reduced to $89,524,343.

On Page 59:
Line 53, "To be allocated to the State colleges .. (2,500,000)"
This item is reduced to $1,250,000.

On Page 59:
Lines 56-57, "Aid to independent colleges and universities ..... (11,250,000)"
This item is reduced to $11,075,000.

On Page 59:
Line 59, "Dental school aid ..... (4,194,500)"
This item is reduced to $4,122,250.

On Page 60:
Lines 80-81, "Tuition aid grants, C18A:71–41 et seq. ..... (41,094,611)"
This item is reduced to $38,094,611.

On Page 60:
Lines 88-90, "An amount not to exceed [$75,000] in the aid to independent colleges and universities account shall be available for administrative expenses."
The amount in brackets is reduced to $57,500.

On Page 68:
Line 1, "11-5600 Instruction ..... 102,085,589"
This item is reduced to $100,835,589.

On Page 68:
Line 2, "12-5600 Sponsored Programs and Research ..... 4,765,294"
This item is reduced to $4,745,294.

On Page 68:
Line 9, "Sub-Total, General Operations ..... 210,515,707"
This item is reduced to $209,245,707.

On Page 69:
Line 12, "Total All Operations ..... 287,515,707"
This item is reduced to $286,245,707.

On Page 69:
Lines 18-19, "Appropriation, Exclusive of Land Grant Interest ..... 134,476,657"
This item is reduced to $133,206,657.

On Page 69:
Line 21, "Sub-Total Appropriation ..... 134,482,457"
This item is reduced to $133,212,457.

On Page 69:
Line 23, "Salaries and wages ..... (151,117,813)"
This item is reduced to $150,367,813.

On Page 69:
Line 25, "Materials and Supplies ..... (26,640,093)"
This item is reduced to $26,390,093.

On Page 69:
Line 26, "Services Other Than Personal ..... (14,464,097)"
This item is reduced to $14,314,097.

On Page 69:
Line 27, "Maintenance and Fixed Charges .... (3,067,109)"
This item is reduced to $2,967,109.

On Page 69:
Line 41, "Eagleton Poll ..... (100,000)"
This item is reduced to $80,000.

On Page 70:
Lines 55-68, "Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,990 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollment exceeds [31,490], 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 [31,490], any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting."
The numbers within the brackets are reduced to 30,590.

On Page 71:
Lines 29-30, "Total Appropriation, Rutgers, The State University ..... 145,772,957"
This item is reduced to $144,502,957.

On Page 76:
Line 1, "11-5640 Instruction ..... 14,466,662"
This item is reduced to $14,166,662.

On Page 76:
Line 9, "Sub-Total, General Operations ..... 31,984,424"
This item is reduced to $31,684,424.

On Page 76:
Line 11, "Total, All Operations ..... 35,981,424"
This item is reduced to $35,681,424.

On Page 76:
Line 17, "Total Appropriation ..... 19,935,424"
This item is reduced to $19,635,424.

On Page 76:
Line 19, "Salaries and wages ..... (18,564,766)"
This item is reduced to $18,264,766.

On Page 77:
Lines 48-63, "Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollments in extension and public service programs, shall not exceed [4,494] full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed [[4,494]], the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the institute for those full-time equivalent students above [[4,494]], any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting."
The number within the brackets is reduced to 4,050. The numbers within the double brackets are reduced to 4,131.

On Page 78:
Lines 75-76, "Total Appropriation, Department of Higher Education ..... 530,281,234"
This item is reduced to $524,213,984.

"Department of Human Services"

On Page 94:
Line 1, "99-7500 Management and Administrative Services ..... 6,449,130"
This item is reduced to $6,404,130.

On Page 94:
Lines 2-3, "Total Appropriation, Division of Management and Budget ..... 6,449,130"
This item is reduced to $6,404,130.

On Page 94:
Lines 20-21, "Study commission on diagnostic related group system ..... (45,000)"
This item is deleted in its entirety.

On Page 96:
Lines 22-23, "Total Appropriation, Department of Human Services ..... 448,252,284"
This item is reduced to $448,207,284.

"Department of Labor"

On Page 102:
Line 2, "10-4545 Employment Development Services ..... 1,618,401"
This item is reduced to $618,401.

On Page 102:
Lines 8-9, "Total Appropriation, Manpower and Employment Services ..... 13,597,858"
This item is reduced to $12,597,858.

On Page 102:
Line 28, "Summer youth employment program .. (1,000,000)"
This item is deleted in its entirety.

On Page 103:
Lines 51-60, "The sum hereinabove for a Summer Youth Employment Program is appropriated from the Unemployment Compensation Auxiliary Fund and shall be expended for the provision of summer jobs in State agencies for residents aged 16 to 22 of municipalities eligible for Municipal Aid with populations exceeding 64,000, according to guidelines developed by the Commissioner of Labor and based on such factors as population, youth unemployment rates and family income."
The quoted language is deleted in its entirety.

On Page 103:
Line 69, "Total Appropriation, Department of Labor ..... 36,001,090"
This item is reduced to $35,001,090.

"Department of Law and Public Safety"

On Page 103:
Line 3, "03-1110 Driver Control ..... 4,821,085"
This item is reduced to $4,746,085.

On Page 103:
Line 7, "Total Appropriation, Vehicular Safety 40,492,234"
This item is reduced to $40,417,234.

On Page 104:
Lines 23-24, "Fingerprinting of School Bus Driver applicants ..... (75,000)"
This item is deleted in its entirety.

On Page 111:
Lines 67-68, "Total Appropriation, Department of Law and Public Safety ..... 157,790,051"
This item is reduced to $157,715,051.

"Department of the Public Advocate"

On Page 112:
Line 2, "02-8320 Public Interest Advocacy .... 519,061"
This item is reduced to $419,061.

On Page 112:
Lines 3-4, "03-8330 Citizens' Complaints and Dispute Settlement ..... 673,483"
This item is reduced to $573,483.

On Page 112:
Lines 9-10, "08-8350 Advocacy for the Developmentally Disabled ..... 402,687"
This item is reduced to $204,330.

On Page 112:
Lines 11-12, "Total Appropriation, Protection of Citizens' Rights ..... 24,374,476"
This item is reduced to $23,976,119.

On Page 112:
Line 14, "Salaries and wages ..... (18,630,470)"
This item is reduced to $18,234,387.

On Page 112:
Line 16, "Services Other Than Personal ..... (4,585,118)"
This item is reduced to $4,582,844.

On Page 113:
Lines 37-38, "Total Appropriation, Department of the Public Advocate ..... 25,838,260"
This item is reduced to $25,439,903.

"Department of State"

On Page 113:
Lines 1-2, "01-2505 Commercial and Governmental Records Control ..... 2,647,521"
This item is reduced to $2,627,521.

On Page 113:
Lines 6-7, "Total Appropriation, Office of the Secretary of State ..... 8,244,638"
This item is reduced to $8,224,638.

On Page 113:
Line 18, "Trenton Heritage Days Festival .... (20,000)"
This item is deleted in its entirety.

On Page 115:
Line 53, "Total Appropriation, Department of State ..... 12,199,016"
This item is reduced to $12,179,016.

"Miscellaneous Executive Commissions"

On Page 124:
Line 1, "02-9140 Water Supply Management .. 421,900"
This item is reduced to $398,000.

On Page 124:
Lines 2-3, "Total Appropriation, Delaware River Basin Commission ..... 421,900"
This item is reduced to $398,000.

On Page 124:
Line 5, "Expenses of Commission ..... (421,900)"
This item is reduced to $398,000.

On Page 125:
Lines 7-8, "Total Appropriation, Miscellaneous Executive Commissions ..... 2,856,021"
This item is reduced to $2,832,121.

On Page 138:
Line 42, "Total Appropriation, Direct State Services ..... 2,557,213,130"
This item is reduced to $2,548,530,333.

"State Aid"

"Department of Community Affairs"

On Page 139:
Line 2, "04-8030 Local Government Services .. $81,922,014"
This item is reduced to $76,065,780.

On Page 139:
Lines 4-5, "Total Appropriation, Community Development Management ..... 84,711,614"
This item is reduced to $78,855,380.

On Page 139:
Line 13, "County welfare equalization ..... (18,355,976)"
This item is reduced to $15,000,000.

On Page 139:
Lines 14-15, "Urban aid for Middletown, Brick and Dover Townships ..... (285,156)"
This item is deleted in its entirety.

On Page 139:
Lines 16-17, "Safe and clean aid for Middletown, Brick and Dover Townships ..... (190,102)"
This item is deleted in its entirety.

On Page 139:
Lines 18-19, "Special municipal and safe and clean aid ..... (600,000)"
This item is reduced to $450,000.

On Page 139:
Line 23, "Special assistance to Essex County .. (1,250,000)"
This item is deleted in its entirety.

On Page 139:
Lines 24-25, "Payment to Jersey City for urban aid and redevelopment planning ..... (1,250,000)"
This item is reduced to $625,000.

On Page 139:
Lines 30-33, "The unexpended balance as of June 30, 1983 in the Capital trade and civic center account (State contribution) is appropriated for the repair and renovation of the War Memorial Building."
The quoted language is deleted in its entirety.

On Page 141:
Line 1, "05-8050 Human Resources ..... 2,675,000"
This item is reduced to $1,995,000.

On Page 141:
Lines 3-4, "Total Appropriation, Related Social Services Programs ..... 4,303,338"
This item is reduced to $3,623,338.

On Page 141:
Line 6, "State Legal Services ..... (1,250,000)"
This item is reduced to $750,000.

On Page 141:
Line 12, "North Hudson Council of Mayors .... (30,000)"
This item is deleted in its entirety.

On Page 141:
Line 15, "International Youth Organization .... (150,000)"
This item is deleted in its entirety.

On Page 142:
Lines 32-33, "Total Appropriation, Department of Community Affairs ..... 91,664,952"
This item is reduced to $85,128,718.

"Department of Education"

On Page 142:
Line 2, "02-5120 Non-Public School Aid ..... 24,704,175"
This item is reduced to $22,104,175.

On Page 143:
Line 4, "04-5030 Adult and Continuing Education ..... 4,333,946"
This item is reduced to $4,083,946.

On Page 143:
Line 5, "07-5120 Special Education ..... 15,150,000"
This item is reduced to $14,900,000.

On Page 143:
Lines 6-7, "Total Appropriation, Direct Educational Services and Assistance ..... 173,182,193"
This item is reduced to $170,082,193.

On Page 143:
Line 13, "Non-public handicapped aid ..... (11,725,000)"
This item is reduced to $9,125,000.

On Page 143:
Line 23, "High school equivalency ..... (1,713,478)"
This item is reduced to $1,463,478.

On Page 143:
Line 26, "Projects for handicapped infants .... (2,000,000)"
This item is reduced to $1,750,000.

On Page 144:
Line 5, "39-5095 Teachers' Pension and Annuity Assistance ..... 482,273,939"
This item is reduced to $482,173,939.

On Page 144:
Lines 6-7, "Total Appropriation, Educational Support Services ..... 694,441,301"
This item is reduced to $694,341,301.

On Page 145:
Lines 18-19, "TPAF—Actuarial study of Assembly Bill No. 484 ..... (100,000)"
This item is deleted in its entirety.

On Page 146:
Lines 63-72, "The amount hereinabove for TPAF — actuarial study of Assembly Bill No. 484 of 1982 is appropriated for the purpose of conducting an independent actuarial analysis of the projected costs of Assembly Bill No. 484 of 1982, as such bill may be amended prior to enactment. The Director of the Division of Budget and Accounting is authorized to allocate such sums as are necessary from the amounts appropriated hereinabove to conduct such analysis."
The quoted language is deleted in its entirety.

On Page 146:
Lines 11-12, "Total Appropriation, Department of Education ..... 890,320,970"
This item is reduced to $887,120,970.

"Department of Environmental Protection"

On Page 147:
Line 1, "15-4890 Marine Lands Management .. 295,000"
This item is reduced to $192,000.

On Page 147:
Lines 2-3, "Total Appropriation, Natural Resource Management ..... 295,000"
This item is reduced to $192,000.

On Page 147:
Line 16, "Town of Keansburg ..... (103,000)"
This item is deleted in its entirety.

On Page 148:
Line 1, "21-4895 Navigational Aids ..... 2,050,000"
This item is reduced to $1,850,000.

On Page 148:
Lines 2-3, "Total Appropriation, Recreational Resource Management ..... 2,050,000"
This item is reduced to $1,850,000.

On Page 148:
Lines 5-8, "Dredging of inland waterways—State aid to counties and municipalities, 100% grants for maintenance dredging projects ..... (2,050,000)"
This item is reduced to $1,850,000.

On Page 150:
Lines 51-52, "Total Appropriation, Department of Environmental Protection ..... 8,348,053"
This item is reduced to $8,045,053.

"Department of Health"

On Page 150:
Line 1, "10-4225 Local Health and Regional Operations ..... 4,851,648"
This item is reduced to $3,638,736.

On Page 150:
Line 2, "Total Appropriation, Health Administration ..... 4,851,648"
This item is reduced to $3,638,736.

On Page 150:
Line 4, "Community health services ..... (4,851,648)"
This item is reduced to $3,638,736.

On Page 150:
Lines 5-7, "The capitation is set at [50 cents] for the year ending June 30, 1984 for the purposes described in C26:2F–1 et seq."
The amount in brackets is reduced to 37.5 cents.

On Page 150:
Line 8, "Total Appropriation, Department of Health ..... 4,851,648"
This item is reduced to $3,638,736.

"Department of Higher Education"

On Page 150:
Line 1, "06-5400 Aid to County Colleges ..... 74,027,500"
This item is reduced to $72,527,500.

On Page 150:
Line 2, "Total Appropriation ..... 74,027,500"
This item is reduced to $72,527,500.

On Page 150:
Line 4, "Operational costs ..... (59,687,500)"
This item is reduced to $58,187,500.

On Page 151:
Lines 21-22, "Total Appropriation, Department of Higher Education ..... 74,027,500"
This item is reduced to $72,527,500.

"Department of Human Services"

On Page 152:
Line 1, "15-7550 Income Maintenance ..... 255,274,409"
This item is reduced to $251,774,409.

On Page 152:
Lines 2-3, "Total Appropriation, Division of Public Welfare ..... 255,274,409"
This item is reduced to $251,774,409.

On Page 153:
Lines 5-7, "Payments to municipalities for cost of general assistance (State share) ..... (51,832,396)"
This item is reduced to $48,332,396.

On Page 155:
Lines 41-42, "Total Appropriation, Department of Human Services ..... 778,557,187"
This item is reduced to $775,057,187.

On Page 158:
Line 6, "Total Appropriation, State Aid ..... 2,069,264,203"
This item is reduced to $2,053,012,057.

"Capital Construction"

"Department of Environmental Protection"

On Page 161:
Line 2, "Multiple use historic sites ..... ($1,145,000)"
This item is reduced to $1,045,000.

On Page 161:
Lines 5-6, "Pennsauken recreational development (500,000)"
This item is deleted in its entirety.

On Page 161:
Lines 15-19, "Notwithstanding the provisions of C52:34–6 et seq., the Department of Environmental Protection may enter into a contract with the Old Barracks Association for renovations to existing State-owned structures at the Old Barracks."
The quoted language is deleted in its entirety.

On Page 162:
Lines 3-4, "Total Appropriation, Department of Environmental Protection ..... 2,430,000"
This item is reduced to $1,830,000.

On Page 168:
Line 6, "Total Appropriation, Capital Construction ..... 52,199,800"
This item is reduced to $51,599,800.

"Federal Funds"

"Department of Community Affairs"

On Page 180:
Line 1, "05-8050 Human Resources ..... $22,886,546"
This item is reduced to $21,886,546.

On Page 180:
Lines 3-4, "Total Appropriation, Related Social Services Programs ..... 49,225,878"
This item is reduced to $48,225,878.

On Page 180:
Lines 14-16, "Emergency Jobs Appropriations Act, Pub. L. 98–8—Youth in community services (1,000,000)"
This item is deleted in its entirety.

On Page 180:
Lines 22-23, "Total Appropriation, Department of Community Affairs ..... 81,800,880"
This item is reduced to $80,800,880.

On Page 180:
Lines 24-33, "The amount hereinabove for Youth in Community Services shall be expended to provide community jobs for youths pursuant to C9:24–1 to C9:24–7 and to provide wage subsidies for private-sector jobs for low-income youths; provided that up to 10% of the total amount may be used for administrative costs of the program and up to 4% for adult counselors of such youths. No less than 25% of the total amount appropriated shall be expended for school-term youth employment."
The quoted language is deleted in its entirety.

On Page 217:
Line 8, "Total Appropriation, Federal Funds .. 2,247,537,434"
This item is reduced to $2,246,537,434.

On Page 218:
Line 69, "Total Appropriation, General Fund .. 7,198,754,671"
This item is reduced to $7,172,219,728.

On Page 227:
Line 27, "Grand Total Appropriation, All Funds 9,044,844,614"
This item is reduced to $9,018,309,671.

SUMMARY

This Appropriations Bill, with my veto recommendations, provides a spending plan for Fiscal Year 1984. The total appropriation for all State funds is $6,771.7 million, an increase of $481.6 million, or 7.7% over the Fiscal Year 1983 appropriation, the smallest percentage increase in the last four years.

This bill provides for an increase in Direct State Services spending of approximately $213.1 million, and $211.1 million increase in State Aid. Total State Aid spending will approximate $3,745.8 million in Fiscal Year 1984 and represents in excess of 55% of all State spending. The largest single State Aid appropriation in the Budget is aid to local school districts. For Fiscal Year 1984 such aid will amount to $2,155.9 million and is $154.0 million more than is currently being funded.

My veto recommendations are predicated on the fact that a budget totaling $6.7 billion must have an adequate surplus. Therefore, my veto recommendations total $25.6 million and will enable the General Fund to have a surplus on June 30, 1984 of approximately $48.8 million. The surplus in the Property Tax Relief Fund will be $5.0 million, and in the Casino Revenue Fund, approximately $20.0 million.

I have reduced the funds for the following programs in the amounts indicated in order to build the surplus back to a reasonable level.

"Direct State Services"

DEPARTMENT OF AGRICULTURE

— $60,000 Commodity promotion (leaves $325,000 of the increase added by the Joint Appropriations Committee, which is a sufficient amount for the Department to administer this program).

— 166,000 Soil conservation districts (leaves $15,000 of the increase added by the Joint Appropriations Committee).

DEPARTMENT OF COMMUNITY AFFAIRS

— 23,290 Ombudsman's Office (leaves $76,710 of the increase added by the Joint Appropriations Committee and provides for a continuation budget).

DEPARTMENT OF CORRECTIONS

— 41,000 Transportation assistance families of inmates (leaves $9,000 of the increase added by the Joint Appropriations Committee and provides for a continuation budget).

DEPARTMENT OF DEFENSE

— 243,000 Miscellaneous accounts (leaves $1,066,000 of the increase added by the Joint Appropriations Committee to assure effective administration of the National Guard).

DEPARTMENT OF HIGHER EDUCATION

— 20,000 For the Eagleton Poll. This leaves $80,000 of the increase added by the Joint Appropriations Committee, which is equal to the Eagleton Poll's current budget shortfall. This is a one-time allocation only, and not the beginning of a permanent State subsidy of the Eagleton Poll. In meeting any future shortfalls, the Eagleton Poll should, since it competes with private polling networks, look to the private sector for assistance. Since it will now be receiving this $80,000 in taxpayer assistance, the Eagleton Poll will be expected to comply with the guidelines established by Common Cause on the release of polls and background data.

— 175,000 Aid to independent colleges

— 1,250,000 State Colleges

— 1,250,000 Rutgers University

— 300,000 New Jersey Institute of Technology

— 72,250 Fairleigh Dickinson University Dental School
(these reductions represent 50% of the increases added by the Joint Appropriations Committee; an equal amount still remains in each case).

DEPARTMENT OF THE PUBLIC ADVOCATE

— $100,000 Citizens' Complaints and Dispute Settlement

— 100,000 Public Interest Advocacy (increases required to fund the Public Defender and Child Abuse Representation programs necessitate reductions in these Public Advocate programs. The Department in total is increased approximately $3.2 million over FY 1983).

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

— $500,000 Legal Services (leaves $500,000 of the increase added by the Joint Appropriations Committee, which results in a $500,000 increase over FY 1983).

— 625,000 Aid to Jersey City (leaves $625,000 of the increase added by the Joint Appropriations Committee).

— 150,000 Additional funding for Special Municipal and Safe and Clean Aid (leaves $450,000 of the increase added by the Joint Appropriations Committee).

DEPARTMENT OF EDUCATION

— 2,600,000 Non-public handicapped aid. (This leaves $2,600,000 of the increase added by the Joint Appropriations Committee, which shall provide for speech therapy programs. An additional $4,800,000 will be provided by Senate Bill No. 3433).

— 250,000 High School Equivalency (leaves $250,000 of the increase added by the Joint Appropriations Committee).

— 250,000 Handicapped infants (leaves $1,750,000 of the increase added by the Joint Appropriations Committee).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

— 200,000 Dredging (leaves $650,000 in dredging funds added by the Joint Appropriations Committee, which is a $650,000 increase over FY 1983).

DEPARTMENT OF HEALTH

— 1,212,912 Local health aid (reduces the per capita from 50¢ to 37.5¢, but still provides a 50% increase over FY 1983, from 25¢ to 37.5¢).

DEPARTMENT OF HIGHER EDUCATION

— 1,500,000 Aid to County Colleges (leaves $2 million of the increase added by the Joint Appropriations Committee).

CAPITAL CONSTRUCTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

— $100,000 Renovate Old Barracks (leaves $50,000 of the increase added by the Joint Appropriations Committee).

The following items are vetoed for the reasons provided:

DIRECT STATE SERVICES

— $100,000 in the Department of Civil Service to implement pending legislation (S-1883) which establishes a task force to advise and monitor Civil Service efforts in the area of wage discrimination. The legislation should provide for an appropriation.

— 50,000 in the Department of Commerce and Economic Development to fund an Office of Small Business Assistance Set-Aside program subject to the enactment of S-2032. The legislation should provide for an appropriation.

— 136,000 in the Department of Corrections for Camden Community Service Center renovations and rent. Existing funds in the department are sufficient for this purpose.

— 97,000 in the Department of Corrections for the Theatre Without Bars program. This was not requested by the department.

— 25,000 in the Department of Education for a gifted and talented program in the City of Trenton. It is inappropriate to earmark such a large percentage of this program to a single municipality.

— 12,000 in the Department of Energy for salary increases for the Board of Public Utilities.

— 100,000 in the Department of Health for the Somerset Medical Center to purchase equipment. The DRG system of reimbursement provides funds for equipment replacement.

— 3,000,000 in the Department of Higher Education for tuition aid grants. Language is included in the Appropriations Act to permit the carry forward of FY 1983 balances in tuition aid grant funds into FY 1984. With this carry forward, the amount available for tuition aid grants in FY 1984 is the full amount requested by the Department.

— 45,000 in the Department of Human Services to study the Diagnostic Related Group (DRG) system pending enactment of A-3527. Studies are already in progress at both the State and Federal levels.

— 1,000,000 in the Department of Labor for summer youth employment. Sufficient federal funds are available through CETA and the Emergency Jobs bill for the summer youth program.

— 75,000 in the Department of Law and Public Safety for the fingerprinting of school bus drivers. The applicants should be charged a fee to cover this cost.

— 198,357 in the Department of the Public Advocate for advocacy for the developmentally disabled. The State does not have the resources to assume all Federal cutbacks. The Department of the Public Advocate in total is increased approximately $3.2 million over FY 1983.

— 20,000 in the Department of State for Heritage Day Festival, Trenton. Direct State appropriation for this type of program is not proper. Grant should be sought from an appropriate agency such as Office of Ethnic Affairs or Council on the Arts.

— 23,900 for the Delaware River Basin Commission.

STATE AID

—$1,250,000 for Essex County.

— 30,000 for North Hudson Council of Mayors.

— Neither of these programs was requested by the Department of Community Affairs. State Aid would be provided here without any specific statutory provision or any grant application review process.

— 475,258 in the Department of Community Affairs for Urban Aid and Safe and Clean Funds for municipalities which would be eligible if A-2063 were enacted. A-2063 should provide a supplemental appropriation.

— 150,000 in the Department of Community Affairs for the International Youth Organization. These funds were not requested by the Department and there is no appropriation in fiscal year 1983.

— 3,355,976 in the Department of Community Affairs for County Welfare Equalization. Counties will receive in their 1983 budgets the $3.3 million supplemental appropriation made in fiscal year 1983 and the $15.0 million in the Governor's Fiscal Year 1984 Budget. The amount being vetoed was not anticipated by the counties in their current budgets.

— Carry forward in the Department of Community Affairs of the balance in the Capital Trade and Civic Center account ($1.5 million). The language would make these funds available for renovation and repairs to the War Memorial Building in Trenton. I support the renovation of the War Memorial, but feel that this should be presented to me in a separate, detailed supplemental appropriations bill.

— 100,000 in the Department of Education for an actuarial study of the cost of permitting veterans to retire from TPAF at age 55 after 25 years' aggregate service. The Pension Review Study Commission should cover this issue along with many other pension issues.

— 103,000 in the Department of Environmental Protection for accrued tax and pension liabilities of the Hazlet/Keansburg/Middletown Joint Flood Control Com-

mission. This need is the result of the municipalities not providing the local match called for in the agreement between the parties. The State has provided its contribution. The municipalities should cover this need with local funds.

— 3,500,000 in the Department of Human Services for the Cuban/Haitian General Assistance program. Based on a revised caseload estimate, this reduction can be made without impacting the current program.

CAPITAL CONSTRUCTION

— $500,000 in the Department of Environmental Protection for recreational land and water development in Pennsauken. This project could be funded through the local Green Acres bond fund program.

FEDERAL FUNDS

—$1,000,000 in the Department of Community Affairs for Youth in Community Services programs. The intent is to utilize Emergency Jobs bill funds for this program. However, the funds cited for this purpose (Summer Youth Employment Program) go directly to prime sponsors authorized under the CETA formula. Only a very small amount, $60,465, goes through the State. Therefore, it is not possible to appropriate $1 million from this source through the State for the program indicated.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,

/s/ Thomas H. Kean,
Governor.

(seal)
Attest:
/s/ W. Cary Edwards,
Chief Counsel to the Governor.

CHAPTER 241

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49)

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

1. The following sums are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

DEPARTMENT OF AGRICULTURE

Mazur's Auto Body, Route 130, Burlington, New Jersey, for repairs to replace damaged windshield and dashboard of auto of Margaret Murray, due to an incident at a poultry inspection site on October 10, 1981, an award of $604.50 be made payable from funds appropriated to the department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Palisades Interstate Park Commission

Borough of Alpine, c/o Logan and Logan, Counsellors at Law, 132 Engle Street, P. O. Box 664, Englewood, N. J. 07631, Attention James P. Logan, Attorney at Law; Borough of Englewood Cliffs, c/o Melvin Gittleman, Attorney at Law, Court House Towers, 39 Hudson Street, Hackensack, N. J. 07601, Attention: Steven D. Mulstock, Attorney at Law; and Borough of Fort Lee, c/o Basile and Herbert, Counsellors at Law, 646 Anderson Avenue, Cliffside Park, N. J. 07010, Attention: Paul L. Basile, Attorney at Law, for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	$25,807
Borough of Englewood Cliffs	$35,258
Borough of Fort Lee	$26,019

That an award in the amount of $87,084 be made payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway.

DEPARTMENT OF THE TREASURY

Ms. Joan A. Van Voorhis, 30 Lyons Place, Basking Ridge, N. J. 07920, for payment of an outdated check made payable to her as executrix of the estate of a Raymond E. Smith	$ 705.94
Trenton Savings Fund Society, 123 East State Street, Trenton, N. J. 08625, c/o Wendell T. Breithaupt, President, for payment of a tax refund to which the Society was entitled but did not receive because the claim was not timely filed	$12,011.00
Total Appropriation, Claims	$12,716.94

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved June 30, 1983.

CHAPTER 242

AN ACT concerning the management, control and regulation of certain motorbus services and amending and supplementing P. L. 1980, c. 44.

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

1. Section 15 of P. L. 1980, c. 44 (C. 40:35B–15) is amended to read as follows:

C. 40:35B-15 Additional powers and duties of authority.

15. In addition to the powers and duties conferred upon it elsewhere in this act, the authority may do all acts necessary and reasonably incident to carrying out the objectives of this act, including, but not limited to, the following:

a. To adopt and have a common seal and to alter it at pleasure;

b. To sue and be sued;

c. To acquire, hold, use and dispose of its charges and other revenues and other moneys in its own name;

d. In its own name, but for the county, to acquire, rent, hold, use and dispose of other personal property for the purposes of the authority, and to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

e. To grant by franchise, lease or otherwise, the use of any project, facilities or property owned and controlled by it to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon, including, but not limited to, the condition that the user shall or may construct or provide any buildings or structures or improvements on the project, facilities or property, or portions thereof;

f. To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

g. To determine the exact location, type and character of and all matters in connection with all or any part of the transportation system which it is authorized to own, construct, establish, effectuate, operate, or control and to enter on any lands, waters or premises for the purpose of making such surveys, diagrams, maps or plans or for the purpose of making such soundings or borings as it deems necessary or convenient;

h. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the transportation system and any other of its properties, and to amend the same; it shall publish the same and file them in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) with the Director of the Office of Administrative Law;

i. To acquire, purchase, construct, lease, operate, maintain and undertake any parking or transportation facility and to make service charges for the use thereof;

j. To call to its assistance and avail itself of the service of any employees of any federal, State, county or municipal department,

authority or other agency as it may require and as may be available to it for its purposes;

k. To plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, parking and transportation facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof;

l. To apply for, accept and expend money from any federal, State or county or municipal agency or instrumentality, and from any private source; comply with federal and State statutes, rules and regulations; and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation, and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements;

m. To restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the authority, except under such terms as the authority may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

n. To set and collect fares and determine levels of service for service provided by the authority either directly or by contract, including, but not limited to, such reduced fare programs as deemed appropriate by the authority. Revenues derived from this service may be collected by the authority and shall be available to the authority for use in furtherance of any of the purposes of this act;

o. To set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the authority. Such revenues shall be available to the authority for use in furtherance of any of the purposes of this act;

p. To deposit authority revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A–90.4);

q. To procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the authority, whether part-time, full-time, compensated or noncompensated, in the perfor-

mance of the duties of his office or employment, or any other insurable risk. In addition, the authority may carry its own liability insurance;

r. To promote the use of authority services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the authority;

s. To adopt and maintain employee benefit programs for employees of the authority including, but not limited to, pension, deferred compensation, medical, disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the authority;

t. To own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the authority pursuant to the powers granted by this act;

u. To apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

v. To delegate to subordinate officers of the authority such powers and duties as the authority shall deem necessary and proper to carry out the purposes of this act;

w. To enter into any contracts, execute any instruments, and do and perform any acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act, subject to sections 16 and 17 of this act;

x. To establish by the promulgation of rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), a plan for the management, control and regulation of motorbus regular route and motorbus charter services within the district and as specifically set forth in this 1983 amendatory and supplementary act, except those services which are operated pursuant to "The New Jersey Public Transportation Act of 1979," P. L. 1979, c. 150 (C. 27:25–1 et seq.). A public hearing shall be held on these proposed rules and regulations pursuant to subsections (a) and (g) of section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–4); and

y. To receive and accept aid, donation or contribution from any public or private source, of either money, property, labor or other

things of value, to be held, used and applied only for the purposes for which such aid, donation or contribution may be made.

C. 40:35B-15.1 Regulation of motorbus service, parking.

2. (New section) a. If a plan is established under subsection x. of section 15 of P. L. 1980, c. 44 (C. 40:35B–15), it may provide for: (1) the designation of certain routes upon which motorbus regular route and charter services shall be permitted to travel and, with the consent of the affected municipalities, the posting of signs by the authority to this effect. The authority may require the owner or operator of a bus entering the district over which the authority has jurisdiction to file with the authority a notice, in the form and manner which the authority may direct, indicating the proposed route and destination or destinations and the parking facility at which the motorbus intends to park. The authority may issue a permit without charge to the owner or operator filing this notice; (2) the regulation of the manner in which buses may travel to points of loading and unloading by providing for the interception and dispatching of the buses; (3) regulation of the activities of the buses incident to their reception at, and leaving of, places of business, in particular casino hotels; (4) the requirement that the buses entering a municipality in which casino gaming is authorized park at a parking facility which can accommodate motor bus parking situated in the district over which the authority has jurisdiction and which is owned, operated or leased by the authority or licensed as a parking facility by a municipality to any other person or is a privately owned parking facility in existence as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus. This shall not apply to those motorbuses, as determined by the authority, which have as their ultimate destination their point of origin, without the necessity of interrupting a continuous journey for the purpose of stopping within the district, except for the purpose of discharging passengers or those motorbuses whose only destination within the district is a bus terminal designated by the authority as a public bus terminal. Such a motorbus shall complete its journey by the most direct and expeditious route, as provided by the authority; (5) licensing and regulation of parking facilities which can accommodate motorbus parking not owned, operated or leased by the authority, the New Jersey Expressway Authority or a municipality, including the regulation of size, location, utilization and operation of the facilities, except that any such

parking facility in existence as of February 1, 1983, and licensed by a municipality as a parking facility shall be exempt from this regulation and licensure requirement, provided there is no increase in the licensed capacity of the facility after February 1, 1983, or any transferral of license. However, in the event of an application for the renewal of the license of any exempt parking facility, the municipality originally granting or issuing the license may grant or issue a renewal of the license without approval of the authority until July 1, 1986. Thereafter, any renewal shall be with the consent of the authority, provided that the authority may not withhold its consent unless the authority shall establish that renewal of the license of the parking facility would be detrimental to the orderly flow of motorbus regular route or motorbus charter services within the district or within the affected municipality or contrary to the public health, safety, welfare or convenience. In addition, the municipality originally granting or issuing the license may continue, in accordance with law, to regulate any exempt parking facility without approval of this regulation by the authority until July 1, 1986. Thereafter, it shall be required that any regulation of the exempt facilities by the municipality be approved by the authority and, in like fashion, any regulation of the exempt facilities by the authority shall be approved by the municipality. The authority shall notify and request comment from any municipality affected by rules and regulations concerning licensure and regulation of parking facilities which can accommodate motorbus parking in accordance with subsection d. of this section. This subsection shall not apply to a privately owned parking facility in existence as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus, provided there is no increase in the capacity of the facility after February 1, 1983.

b. In order to defray the cost of implementing this plan, the authority may establish a reasonable service charge to be paid by the owner or operator of each motorbus which shall enter a municipality in which casino gaming is authorized, which service charge shall be collected in such a manner as the authority may direct, and shall not exceed $1.00. This subsection shall not apply to those motorbuses whose only destination within the district is a bus terminal designated by the authority as a public bus terminal.

The authority is empowered to require casino hotels in a municipality in which casino gaming is authorized to furnish it with

such information as is necessary to collect the reasonable service charge referred to in this subsection.

c. Rules and regulations promulgated by the authority under this section may include the provision for an assessment of penalties for any violation of these rules and regulations not to exceed $500.00 for any single violation. Any violation of these rules and regulations shall be prosecuted by the municipality wherein the violation occurred. All moneys collected as a result of the imposition of fines in cases prosecuted by the municipality shall be paid to the municipality. However, if, in the judgment of the Commissioner of Transportation, any municipality shall fail to enforce adequately the provisions of these rules and regulations, proceedings to enforce rules and regulations in that municipality shall be prosecuted by the authority, and moneys collected as a result of the imposition of fines shall be paid to the authority. Proceedings under this section may be instituted on any day of the week and institution of proceedings on a Sunday or holiday shall be no bar to successful prosecution. Any process served on a Sunday or holiday shall be valid as if served on any other day of the week.

d. The authority shall notify by personal service or registered or certified mail (return receipt requested) the clerk of any municipality to be affected by the rules and regulations to be promulgated under this section at least 15 days prior to their promulgation and request comment from the municipality.

e. All rules and regulations promulgated under this section shall be submitted to the Commissioner of Transportation for review prior to adoption by the authority pursuant to the "Administrative Procedure Act," P. L. 1968, c. 140 (C. 52:14B–1 et seq.) and the commissioner shall have 30 business days to approve or reject the rules and regulations. If the commissioner rejects the rules and regulations, they shall not be approved. If the commissioner approves the rules and regulations or fails to act within 30 business days after submission, then the authority may adopt the rules and regulations.

f. Notwithstanding any other provisions of this section, if within 90 days of the effective date of this act the board finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice as required by the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) and states in writing its reasons for that finding, and the commissioner approves and the Governor concurs in writing that an imminent peril exists, it may proceed without prior

notice or hearing or upon any abbreviated notice or hearing that it finds practicable to adopt the rule. Notwithstanding the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), the rule shall be effective for a period of not more than six months from the effective date of this act.

g. In order to provide for equitable treatment of all motorbus carriers, including those exempted from this act, and for the proper routing of all such carriers, the Commissioner of the Department of Transportation, or the Board of the New Jersey Transit Corporation, as the case may be, may adopt policies and issue rules and regulations providing for the routing, interception, dispatching, reception and leaving of places of business of exempt motorbuses, in a manner consistent with subsection a. of this section.

h. The Chairman of the Senate Transportation and Communications Committee and the Chairman of the Assembly Transportation and Communications Committee shall receive copies of any rules and regulations to be adopted by the authority at the same time as they are submitted to the commissioner or if not submitted to the commissioner at the same time as they are submitted to the Governor as provided in the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.).

3. This act shall take effect immediately.

Approved July 1, 1983.

CHAPTER 243

AN ACT authorizing and providing for the issuance of obligations in registered form by the State, counties, municipalities, school and other districts, State agencies and other public authorities and agencies, and supplementing Title 49 of the Revised Statutes.

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

C. 49:2-2 Short title.

1. This act shall be known and may be cited as the "Public Obligation Registration Act."

C. 49:2-3 Definitions.

2. As used in this act:

a. "Book entry system" means a method of recording ownership which identifies the owner of an interest in the obligation;

b. "Registered form" means an obligation which is registered as to both principal and any stated interest, and (1) the transfer of the obligation may be effected by the surrender of the old instrument and either the reissuance by the issuer of the old instrument to the new holder or the issuance by the issuer of a new instrument to the new holder, or (2) the right to the principal of, and stated interest on, the obligation may be transferred through a book entry system;

c. "Obligation" means a bond, debenture, note, certificate or other evidence of indebtedness issued by a public issuer; and

d. "Public issuer" means the State, or any county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, any county or municipality or by one or more counties or municipalities which is authorized to issue obligations.

C. 49:2-4 Issuance in registered form.

3. Obligations may be issued in registered form, and all or any portion of an issue of obligations may be issued in the form of a single bond or note to a bank, transfer agent, fiscal agent, registrar or other holder appointed by resolution or ordinance of the public issuer for the purpose of maintaining a book entry system.

C. 49:2-5 Contracts for servicing of obligations.

4. Any public issuer, pursuant to ordinance or resolution, may contract with any bank, trust company or national banking association, or other institution, depository or fiduciary, or any person, firm or corporation located within or without the State, for services with respect to the issuance, transfer, exchange, payment, authentication, or other servicing of any of its obligations. The contracts may be for a specified or unlimited period of time and on any terms or conditions approved by the public issuer, shall be valid and binding whether or not an appropriation with respect thereto has been made prior to authorization or execution, and shall not be subject to the provisions of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11–1 et seq.); the "Public School Contracts Law," N. J. S. 18A:18A–1 et seq.; P. L. 1954, c. 48 (C. 52:34–6 et seq.); or any other laws requiring public bidding. Annual costs and expenses under contracts shall be budgeted, met and provided for by the public issuer in the same manner as is debt service on

its obligations which are the subject thereof. Initial or start-up fees and costs under contracts shall be deemed to be costs of issuance of the obligations which are the subject thereof.

C. 49:2-6 Authentication.

5. Any obligation in registered form may be executed by the officer or officers of the public issuer authorized to do so with a facsimile signature in lieu of the manual signature of the authorized officer or officers, and the corporate seal of the public issuer, or a facsimile thereof, may be printed, engraved or otherwise reproduced on the obligation; provided that the obligation is authenticated by the authorized manual signature of, or on behalf of, a registrar, fiscal agent, transfer agent, trustee, paying agent or the like.

C. 49:2-7 Powers supplemental.

6. The powers granted in this act shall be supplemental and additional to any powers conferred by other laws upon public issuers and not in derogation of any powers now existing. To the extent the provisions of this act are inconsistent with any other law, this act shall control.

7. This act shall take effect immediately.

Approved July 1, 1983.

CHAPTER 244

AN ACT authorizing the payment of claims against "The Trustees of the New Jersey School of the Arts" by the fund created by P. L. 1972, c. 45 and amending P. L. 1969, c. 95.

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

1. Section 4 of P. L. 1969, c. 95 (C. 18A:61A–4) is amended to read as follows:

C. 18A:61A-4 Trustees of New Jersey School of the Arts.

4. The board of trustees shall organize at a meeting to be called by the Commissioner of Education and annually thereafter by election from their number of a chairman and a vice chairman and appointment of a secretary, who may but need not be a member

of the board of trustees, and such other officers as the board shall determine. The meeting for the election and appointment of officers shall be held not earlier than July 1 and not later than October 1 of each year. Officers shall serve for terms of 1 year, and until their successors are selected and qualified. The board of trustees shall be known as "The Trustees of the New Jersey School of the Arts" and shall be a body corporate, with all the powers usually conferred upon such bodies and necessary to enable it to acquire, hold and transfer property, make contracts, and to exercise such other rights and privileges as may be necessary for the management and administration of the school, and for carrying out the provisions and purposes of this act.

2. This act shall take effect immediately.

Approved July 1, 1983.

CHAPTER 245

AN ACT concerning the procedure for imposing capital punishment 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:49-1 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Corrections.

b. "Department" means the Department of Corrections.

c. "Inmate" means a person who is incarcerated in the department who is sentenced to death pursuant to the provisions of N. J. S. 2C:11–3.

C. 2C:49-2 Capital punishment by injection of lethal substance.

2. When a person is sentenced to death pursuant to the provisions of N. J. S. 2C:11–3, that punishment shall be imposed by continuous, intravenous administration until the person is dead of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent in a quantity sufficient to cause death. Prior to the injection of the lethal substance, the person shall be sedated by a licensed physician, registered nurse, or other

qualified personnel, by either an oral tablet or capsule or an intramuscular injection of a narcotic or barbiturate such as morphine, cocaine or Demerol.

C. 2C:49-3 Designation of execution technicians.

3. a. The commissioner shall determine the substances and procedure to be used in an execution. Any imposition of the punishment of death by administration of the required lethal substances in the manner required by section 2 of this act shall not be construed to be the practice of medicine and any pharmacist or pharmaceutical supplier is authorized to dispense drugs to the commissioner or his designee, without prescription, for carrying out the provisions of section 2, notwithstanding any other provision of law to the contrary.

b. The commissioner shall designate persons who are qualified to administer injections and who are familiar with medical procedures, other than licensed physicians, as execution technicians to assist in the carrying out of executions, but the procedures and equipment utilized in imposing the lethal substances shall be designed to insure that the identity of the person actually inflicting the lethal substance is unknown even to the person himself.

C. 2C:49-4 Facility for executions.

4. The department shall provide and maintain a suitable and efficient facility enclosed from public view, within the confines of a designated State prison for the imposition of the punishment of death. That facility shall contain the apparatus and equipment necessary for the carrying out of executions in accordance with the provisions of this act.

C. 2C:49-5 Issuance of warrants.

5. a. When a person is sentenced to the punishment of death, the judge who presided at the sentencing proceeding or if that judge is unavailable for any reason, then the assignment judge of the vicinage and, if not available, then any Superior Court judge of the vicinage, shall make out, sign and deliver to the sheriff of the county, a warrant directed to the commissioner, stating the conviction and sentence, appointing a date on which the sentence shall be executed, and commanding the commissioner to execute the sentence on that date.

b. If the execution of the sentence on the date appointed shall be delayed while the conviction or sentence is being appealed, the judge authorized to act pursuant to subsection a. of this section, at the conclusion of the appellate process, if the conviction or

sentence is not set aside, shall make out, sign and deliver another warrant as provided in subsection a. of this section. If the execution of the sentence on the date appointed is delayed by any other cause, the judge shall, as soon as such cause ceases to exist, make out, sign and deliver another warrant as provided in subsection a. of this section.

c. The date appointed in the warrant shall be not less than 30 days and not more than 60 days after the issuance of the warrant. The commissioner may fix the time of execution on that date.

C. 2C:49-6 Isolation of condemned.

6. a. Within 10 days after issuance of a warrant as provided in section 5 of this act, the sheriff shall deliver the warrant, and also the person sentenced, if he is not already in the custody of the department, to the department. From the time of the delivery of the warrant and until the imposition of the punishment of death upon him, unless discharged from the sentence, the person shall be kept isolated from the general prison population in a designated State prison.

b. During the confinement and isolation no person shall be allowed physical access to him without a court order which shall not be unreasonably withheld, except corrections officers and officials, his counsel, and the members of his immediate family, and then only in accordance with the department's rules for security. Upon the request of the inmate, a clergyman or a member of the press shall be allowed access to the inmate without a court order but only in accordance with the department's rules for security.

C. 2C:49-7 Persons permitted at execution.

7. a. The commissioner, the persons designated by the commissioner to act as execution technicians, and two licensed physicians shall be present at the execution. The commissioner shall also select and invite the presence of, by at least three days' prior notice, six adult citizens. The names of the execution technicians shall not be disclosed, and the names of the six adult citizens who witnessed the execution shall not be disclosed until after the execution.

b. The commissioner shall, at the request of the person sentenced to death, authorize and permit no more than two clergymen, who are not related to the inmate, to be present at the execution.

c. The commissioner shall permit eight representatives of the news media to be present at the execution, for the purpose of giving their respective newspapers and associations accounts of the execution. The eight representatives shall be composed of two representa-

tives of the major wire services, two representatives of television news services, two representatives of newspapers, and two representatives of radio news services. Immediately following the execution, the eight representatives of the news media may hold a press conference for the purpose of giving other news representatives an account of the execution.

d. The commissioner shall not authorize or permit any person who is related by either blood or marriage to the sentenced person or to the victim to be present at the execution, nor shall the commissioner authorize or permit any other person to be present, except those authorized by this section.

C. 2C:49-8 Certificate of execution.

8. a. Immediately after the execution an examination of the body of the inmate shall be made by the licensed physicians present at the execution, and their report in writing stating the nature of the examination and occurrence of death, so made by them, shall be annexed to the certificate hereinafter mentioned and filed therewith.

b. The commissioner shall prepare and sign a certificate setting forth the time and place of the execution and stating that the execution was conducted in conformity to the sentence of the court and the provisions of this act. He shall cause the certificate to be filed, within 10 days after the execution, with the Superior Court in the county in which the person executed was convicted.

c. The commissioner may appoint a deputy within the department to execute the warrant of execution and to perform all the other duties imposed upon the commissioner by this act.

C. 2C:49-9 Disposition of body.

9. a. Prior to the execution, the inmate shall be given the opportunity to decide in writing to whom his body shall be delivered after the execution. The commissioner or his deputy designated pursuant to subsection c. of section 8 of this act shall sign and authorize the inmate's request if the request is not contrary to public policy or law. If the inmate does not indicate to whom his body shall be delivered or if his request is contrary to public policy or law, then the body of an inmate who has been legally executed shall be embalmed immediately and so directed by the commissioner, unless prior to execution, the inmate, relative, or bona fide friend indicates that the body is to be cremated or buried within 48 hours after death. If the body is not demanded or requested by a relative or bona fide friend within 72 hours after execution then it shall

be delivered to a duly authorized and incorporated pathological and anatomical association in the State, if requested by an authorized association. If the body is requested by a relative or bona fide friend, the State shall pay a fee, not to exceed $25.00 to the mortician for his services in embalming the body for which the mortician shall issue to the State a written receipt. If the body is requested by a duly authorized and incorporated pathological and anatomical association, the association shall pay a fee, not to exceed $25.00 to the mortician for his services in embalming the body for which the mortician shall issue to the association a written receipt. When the receipt is delivered to the commissioner, the body of the deceased shall be delivered to the party named in the receipt or his authorized agent.

b. If the body is not delivered to a relative, bona fide friend, or a duly authorized and incorporated pathological and anatomical association, the commissioner shall cause the body to be decently buried, and the fee for embalming shall be paid by the State, and no religious or other services shall be held over the body after the execution, except within the facility selected for the execution by the department, and no one shall be present at the service except the officers of the prison, the person conducting the services and relatives by blood or marriage of the person executed.

c. The commissioner shall contact the Social Security Administration, Veterans' Administration, Public Welfare, and appropriate insurance companies for any possible death benefits to offset the State incurred burial expenses. The inmate's account may also be used for burial expenses.

C. 2C:49-10 Execution delayed for pregnant inmate.

10. a. If there is reasonable ground to believe that a female inmate, sentenced to the punishment of death, is pregnant, the superintendent of the State institution having custody of the inmate shall impanel a jury of three licensed physicians to inquire into her pregnancy. A physician acting as a juror upon this inquisition need not be qualified to serve as a juror in a court of record.

b. The inquisition of the jury shall be signed by the jurors and the superintendent of the institution. If it is found by the jury that the inmate is pregnant, the superintendent shall suspend the execution of the warrant directing her execution until he receives a warrant from the commissioner directing that the convict be executed.

c. The superintendent shall immediately transmit the inquisition to the commissioner, who, as soon as he is satisfied that the inmate

is no longer pregnant, shall issue his warrant, appointing a time and place for her execution, pursuant to her sentence.

C. 2C:49-11 Rules, regulations.

11. The department may adopt any rules or regulations necessary to implement the provisions of this act.

C. 2C:49-12 Joint committee to monitor.

12. The Judiciary, Law, Public Safety and Defense Committee of the General Assembly and the Judiciary Committee of the Senate, or their respective successors, are constituted a joint committee for the purposes of monitoring and evaluating the effectiveness of the implementation of this act. The Commissioner of the Department of Corrections shall, two years from the effective date of this act, report to the joint committee, an evaluation of the effectiveness of this act and the joint committee shall, upon receiving the report, issue as it may deem necessary and proper, recommendations for administrative or legislative changes affecting the implementation of this act.

13. This act shall take effect immediately.

Approved July 5, 1983.

CHAPTER 246

AN ACT concerning the administration of decedents' estates and amending N. J. S. 3B:10–3 and N. J. S. 3B:10–4.

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

N. J. S. 3B:10–3 is amended to read as follows:

When spouse entitled to assets without administration.

3B:10–3. When spouse entitled to assets without administration. Where the total value of the real and personal assets of the estate of an intestate will not exceed $10,000.00, the surviving spouse upon the execution of an affidavit before the surrogate of the county where the intestate resided at his death, or, if then nonresident in this State, where any of the assets are located, or before the Superior Court, shall be entitled absolutely to all the real and personal assets without administration, and the assets of the estate up to $5,000.00 shall be free from all debts of the intestate. Upon

the execution and filing of the affidavit as provided in this section, the surviving spouse shall have all of the rights, powers and duties of an administrator duly appointed for the estate. The surviving spouse may be sued and required to account as if he had been appointed administrator by the surrogate or the Superior Court. The affidavit shall state that the affiant is the surviving spouse of the intestate and that the value of the intestate's real and personal assets will not exceed $10,000.00, and shall set forth the residence of the intestate at his death, and specifically the nature, location and value of the intestate's real and personal assets. The affidavit shall be filed and recorded in the office of such surrogate or, if the proceeding is before the Superior Court, then in the office of the clerk of that court. Where the affiant is domiciled outside this State, the surrogate may authorize in writing that the affidavit be executed in the affiant's domicile before any of the officers authorized by R. S. 46:14–7 and R. S. 46:14–8 to take acknowledgments or proofs.

2. N. J. S. 3B:10–4 is amended to read as follows:

When heirs entitled to assets without administration.

3B:10–4. When heirs entitled to assets without administration. Where the total value of the real and personal assets of the estate of an intestate will not exceed $5,000.00 and the intestate leaves no surviving spouse, and one of his heirs shall have obtained the consent in writing of the remaining heirs, if any, and shall have executed before the surrogate of the county where the intestate resided at his death, or, if then nonresident in this State, where any of the intestate's assets are located, or before the Superior Court, the affidavit herein provided for, shall be entitled to receive the assets of the intestate for the benefit of all the heirs and creditors without administration or entering into a bond. Upon executing the affidavit, and upon filing it and the consent, he shall have all the rights, powers and duties of an administrator duly appointed for the estate and may be sued and required to account as if he had been appointed administrator by the surrogate or the Superior Court.

The affidavit shall set forth the residence of the intestate at his death, the names, residences and relationships of all of the heirs and specifically the nature, location and value of the real and personal assets and also a statement that the value of the intestate's real and personal assets will not exceed $5,000.00.

The consent and the affidavit shall be filed and recorded, in the office of the surrogate or, if the proceeding is before the Superior

Court, then in the office of the clerk of that court. Where the affiant is domiciled outside this State, the surrogate may authorize in writing that the affidavit be executed in the affiant's domicile before any of the officers authorized by R. S. 46:14–7 and R. S. 46:14–8 to take acknowledgments or proofs.

3. This act shall take effect immediately.

Approved July 7, 1983.

CHAPTER 247

AN ACT concerning the reporting of certain information to the State Board of Medical Examiners.

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

C. 26:2H-12.2 Notification of disciplinary actions, malpractice awards.

1. A health care facility licensed pursuant to section 12 of P. L. 1971, c. 136 (C. 26:2H–12) shall notify the State Board of Medical Examiners in writing of:

a. Any disciplinary proceeding or action taken by the governing body against any physician or surgeon licensed by the board when the proceeding or action results in a physician's or surgeon's reduction or suspension of privileges or removal or resignation from the medical staff, and provide such other information relating to the proceeding or action as may be requested by the board; and

b. Any medical malpractice liability insurance claim settlement, judgment or arbitration award to which the health care facility is a party.

The form of notification shall be prescribed by the Commissioner of Health, shall contain such information as may be required by the board and shall be made within 30 days of the proceeding or action, request, settlement, judgment or award.

A health care facility which fails to provide such notice or shall fail to cooperate with such request for information by the board shall be subject to such penalties as the State Department of Health may determine pursuant to section 13 of P. L. 1971, c. 136 (C. 26:2H–13).

C. 17:30D-17 Malpractice awards over $25,000.

2. Any insurer or insurance association authorized to issue medical malpractice liability insurance in the State shall notify the State Board of Medical Examiners in writing of any medical malpractice claim settlement, judgment or arbitration award for over $25,000.00, involving any physician or surgeon licensed by the board and insured by the insurer or insurance association. Any physician or surgeon licensed by the board who is not covered by medical malpractice liability insurance shall notify the board in writing of any medical malpractice judgment or arbitration award for over $25,000.00, to which the physician or surgeon is a party. The board shall not presume that the settlement, judgment or award is conclusive evidence in any disciplinary proceeding. The form of notification shall be prescribed by the Commissioner of Insurance, shall contain such information as may be required by the board and shall be made within 30 days of the settlement, judgment or award. An insurer or insurance association shall be immune from liability for furnishing information to the board in fulfillment of the requirements of this section.

3. This act shall take effect immediately but shall remain inoperative for 45 days following enactment.

Approved July 7, 1983.

CHAPTER 248

AN ACT concerning certain information provided to the State Board of Medical Examiners and supplementing Chapter 9 of Title 45 of the Revised Statutes.

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

C. 45:9-19.1 Civil immunity.

1. A person who in good faith and without malice provides to the State Board of Medical Examiners any information concerning any act by a physician or surgeon licensed by the board which the person has reasonable cause to believe involves misconduct that may be subject to disciplinary action by the board, or any information relating to such conduct requested by the board in the exercise of its statutory responsibilities or which may be required by statute,

shall not be liable for civil damages in any cause of action arising out of the provision of such information or services.

C. 45:9-19.2 Privilege inapplicable.

2. No privilege may be asserted pursuant to P. L. 1968, c. 185 (C. 2A:84A–22.1 et seq.), against any person providing information to the State Board of Medical Examiners in accordance with section 1 of this act.

C. 45:9-19.3 Confidentiality of information.

3. Any information concerning the conduct of a physician or surgeon provided to the State Board of Medical Examiners pursuant to section 1 of this act or any other provision of law, shall be of a confidential nature, pending final disposition of the inquiry or investigation by the board.

4. This act shall take effect immediately.

Approved July 7, 1983.

CHAPTER 249

AN ACT concerning sexual assault and amending N. J. S. 2C:14–1 and N. J. S. 2C:14–2.

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

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

Definitions.

2C:14–1. Definitions. The following definitions apply to this chapter:

a. "Actor" means a person accused of an offense proscribed under this act;

b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;

c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime;

d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or

actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;

e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person;

f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain;

g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;

h. "Mentally defective" means that condition in which a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of understanding the nature of his conduct;

i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;

j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7).

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

Sexual assault.

2C:14-2. Sexual Assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(a) The actor uses physical force or coercion, or

(b) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is one whom the actor knew or should have known was physically helpless, *mentally defective* or mentally incapacitated;

(3) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(4) The victim is at least 16 but less than 18 years old and the actor is a member of the victim's household with supervisory or disciplinary power over the victim;

(5) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

3. This act shall take effect immediately.

Approved July 7, 1983.