

LAWS=NEW JERSEY 1990

New Jersey State Library

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

New Jersey State Library

1990

The following laws, enacted by the First Annual Session of the Two Hundred and Fourth 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
FIRST ANNUAL SESSION
of the
Two Hundred and Fourth Legislature

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(Parts of Middlesex, Union)
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(Part of Union)
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JOHN H. DORSEY

TWENTY-SIXTH DISTRICT
(Parts of Morris, Passaic)
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TWENTY-SEVENTH DISTRICT
(Part of Essex)
RICHARD J. CODEY

TWENTY-EIGHTH DISTRICT
(Part of Essex)
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(Part of Essex)
WYNONA M. LIPMAN

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(Part of Essex)
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(Part of Hudson)
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THIRTY-SECOND DISTRICT
(Part of Hudson)
THOMAS F. COWAN, SR.

THIRTY-THIRD DISTRICT
(Part of Hudson)
CHRISTOPHER J. JACKMAN

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
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(Parts of Bergen, Passaic)
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JOHN A. GIRGENTI⁸

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(Parts of Bergen, Passaic)
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THIRTY-SEVENTH DISTRICT
(Part of Bergen)
MATTHEW FELDMAN

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
PAUL CONTILLO

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

FORTIETH DISTRICT
(Parts of Bergen, Passaic)
HENRY P. McNAMARA

- 1 Sworn in 1/25/90.
- 2 Resigned 11/19/90.
- 3 Sworn in 12/13/90.
- 4 Resigned 1/3/91.
- 5 Resigned 7/1/90.
- 6 Sworn in 9/24/90.
- 7 Died 3/4/90.
- 8 Sworn in 4/5/90.

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FIRST DISTRICT (Cape May, part of Cumberland) FRANK A. LoBIONDO EDWARD H. SALMON	TENTH DISTRICT (Part of Ocean) JOHN PAUL DOYLE MARLENE LYNCH FORD
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TWENTY-SIXTH DISTRICT (Parts of Morris, Passaic) ALEX DeCROCE ROBERT J. MARTIN	THIRTY-FIFTH DISTRICT (Parts of Bergen, Passaic) JOHN A. GIRGENTI ⁴ WILLIAM J. PASCARELL, JR. CYRIL YANNARELLI ^{5,6} FRANK CATANIA ⁷
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D. BENNETT MAZUR

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
PATRICK J. ROMA
WILLIAM P. SCHUBER⁸

THIRTY-NINTH DISTRICT
(Part of Bergen)
ELIZABETH E. RANDALL
JOHN E. ROONEY

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

- 1 Resigned 12/13/90.
- 2 Resigned 9/24/90.
- 3 Sworn in 11/19/90.
- 4 Resigned 4/5/90.
- 5 Sworn in 5/17/90.
- 6 Replaced 11/19/90.
- 7 Sworn in 11/19/90.
- 8 Resigned 12/31/90.

LAWS

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

CHAPTER 1

AN ACT concerning the budget message to be transmitted by the Governor to the Legislature for the fiscal year ending June 30, 1991.

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

1. Notwithstanding the provisions of any other law to the contrary, the Governor shall transmit his budget message for the fiscal year ending June 30, 1991 to the Legislature on or before March 15, 1990.

2. This act shall take effect immediately.

Approved February 13, 1990.

CHAPTER 2

AN ACT concerning the 1990 annual school election.

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

1. Notwithstanding the provisions of N.J.S.18A:14-2 or any other statute, the 1990 annual school election shall be held on April 24, 1990. The Commissioner of Education shall make any

adjustments to the school budget and election calendar which may be necessary as a result of the change in the date of the annual school election. The commissioner shall inform local boards of education of these adjustments no later than the third day following the effective date of this act. In addition to the publication requirements imposed in N.J.S.18A:22-11, each board of education shall, at least five days prior to the public hearing, post a copy of the statement annexed to the budget in each schoolhouse in the district, except that in districts with less than seven schoolhouses, a copy shall be posted in such other public places within the district as the board shall direct so that at least seven copies of the statement shall be posted in the district.

2. This act shall take effect immediately.

Approved February 16, 1990.

CHAPTER 3

AN ACT concerning the commission to study sex discrimination in the statutes, amending and supplementing P.L.1978, c.68, repealing section 9 of P.L.1978, c.68 and making an appropriation.

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

1. Section 3 of P.L.1978, c.68 is amended to read as follows:

3. Each of the members of the commission appointed from either House of the Legislature shall serve until the end of the two-year legislative term during which the member is appointed, the person holding the position of the Director of the Division on Women shall serve as long as that position is held and all public members shall serve for terms of two years and until their respective successors shall be appointed and shall qualify. A chairperson and a vice chairperson shall be elected by the commission from among its members, and each shall serve a two year term while a member of the commission. Vacancies in the membership of the commission shall be filled in the same manner as

the original appointments were made, but for the unexpired terms only. If a member serves beyond the term for which the member was appointed, the successor's term shall be deemed to have begun at the expiration of the predecessor's term.

2. Section 11 of P.L.1978, c.68 is amended to read as follows:

11. This act shall take effect immediately and shall expire on January 10, 1995.

3. Notwithstanding the terms for which they were originally appointed, the terms of the legislative members of the commission who are serving on the commission on the effective date of this act shall expire on noon of the second Tuesday in January in the next even-numbered year following the date of enactment.

4. The members of the commission serving as chairperson and vice-chairperson on the effective date of this act may continue to hold that office until the expiration of the two-year term for which they were elected so long as they remain members of the commission.

5. Notwithstanding the terms for which they were appointed and in order to effectuate the staggering of the terms of the public members of the commission, the terms of the public members serving on the commission on the effective date of this act, or of any member appointed to fill a vacancy existing on the effective date, shall continue until and expire on February 1, 1990. Of the six public members next appointed by the Governor, three shall be appointed for terms of one year and three shall be appointed for terms of two years. Thereafter, the terms of the members shall be as provided in section 3 of P.L.1978, c.68.

Repealer.

6. Section 9 of P.L.1978, c.68 is repealed.

7. There is appropriated from the General Fund to the commission the sum of \$70,000 to effectuate the purposes of this act.

8. This act shall take effect immediately and shall be retroactive to January 9, 1990.

Approved February 20, 1990.

CHAPTER 4

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S.18A:24-17, provided however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 6, 1990.

CHAPTER 5

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

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

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

C.23:5-44 Definitions.

2. As used in this act:

a. (Deleted by amendment, P.L.1985, c.211).

b. "Marine waters" means all the salt waters of this State, including the waters of the Atlantic Ocean, and all bays, inlets and estuarine waters located below the freshwater portion of any river, stream or creek, but shall not include any of the freshwaters of this State as defined in R.S.23:1-2;

c. (Deleted by amendment, P.L.1985, c.211).

d. "Spearfishing" means the taking of striped bass by means of a spear, harpoon, or other missile, while the swimmer is completely submerged in marine waters, but shall not include the use of blinding lights for the purpose of spearing striped bass, or spears, harpoons or other missiles with exploding heads;

e. "Striped bass" means a game fish of the species "Morone saxatilis" commonly referred to as rockfish, rock or striper;

f. "Delaware bay" means all the waters of the State delineated by a line drawn from Cape May Point, New Jersey to Cape Henlopen, Delaware and the boundary line between New Jersey and Delaware extending to the northern terminus of Artificial Island, Lower Alloways Creek township, Salem county.

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

C.23:5-45.1 Daily limits.

1. a. No person shall take from the waters of the State in any one day, or sell, barter, offer for sale or barter or have in his possession at any time, more than five striped bass measuring not less than 36 inches in length from July 1, 1989 through December 31, 1989, or more than one striped bass not less than 28 inches in length on or after January 1, 1990, except not less than 36 inches in length from the waters of the Delaware bay or the Delaware river, or their tributaries. No person shall have in his possession any striped bass not less than 36 inches in length while on or angling in the Delaware bay or the Delaware river, or their tributaries.

b. The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 36 inches in length from July 1, 1989 through December 31, 1989, or less than 28 inches in length on or after January 1, 1990, except not less than 36 inches in length while on or angling in the waters of the Delaware bay or the Delaware river, or their tributaries, shall be presumed to be possessed in violation of this section.

c. Notwithstanding the provisions of subsections a. and b. of this section to the contrary, upon approval by the Atlantic States Marine Fisheries Commission, the Department of Environmental Protection shall, by regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provide that no person may take from the waters of the State, other than the Delaware bay and the Delaware river, and their tributaries, in any one day, or sell, barter, offer for sale or barter or have in his possession at any time more than two striped bass, of which one shall be not less than 28 inches in length and the other shall be not less than 38 inches in length.

The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 28 inches in length shall be presumed to be possessed in violation of this section, except the minimum limit shall be 38 inches in length for a second fish possessed.

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

C.23:5-45.2 Closed season for striped bass, except Atlantic Ocean.

3. a. No person may take, or attempt to take, or have in his possession, any striped bass from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year.

b. The department shall, by regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), implement a closed season for the striped bass spawning area of the Delaware river during the spawning period.

4. This act shall take effect immediately.

Approved March 6, 1990.

CHAPTER 6

AN ACT concerning pension adjustment benefits and health care benefits for members and beneficiaries of the Public Employees' Retirement System, amending and supplementing P.L.1954, c.84 and supplementing P.L.1958, c.143 (C.43:3B-1 et seq.).

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

1. Section 24 of P.L.1954, c.84 (C.43:15A-24) is amended to read as follows:

C.43:15A-24 Contingent reserve fund.

24. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State and other employers.

a. Upon the basis of such tables recommended by the actuary as the board adopts, and regular interest, the actuary shall compute annually the amount of contribution, expressed as a proportion of the compensation paid to all members, which, if paid monthly during the entire prospective service of the members, will be sufficient to provide for the pension reserves required at the time of discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account and to provide for the amount of the death and accidental disability benefits payable on their account, and which amount is not covered by other contributions, to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution."

b. Upon the basis of such tables recommended by the actuary as the board adopts, and regular interest, the actuary shall compute the amount of the unfunded liability as of March 31, 1988 which has accrued on the basis of service rendered prior to April 1, 1988 by all members, including the amount of the liability accrued by reason of allowance to be granted on account of services rendered by State employee veteran members as provided in section 60 of this act prior to the establishment of the retirement system, which has not already been covered by State contributions to the former "State Employees' Retirement System," and including the accrued liabilities established by section 12 of chapter 67 of the laws of 1966 (C.43:15A-37.1). Using the total amount of this unfunded accrued liability, he shall compute the amount of the annual payment, which, if paid in each succeeding fiscal year commencing with July 1, 1989, for a period which the State Treasurer shall determine upon the advice of the Director of the Division of Pensions, but not exceeding 40 years, will provide for this liability. The annual payment so computed and certified shall be valued annually and any additional liability which has accrued by reason of allowances to be granted on account of services rendered by State employee veteran members as provided in section 60 shall be added to the amount previously certified so that

the entire liability shall be paid within the period determined by the State Treasurer, but not exceeding 40 years. This shall be known as the "accrued liability contribution."

c. The retirement system shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section. The State shall pay into the contingent reserve fund during the ensuing year the amount so determined. The death benefits, payable as a result of contribution by the State under the provisions of this chapter upon the death of an active or retired member, shall be paid from the contingent reserve fund.

d. The disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contributions of the State and other employers.

C.43:15A-24.1 Pension adjustment benefits and premiums or periodic charges to be paid by retirement system.

2. Pension adjustment benefits for members and beneficiaries of the Public Employees' Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and premiums or periodic charges which the State is required to pay for benefits provided to retired State employees and their dependents under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), shall be paid by the retirement system and shall be funded as employer obligations in a similar manner to that provided for the funding of employer obligations for the retirement benefits provided by the retirement system, as determined by the State Treasurer upon the advice of the Director of the Division of Pensions. The liability for pension adjustment benefits and for premiums or periodic charges for health care benefits for retired State employees and their dependents shall be included as a liability of the retirement system as of April 1, 1988.

C.43:3B-4.3 Pension adjustment benefits to be paid by PERS.

3. Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits provided under that act for members and beneficiaries of the Public Employees' Retirement System shall be paid by the retirement system.

4. This act shall take effect immediately.

Approved March 8, 1990.

CHAPTER 7

AN ACT concerning judges of the Superior Court in certain counties and amending N.J.S.2A:2-1.

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 366 judges. Each judge shall receive such annual salary as shall be fixed by law.

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

Atlantic	10
Bergen	26
Burlington	7
Camden	14
Cape May	4
Cumberland	6
Essex	28
Gloucester	8
Hudson	22
Hunterdon	3
Mercer	8
Middlesex	20
Monmouth	16
Morris	14
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	18
Warren	3

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

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

2. This act shall take effect immediately.

Approved March 12, 1990.

CHAPTER 8

AN ACT to reform the motor vehicle insurance system in this State, providing for the financial integrity of that system through the raising of certain revenues and the creation of certain funding mechanisms, providing a dedicated source of revenues to partially fund the operations of the Department of Insurance and revising parts of statutory law.

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

C.17:33B-1 Short title.

1. This act shall be known and may be cited as the "Fair Automobile Insurance Reform Act of 1990."

C.17:33B-2 Findings, declarations.

2. The Legislature finds and declares that:

a. For almost two decades the system of motor vehicle insurance in this State has been the subject of examination, reform, review and revision in all three branches of government.

b. The common public purpose throughout this period has been to provide to the motorists of this State a comprehensive program of indemnification from the injuries and damages that may arise out of the ownership or operation of motor vehicles that is equitable, efficient and economical.

c. As various legislative or executive initiatives were taken in pursuit of this public purpose, the insurance industry itself, and the businesses and professions that provide goods and services to those involved in motor vehicle accidents, were at the same time altering the way in which they conducted their businesses to

respond to a changing business and regulatory climate to ensure that they continued to benefit.

d. It has become increasingly obvious to the Legislature and the public that, as a result, one of the principal goals of this common purpose has not been attained: economy. Not only has the cost of the insurance product itself escalated, but the subsidies that most drivers contribute to support the financially-troubled New Jersey Automobile Full Insurance Underwriting Association have made the system a burden, rather than a benefit, to the citizens of the State.

e. The current law developed through legislative initiative, executive administration and judicial interpretation for: (1) the underwriting and rating of motor vehicle insurance; (2) the apportionment of drivers between a voluntary and residual market based on their characterization as "good" or "bad" drivers; (3) the provision of health care services and motor vehicle repair; (4) the payment of claims and protection of the rights and remedies of those injured or damaged; and (5) the regulation and financing of this system, and its many aspects, is cumbersome, complex, and confusing and allows for and encourages inefficiency, waste, mismanagement and the potential for misuse of public and private moneys.

f. As a result of this experience, the Legislature finds that it is necessary to address the myriad aspects and issues of this complicated and interrelated system, not through piecemeal adjustment of various statutory or regulatory provisions, but through a logical, comprehensive and complete revision of the various laws and regulatory schemes that impact, in whatever fashion, on the system and its participants.

g. To provide a healthy and competitive automobile insurance system in this State, automobile insurers are entitled to earn an adequate rate of return through the ratemaking process.

h. To that end, the Legislature declares that it is in the public interest to:

(1) revise the basic options and coverages available under automobile insurance policies, including the option to make one's health insurance the primary source for payment of medical and hospital expenses;

(2) eliminate, over time, the current residual market mechanism, the New Jersey Automobile Full Insurance Underwriting Association, and certain of the market subsidies currently funding its losses;

(3) provide, through the appointment of an insolvency trustee, for the orderly evaluation, prioritization and satisfaction of obligations payable on behalf of the association;

(4) provide, through assessments on property-casualty insurers, a surtax on the premium taxes of automobile insurers, temporary assessments for the privilege of practicing certain professions and occupations, temporary and minimal increases in certain motor vehicle registration fees, as well as continuation of merit rating surcharges, for the funding of the debts and obligations of the association;

(5) create a new residual market mechanism in which insurers will share directly in the risk of insuring the "bad driver;"

(6) guarantee that "good drivers" secure motor vehicle insurance coverage in the voluntary market and control the apportionment of drivers in the residual market;

(7) eliminate anti-competitive aspects of the current rating laws as they apply to automobile insurers and completely eliminate combinations among automobile insurers for rate-making purposes;

(8) promote the efficient handling of claims and the elimination of fraud and other deceptive practices; and

(9) promote the participation of the insurance consumer in reducing losses through the installation and use of anti-theft devices, the successful completion of defensive driving courses, and similar activities.

3. Section 3 of P.L.1972, c.70 (C.39:6A-3) is amended to read as follows:

C.39:6A-3 Compulsory automobile insurance coverage; limits.

3. Compulsory automobile insurance coverage; limits. Every owner or registered owner of an automobile registered or principally garaged in this State shall maintain automobile liability insurance coverage, under provisions approved by the Commissioner of Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of an automobile wherein such coverage shall be at least in:

a. 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

b. 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; and

c. an amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident.

No licensed insurance carrier shall refuse to renew the required coverage stipulated by this act of an eligible person as defined in section 25 of P.L.1990, c.8 (C.17:33B-13) except in accordance with the provisions of section 26 of P.L.1988, c.119 (C.17:29C-7.1) or with the consent of the Commissioner of Insurance.

4. Section 4 of P.L.1972, c.70 (C.39:6A-4) is amended to read as follows:

C.39:6A-4 Personal injury protection coverage, regardless of fault.

4. Personal injury protection coverage, regardless of fault.

Every automobile liability insurance policy, issued or renewed on or after January 1, 1991, insuring an automobile as defined in section 2 of P.L.1972, c.70 (C.39:6A-2) against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of ownership, operation, maintenance or use of an automobile shall provide personal injury protection coverage, as defined hereinbelow, under provisions approved by the Commissioner of Insurance, for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household who sustained bodily injury as a result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or by an object propelled by or from an automobile, to other persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with the permission of the named insured, and to pedestrians, sustaining bodily injury caused by the named insured's automobile or struck by an object propelled by or from such automobile.

"Personal injury protection coverage" means and includes:

a. Medical expense benefits. Payment of reasonable medical expenses in an amount not to exceed \$250,000 per person per accident. In the event benefits paid by an insurer pursuant to this subsection are in excess of \$75,000 on account of personal injury to any one person in any one accident, such excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer

from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L.1977, c.310 (C.39:6-73.1).

b. **Income continuation benefits.** The payment of the loss of income of an income producer as a result of bodily injury disability, subject to a maximum weekly payment of \$100.00. Such sum shall be payable during the life of the injured person and shall be subject to an amount or limit of \$5,200.00, on account of injury to any one person in any one accident, except that in no case shall income continuation benefits exceed the net income normally earned during the period in which the benefits are payable.

c. **Essential services benefits.** Payment of essential services benefits to an injured person shall be made in reimbursement of necessary and reasonable expenses incurred for such substitute essential services ordinarily performed by the injured person for himself, his family and members of the family residing in the household, subject to an amount or limit of \$12.00 per day. Such benefits shall be payable during the life of the injured person and shall be subject to an amount or limit of \$4,380.00, on account of injury to any one person in any one accident.

d. **Death benefits.** In the event of the death of an income producer as a result of injuries sustained in an accident entitling such person to benefits under this section, the maximum amount of benefits which could have been paid to the income producer, but for his death, under subsection b. of this section shall be paid to the surviving spouse, or in the event there is no surviving spouse, then to the surviving children, and in the event there are no surviving spouse or surviving children, then to the estate of the income producer.

In the event of the death of one performing essential services as a result of injuries sustained in an accident entitling such person to benefits under subsection c. of this section, the maximum amount of benefits which could have been paid such person, under subsection c., shall be paid to the person incurring the expense of providing such essential services.

e. **Funeral expenses benefits.** All reasonable funeral, burial and cremation expenses, subject to a maximum benefit of \$1,000.00, on account of the death of any one person in any one accident shall be payable to decedent's estate.

Benefits payable under this section shall:

(1) Be subject to any option elected by the policyholder pursuant to section 13 of P.L.1983, c.362 (C.39:6A-4.3);

(2) Not be assignable, except to a provider of service benefits under this section, nor subject to levy, execution, attachment or other process for satisfaction of debts.

Medical expense benefit payments shall be subject to a deductible of \$250.00 on account of injury in any one accident and a copayment of 20% of any benefits payable between \$250.00 and \$5,000.00.

No insurer or health provider providing benefits to an insured shall have a right of subrogation for the amount of benefits paid pursuant to any deductible or copayment under this section.

5. Section 12 of P.L.1983, c.362 (C.39:6A-4.2) is amended to read as follows:

C.39:6A-4.2 Primacy of coverages.

12. Primacy of coverages. Except as provided in subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), the personal injury protection coverage of the named insured shall be the primary coverage for the named insured and any resident relative in the named insured's household who is not a named insured under an automobile insurance policy of his own. No person shall recover personal injury protection benefits under more than one automobile insurance policy for injuries sustained in any one accident.

6. Section 13 of P.L.1983, c.362 (C.39:6A-4.3) is amended to read as follows:

C.39:6A-4.3 Personal injury protection coverage options.

13. Personal injury protection coverage options. With respect to personal injury protection coverage provided on an automobile in accordance with section 4 of P.L.1972, c.70 (C.39:6A-4), the automobile insurer shall provide the following coverage options:

- a. Medical expense benefit deductibles in amounts of \$500.00, \$1,000.00 and \$2,500.00 for any one accident;
- b. The option to exclude all benefits offered under subsections b., c., d., and e. of section 4;
- c. (Deleted by amendment, P.L.1988, c.119.)
- d. For policies issued or renewed on or after January 1, 1991, the option that other health insurance coverage or benefits of the insured, including health care services provided by a health maintenance organization and any coverage or benefits provided under

any federal or State program, are the primary coverage in regard to medical expense benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4). If health insurance coverage or benefits are primary, an automobile insurer providing medical expense benefits under personal injury protection coverage shall be liable for reasonable medical expenses not covered by the health insurance coverage or benefits up to the limit of the medical expense benefit coverage. The principles of coordination of benefits shall apply to personal injury protection medical expense benefits coverage pursuant to this subsection.

Insurers shall offer the options provided by subsections a. and b. of this section at appropriately reduced premiums. For policies issued or renewed prior to January 1, 1992, insurers shall offer the option provided by subsection d. of this section at a discount of not less than 25% from the base rate applicable to the first \$250,000 of medical expense benefit coverage, and for policies issued or renewed on or after January 1, 1992, insurers shall offer the option at an appropriate discount from the base rate for the amount of medical expense benefit coverage taken.

Any named insured who chooses the option provided by subsection d. of this section shall provide proof that he and members of his family residing in his household are covered by health insurance coverage or benefits in a manner and to an extent approved by the commissioner. Nothing in this section shall be construed to require a health insurer, health maintenance organization or governmental agency to cover individuals or treatment which is not normally covered under the applicable benefit contract or plan. If it is determined that an insured who selected or is otherwise covered by the option provided in subsection d. of this section did not have such health coverage in effect at the time of an accident, medical expense benefits shall be payable by the person's automobile insurer and shall be subject to any deductible required by law or otherwise selected as an option pursuant to subsection a. of this section, any copayment required by law and an additional deductible in the amount of \$750.

An option elected by the named insured in accordance with this section shall apply only to the named insured and any resident relative in the named insured's household who is not a named insured under another automobile insurance policy, and not to any other person eligible for personal injury protection benefits required to be provided in accordance with section 4 of P.L.1972, c.70 (C.39:6A-4).

In the case of a medical expense benefit deductible, the deductible elected by the named insured shall be satisfied for any one accident, whether the medical expense benefits are paid or provided, in the amount of the deductible, to the named insured or to one or more resident relatives in the named insured's household who are not named insureds under another insurance policy, or to any combination thereof.

Medical expense benefits payable in any amount between the deductible selected pursuant to subsection a. of this section and \$5,000.00 shall be subject to a copayment of 20%.

No insurer or health provider providing benefits to an insured who has elected a deductible pursuant to subsection a. of this section shall have a right of subrogation for the amount of benefits paid pursuant to a deductible elected thereunder or any applicable copayment.

The Commissioner of Insurance shall adopt rules and regulations to effectuate the purposes of this section and may promulgate standards applicable to the coordination of personal injury protection medical expense benefits coverage.

7. Section 10 of P.L.1988, c.119 (C.39:6A-4.6) is amended to read as follows:

C.39:6A-4.6 Medical fee schedules for reimbursement of health care providers; biannual review.

10. The Commissioner of Insurance shall, within 90 days after the effective date of P.L.1990, c.8 (C.17:33B-1 et al.), promulgate medical fee schedules on a regional basis for the reimbursement of health care providers providing services or equipment for medical expense benefits for which payment is to be made by an automobile insurer under personal injury protection coverage pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.). These fee schedules shall be promulgated on the basis of the type of service provided, and shall incorporate the reasonable and prevailing fees of 75% of the practitioners within the region. If, in the case of a specialist provider, there are fewer than 50 specialists within a region, the fee schedule shall incorporate the reasonable and prevailing fees of the specialist providers on a Statewide basis. These schedules shall be reviewed biannually by the commissioner.

No health care provider may demand or request any payment from any person in excess of those permitted by the medical fee schedules established pursuant to this section, nor shall any person

be liable to any health care provider for any amount of money which results from the charging of fees in excess of those permitted by the medical fee schedules established pursuant to this section.

8. Section 5 of P.L.1972, c.70 (C.39:6A-5) is amended to read as follows:

C.39:6A-5 Payment of personal injury protection coverage benefits.

5. Payment of personal injury protection coverage benefits.

a. An insurer may require written notice to be given as soon as practicable after an accident involving an automobile with respect to which the policy affords personal injury protection coverage benefits pursuant to this act.

b. Personal injury protection coverage benefits shall be overdue if not paid within 60 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 60 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 60 days after such written notice is furnished to the insurer; provided, however, that any payment shall not be deemed overdue where, within 60 days of receipt of notice of the claim, the insurer notifies the claimant or his representative in writing of the denial of the claim or the need for additional time, not to exceed 45 days, to investigate the claim, and states the reasons therefor. The written notice stating the need for additional time to investigate the claim shall set forth the number of the insurance policy against which the claim is made, the claim number, the address of the office handling the claim and a telephone number, which is toll free or can be called collect, or is within the claimant's area code. For the purpose of determining interest charges in the event the injured party prevails in a subsequent proceeding where an insurer has elected a 45-day extension pursuant to this subsection, payment shall be considered overdue at the expiration of the 45-day period or, if the injured person was required to provide additional information to the insurer, within 10 business days following receipt by the insurer of all the information requested by it, whichever is later.

For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment

was placed in the United States mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery.

c. All overdue payments shall bear interest at the percentage of interest prescribed in the Rules Governing the Courts of the State of New Jersey for judgments, awards and orders for the payment of money. All automobile insurers shall provide any claimant with the option of submitting a dispute under this section to binding arbitration. Arbitration proceedings shall be administered and subject to procedures established by the American Arbitration Association. If the claimant prevails in the arbitration proceedings, the insurer shall pay all the costs of the proceedings, including reasonable attorney's fees, to be determined in accordance with a schedule of hourly rates for services performed, to be prescribed by the Supreme Court of New Jersey.

9. Section 8 of P.L.1972, c.70 (C.39:6A-8) is amended to read as follows:

C.39:6A-8 Tort exemption; limitation on the right to noneconomic loss.

8. Tort exemption; limitation on the right to noneconomic loss.

One of the following two tort options shall be elected, in accordance with section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), by any named insured required to maintain personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4):

a. Every owner, registrant, operator or occupant of an automobile to which section 4 of P.L.1972, c.70 (C.39:6A-4), personal injury protection coverage, regardless of fault, applies, and every person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for noneconomic loss to a person who is subject to this subsection and who is either a person who is required to maintain the coverage mandated by this act, or is a person who has a right to receive benefits under section 4 of P.L.1972, c.70 (C.39:6A-4), as a result of bodily injury, arising out of the ownership, operation, maintenance or use of such automobile in this State, unless that person has sustained a personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-

permanent nature which prevents the injured person from performing substantially all of the material acts which constitute that person's usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury or impairment; or

b. As an alternative to the basic tort option specified in subsection a. of this section, every owner, registrant, operator, or occupant of an automobile to which section 4 of P.L.1972, c.70 (C.39:6A-4) applies, and every person or organization legally responsible for his acts or omissions, shall be liable for noneconomic loss to a person who is subject to this subsection and who is either a person who is required to maintain the coverage mandated by P.L.1972, c.70 (C.39:6A-1 et seq.) or is a person who has a right to receive benefits under section 4 of that act (C.39:6A-4), as a result of bodily injury, arising out of the ownership, operation, maintenance or use of such automobile in this State.

The tort option provisions of subsection b. of this section shall also apply to the right to recover for noneconomic loss of any person eligible for benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) but who is not required to maintain personal injury protection coverage and is not an immediate family member, as defined in section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), under an automobile insurance policy.

The tort option provisions of subsection a. of this section shall also apply to any person subject to section 14 of P.L.1985, c.520 (C.39:6A-4.5).

The tort option provisions of subsections a. and b. of this section as provided in this 1988 amendatory and supplementary act shall apply to automobile insurance policies issued or renewed on or after January 1, 1989 and as otherwise provided by law.

10. Section 20 of P.L.1983, c.362 (C.39:6A-9.1) is amended to read as follows:

C.39:6A-9.1 Recovery from tortfeasor.

20. An insurer, health maintenance organization or governmental agency paying benefits pursuant to subsection a., b. or d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3) or personal injury protection benefits in accordance with section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10), as a result of an accident occurring within this State, shall, within two years of the

filing of the claim, have the right to recover the amount of payments from any tortfeasor who was not, at the time of the accident, required to maintain personal injury protection or medical expense benefits coverage, other than for pedestrians, under the laws of this State, including personal injury protection coverage required to be provided in accordance with section 18 of P.L.1985, c.520 (C.17:28-1.4), or although required did not maintain personal injury protection or medical expense benefits coverage at the time of the accident. In the case of an accident occurring in this State involving an insured tortfeasor, the determination as to whether an insurer, health maintenance organization or governmental agency is legally entitled to recover the amount of payments and the amount of recovery, including the costs of processing benefit claims and enforcing rights granted under this section, shall be made against the insurer of the tortfeasor, and shall be by agreement of the involved parties or, upon failing to agree, by arbitration.

11. Section 10 of P.L.1972, c.70 (C.39:6A-10) is amended to read as follows:

C.39:6A-10 Additional personal injury protection coverage.

10. Additional personal injury protection coverage. Insurers shall make available to the named insured covered under section 4 of P.L.1972, c.70 (C.39:6A-4), and, at his option, to resident relatives in the household of the named insured, suitable additional first party coverage for income continuation benefits, essential services benefits, death benefits and funeral expense benefits, but the income continuation and essential services benefits shall cease upon the death of the claimant, and shall not operate to increase the amount of any death benefits payable under section 4 of P.L.1972, c.70 (C.39:6A-4) and such additional first party coverage shall be payable only to the extent that the claimant establishes that the amount of loss sustained exceeds the coverage specified in section 4 of P.L.1972, c.70 (C.39:6A-4). Insurers may also make available to named insureds covered under section 4 of P.L.1972, c.70 (C.39:6A-4), and, at their option, to resident relatives in the household of the named insured or to other persons provided medical expense coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), or both, additional first party medical expense benefit coverage. The additional coverage shall be offered by the insurer at least annually as part of the coverage selection form required by section 17 of

P.L.1983, c.362 (C.39:6A-23). Income continuation in excess of that provided for in section 4 must be provided as an option by insurers for disabilities, as long as the disability persists, up to an income level of \$35,000.00 per year, provided that a. the excess between \$5,200.00 and the amount of coverage contracted for shall be written on the basis of 75% of said difference, and b. regardless of the duration of the disability, the benefits payable shall not exceed the total maximum amount of income continuation benefits contracted for. Death benefits provided pursuant to this section shall be payable without regard to the period of time elapsing between the date of the accident and the date of death, if death occurs within two years of the accident and results from bodily injury from that accident to which coverage under this section applies. The Commissioner of Insurance is hereby authorized and empowered to establish, by rule or regulation, the amounts and terms of income continuation insurance to be provided pursuant to this section.

12. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to read as follows:

C.39:6A-12 Inadmissibility of evidence of losses collectible under personal injury protection coverage.

12. Inadmissibility of evidence of losses collectible under personal injury protection coverage. Except as may be required in an action brought pursuant to section 20 of P.L.1983, c.362 (C.39:6A-9.1), evidence of the amounts collectible or paid pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), to an injured person, including the amounts of any deductibles, copayments or exclusions, including exclusions pursuant to subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil action for recovery of damages for bodily injury by such injured person.

The court shall instruct the jury that, in arriving at a verdict as to the amount of the damages for noneconomic loss to be recovered by the injured person, the jury shall not speculate as to the amount of the medical expense benefits paid or payable by an automobile insurer under personal injury protection coverage to the injured person, nor shall they speculate as to the amount of benefits paid or payable by a health insurer, health maintenance organization or governmental agency under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

Nothing in this section shall be construed to limit the right of recovery, against the tortfeasor, of uncompensated economic loss sustained by the injured party.

13. Section 17 of P.L.1983, c.362 (C.39:6A-23) is amended to read as follows:

C.39:6A-23 Written notice - buyer's guide and coverage selection form.

17. Written notice - buyer's guide and coverage selection form.

a. No new automobile insurance policy shall be issued on or after the 180th day following the effective date of P.L.1985, c.520, unless the application for the policy is accompanied by a written notice identifying and containing a buyer's guide and coverage selection form. The buyer's guide shall contain a brief description of all available policy coverages and benefit limits, and shall identify which coverages are mandatory and which are optional under State law, as well as all options offered by the insurer.

The buyer's guide shall also contain a statement on the possible coordination of other health benefits coverages with the personal injury protection coverage options, the form and contents of which shall be prescribed by the Commissioner of Insurance.

The coverage selection form shall identify the range of premium rate credit or dollar savings, or both, and shall provide any other information required by the commissioner by regulation.

The applicant shall indicate the options elected on the coverage selection form which shall be signed and returned to the insurer.

b. (Deleted by amendment, P.L.1985, c.520.)

c. Any notice of renewal of an automobile insurance policy with an effective date subsequent to July 1, 1984, shall be accompanied by a written notice of all policy coverage information required to be provided under subsection a. of this section.

The Commissioner of Insurance shall, within 45 days following the effective date of this act, promulgate standards for the written notice and buyer's guide required to be provided under this section.

d. Written notices provided by any insurer writing at least 2% of the New Jersey private passenger automobile market, including the New Jersey Automobile Full Insurance Underwriting Association established pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), shall also contain a statement advising that if the insured or applicant has any questions concerning his automobile insurance policy, including questions as to coverage or premiums, he may contact his

producer, or the company directly, by using a toll free number which shall be set forth in the notice. Written notice shall be given to all insureds of any change in the toll free number.

e. A properly completed and executed coverage selection form shall be prima facie evidence of the named insured's knowing election or rejection of any option.

f. Each named insured of an automobile insurance policy shall, at least annually or as otherwise ordered by the commissioner, receive a buyer's guide and coverage selection form.

g. On and after January 1, 1991, each buyer's guide and coverage selection form shall be written in plain language.

14. Section 2 of P.L.1977, c.310 (C.39:6-73.1) is amended to read as follows:

C.39:6-73.1 Assumption of excess payment by fund; exceptions.

2. In the event medical expense benefits paid by an insurer, in accordance with subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4), are in excess of \$75,000.00 on account of personal injury to any one person in any one accident, the Unsatisfied Claim and Judgment Fund shall assume such excess up to \$250,000 and reimburse the insurer therefor in accordance with rules and regulations promulgated by the commissioner; provided, however, that this provision is not intended to broaden the coverage available to accidents involving uninsured or hit-and-run automobiles, to provide extraterritorial coverage, or to pay excess medical expenses.

15. Section 15 of P.L.1983, c.65 (C.17:30E-3) is amended to read as follows:

C.17:30E-3 Definitions.

15. 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, a van, or a panel truck or a camper type vehicle used for recreational purposes, owned by an individ-

ual 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 definition 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, or to be registered within 60 days of application, and principally garaged in this State, who has been refused coverage in the voluntary mar-

ket, and who cannot be or is not placed in the voluntary market through the procedures established pursuant to subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14). Qualified applicant shall also include a member of the United States military forces, if otherwise eligible for insurance coverage issued by the association, with respect to an automobile if, at the time the application is made, he is either (1) a nonresident who is stationed in this State, whose automobile is registered in another state and garaged in this State; or (2) a resident who is stationed in another state, whose automobile is registered in this State and garaged in another state. 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 applicant or principal operator of the automobile does not furnish the information necessary to effect insurance; or if such person is engaged in the business of renting or leasing automobiles to others or if such person uses automobiles 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 imposed pursuant to section 20 of P.L.1983, c.65 (C.17:30E-8) which, when added to all other sources of association income, will cause the association to operate on a no profit, no loss basis.

16. Section 19 of P.L.1983, c.65 (C.17:30E-7) is amended to read as follows:

C.17:30E-7 Powers and duties.

19. 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. However, notwithstanding the above, or any other provision of law to the contrary, the association shall not arrange for the issuance or renewal of any automobile insurance policy, either through a servicing carrier or on its own behalf, on or after October 1, 1990;

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 practices 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 advan-

tage, 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 incur 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 underserved 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, including 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 per-

formance 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 and loss adjustment expenses, 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.17:33B-6 Residual market equalization charges, or flat charges, no longer imposed after April 1, 1991.

17. Notwithstanding any of the provisions of sections 13 to 34 of P.L.1983, c.65 (C.17:30E-1 et seq.), section 1 of P.L.1984, c.1 (C.17:29A-37.1) or any other law, to the contrary, no residual market equalization charges, or flat charges (also referred to as flat capitation fees or policy constants) of any kind, other than the flattened tax and expense fees implemented pursuant to section 8 of P.L.1983, c.65 (C.17:29A-37), shall continue to be imposed or be imposed on or after April 1, 1991 on a per car or per coverage basis on automobile insurance policies or on policies insuring motor vehicles other than automobiles.

18. Section 1 of P.L.1984, c.1 (C.17:29A-37.1) is amended to read as follows:

C.17:29A-37.1 Flat charges.

1. a. All flat charges (also referred to as flat capitation fees or policy constants, but not including premiums for uninsured motorist or towing coverage, or flattened tax and expense fees implemented pursuant to section 8 of P.L.1983, c.65 (C.17:29A-37)), authorized by the Commissioner of Insurance for use by all filers, as defined in section 1 of P.L.1944, c.27 (C.17:29A-1), writing private passenger automobile insurance in the voluntary and residual markets, which are imposed on a per car and per coverage basis on automobile insurance policies issued or renewed in the voluntary or residual market prior to April 1, 1991 shall be paid to the New Jersey Automobile Full Insurance Underwriting Association for use for association purposes. All moneys collected from the flat charges shall be certified to by the filers, including servicing carriers of the association, and transferred,

net of a pro rata portion of any producer commissions and all premium taxes payable thereon, to the association in accordance with the provisions of this subsection and the association's plan of operation. No other expenses shall be payable to or deductible from the flat charges transferable to the association.

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

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

Flat charges collected in accordance with subsection a. of this section shall be considered in determining taxable premiums in accordance with P.L.1945, c.132 (C.54:18A-1 et seq.), but shall not be considered in determining excess profits in accordance with section 3 of P.L.1988, c.118 (C.17:29A-5.8).

c. The flat charges authorized by the Commissioner of Insurance for private passenger automobile insurance in the voluntary and residual markets may be imposed prior to April 1, 1991 upon all insured motor vehicles other than private passenger automobiles, including motor vehicles insured by the automobile insurance plan established pursuant to P.L.1970, c.215 (C.17:29D-1), and motor vehicles of a type, as is determined by the Commissioner of Insurance, which are registered with the Division of Motor Vehicles as self-insured vehicles pursuant to section 30 of P.L.1952, c.173 (C.39:6-52), in accordance with rules and regulations established by the commissioner. In the case of motor vehicles other than private passenger automobiles which are insured by an insurer in the voluntary market or in any insurance plan established pursuant to P.L.1970, c.215 (C.17:29D-1), the insurer shall forward the flat charge, net of a pro rata portion of the producer's commission, to the New Jersey Automobile Full Insurance Underwriting Association. In the case of a self-insurer required to pay a flat charge, the self-insurer shall forward the full amount of the flat charge to the association. The Division of Motor Vehicles shall not issue a certificate of self-insurance unless the association has certified that the flat charge has been paid. Failure to pay the flat charge shall

constitute a reasonable ground for cancellation of a certificate of self-insurance pursuant to section 30 of P.L.1952, c.173 (C.39:6-52). Any self-insurer which fails to pay the flat charge to the association for any self-insured vehicle shall be liable to pay a fine in the amount of \$100.00 per vehicle for the first offense and \$200.00 for the second and each subsequent offense.

Notwithstanding any other provision of this section, flat charges shall be imposed on such motor vehicles prior to April 1, 1991 as are determined by the Commissioner of Insurance, which vehicles have been registered with the Division of Motor Vehicles in accordance with Title 39 of the Revised Statutes as commercial motor vehicles and have been issued commercial license plates or farmers' license plates, and on motor vehicles, of a type determined by the Commissioner of Insurance, which are registered with the Division of Motor Vehicles as self-insured vehicles pursuant to section 30 of P.L.1952, c.173 (C.39:6-52).

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

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

20. a. The association shall derive income from the following sources for the payment of expenses, losses, and the provision of adequate, actuarially sound reserves for unpaid losses and loss adjustment expenses, including incurred but not reported losses, in connection with association business: (1) net premiums earned; (2) income generated from any association accident surcharge system permitted or required by law; (3) that percentage of surcharges collected by the Division of Motor Vehicles prior to October 1, 1991 and deposited with the association pursuant to subsection b. of section 6 of the "New Jersey Automobile Insurance Reform Act of 1982," P.L.1983, c.65 (C.17:29A-35); (4) income collected by members of the association and by the association from the residual market equalization charge imposed prior to April 1, 1991, or flat charges (also referred to as capitation fees or policy constants, but not including premiums for uninsured motorist or towing coverage, or flattened tax and expense fees implemented pursuant to section 8 of P.L.1983, c.65 (C.17:29A-37)) imposed prior to April 1, 1991, levied on a per car and per coverage basis; (5) income from investment of moneys collected pursuant to paragraphs (1), (2), (3), (4) and (6) of this subsection; and (6) income collected by the Director of the

Division of Motor Vehicles prior to October 1, 1991, pursuant to section 68 of P.L.1990, c.8 (C.17:33B-63). Residual market equalization charges collected on behalf of the association shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation. No producer commissions or premium taxes shall be paid on, or company expenses or servicing carrier compensation deducted from, the residual market equalization charge. No servicing carrier compensation or commissions shall be paid by the association on violation surcharges deposited by the Division of Motor Vehicles with the association. All premiums received by servicing carriers on behalf of the association shall on a monthly basis be certified to by the carrier and shall be transferred to the association in accordance with the plan of operation. Premiums shall be transferred to the association net of commissions paid, all premium taxes, and servicing carrier compensation, except as otherwise required by law.

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

b. At least annually, the board shall file its experience with the commissioner, which experience shall include the projected income, expenses, losses and reserve requirements of the association for the ensuing year, any adjustment in previously established reserves for unpaid losses and loss adjustment expenses necessary to make such reserves adequate and actuarially sound, and the initial filing shall include the experience of the automobile insurance plan established pursuant to P.L.1970, c.215 (C.17:29D-1). Except in the case of the initial or other filing applicable to the first year of operation of the association, the board shall include in its filing with the commissioner, for his approval, a computation of the residual market equalization charge per insured vehicle to be collected by each member from its voluntary insureds, exclusive of principal operators 65 years of age or older, and by each servicing carrier from association insureds or insureds covered by the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), exclusive of principal operators 65 years of age or older, to offset the anticipated losses of the association.

At the end of the first 12 months of the operation of the association and at least annually thereafter, the board shall also include in its filing with the commissioner a review of the previous year's experience, setting forth the income, losses, and reserve requirements, including any adjustment in previously established reserves for unpaid losses and loss adjustment expenses necessary to make such reserves adequate and actuarially sound, and expenses of the association during the previous year. 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, except that the commissioner may, for good cause, extend by not more than 60 days the period for approving or disapproving the filing. Failure to act within the period allowed for the commissioner's review of the filing shall be deemed approval of the filing, except that the running of the 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 associ-

ation upon receiving such license and the determination of any such insurer's participation in the association shall be made as of the date of such membership in the same manner as for all other members of the association.

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

20. Section 26 of P.L.1983, c.65 (C.17:30E-14) is amended to read as follows:

C.17:30E-14 Voluntary coverage.

26. a. Within 45 days of the effective date of this 1988 amendatory and supplementary act, the commissioner shall, in the plan of operation, establish procedures to govern the voluntary writing of applicants and association insureds without the utilization of the association. These procedures shall include criteria identifying drivers who should be eligible for coverage in the voluntary market. Applicants and association insureds meeting these criteria shall be subject to assignment by the association to member companies, pursuant to an equitable apportionment procedure established in the plan of operation. The procedure shall give due consideration to the increase or decrease in the volume of private passenger automobile non-fleet exposures voluntarily written by member companies in this State since January 1, 1984.

b. (1) Pursuant to the procedures established in the plan of operation under subsection a. of this section, the commissioner shall establish a voluntary market quota, which shall not be less than 60% of the aggregate number of private passenger automobile non-fleet exposures written in the total private passenger automobile insurance market in this State on the effective date of this 1988 amendatory and supplementary act. The quota shall prescribe the number of voluntary market exposures which shall be written by member companies during the 12-month period beginning 60 days after the effective date of this 1988 amendatory and supplementary act.

(2) Within 30 days of the effective date of P.L.1990, c.8 (C.17:33B-1 et al.), the commissioner shall prescribe a second quota, which shall take effect immediately upon adoption by the commissioner and which shall not be less than 68% of the aggregate number of private passenger automobile non-fleet exposures

written in the total private passenger automobile insurance market in this State on or before October 1, 1990. The quota shall prescribe the number of voluntary market exposures which shall be written by member companies during the period described in this paragraph.

(3) (Deleted by amendment, P.L.1990, c.8.)

(4) (Deleted by amendment, P.L.1990, c.8.)

c. In the event that any of the quotas established by the commissioner pursuant to subsection b. of this section have not been met by the end of any applicable period, the commissioner shall direct the association to assign the balance of the exposures needed to meet the applicable quota to member companies in a manner consistent with the apportionment procedure established pursuant to subsection a. of this section. A member company which exceeded its apportionment share for the 12-month period prescribed pursuant to paragraph (1) of subsection b. of this section shall receive credit for the excess against the quota imposed pursuant to paragraph (2) of subsection b. of this section.

d. (Deleted by amendment, P.L.1990, c.8.)

e. For the purposes of this section, any exposure written in the voluntary market by an affiliate of the insurer to which an apportioned share has been assigned shall be credited against that share.

f. The total number of exposures written in the voluntary market, net of exposures cancelled or nonrenewed, by a member company at the end of the applicable period shall be utilized in determining whether the member company has written its apportionment share in the voluntary market for purposes of complying with any quotas established by the commissioner pursuant to this section.

g. The commissioner may excuse a member company from meeting any of its obligations under this section that he determines would result in the member company being in an unsafe or unsound condition.

h. Any member company that does not write its apportionment share of any quota established by the commissioner pursuant to subsection b. or c. of this section within the applicable time period shall be precluded from nonrenewing automobile insurance policies pursuant to section 26 of P.L.1988, c.119 (C.17:29C-7.1) during the immediately following 12-month period.

i. In addition to the requirements of subsection a. of this section, the procedures governing the increase in voluntary market volume shall:

(1) establish guidelines and criteria for determining whether a person is a qualified applicant as defined in section 15 of P.L.1983, c.65 (C.17:30E-3), and procedures for the issuance of automobile insurance through the voluntary market to persons found not to be qualified applicants for association coverage, and for the referral of persons determined not to be eligible for association coverage to alternative residual market mechanisms;

(2) include provisions ensuring that servicing carriers do not obtain any unfair advantage over other member companies in the selection of qualified applicants and association insureds to be written as voluntary business;

(3) neither prohibit nor require member companies to write association business through association producers of record, provided, however, that where a member company elects not to service such business through the association producer of record, the procedures shall address the manner in which the association shall transfer the business to the member company, and shall establish reasonable compensation in an amount sufficient to offset the actual expenses incurred by the association producer in conjunction with the transfer which shall be paid by the association upon transfer of the business to the member company; and

(4) provide for financial disincentives to applicants who, without good cause, reapply for coverage in the association after being placed in the voluntary market.

C.17:33B-3 Appointment of trustee; plan of operation; powers of trustee; annual report.

21. a. The Legislature finds that the New Jersey Automobile Full Insurance Underwriting Association, created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), is currently operating in a substantially impaired financial state with an operating deficit which the association has estimated to be in excess of \$3 billion and that, based upon the results of a recent claim and underwriting review and financial audit, the Commissioner of Insurance stated that mismanagement by the insurance companies acting as servicing carriers cost the association \$908 million between its inception in 1984 and 1988. The Legislature further finds that the association is not earning new premium income or collecting subsidies in an amount sufficient to pay its claims and expenses. The Legislature further finds that under the above enumerated circumstances the association, if it were a licensed insurer, would likely

be declared financially impaired or insolvent pursuant to the provisions of P.L.1975, c.113 (C.17:30C-1).

b. Therefore,

(1) Within 90 days of the effective date of this 1990 amendatory and supplementary act, the commissioner shall appoint a trustee, who shall be a person experienced in insolvency or bankruptcy, who shall not, during his tenure as trustee be affiliated with or employed by an insurer. The trustee shall serve at the pleasure of the commissioner and shall be paid from funds available to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of this act, in an amount and manner as determined by the commissioner. The trustee shall carry out his obligations as provided in this act and the plan of operation promulgated pursuant to paragraph (2) of this subsection.

(2) The trustee shall, as soon as possible upon appointment, promulgate a plan of operation to be approved by the commissioner. Pursuant to the plan of operation, the trustee shall have the authority to disburse funds made available from the New Jersey Automobile Insurance Guaranty Fund pursuant to section 23 of this act and such other monies as may be appropriated to or otherwise made available to the fund or the association, including those monies collected by the association pursuant to section 20 of P.L.1983, c.65 (C.17:30E-8), on behalf of the association for the payment of claims and other financial obligations of the association, including the contracts with the servicing carriers. The plan shall provide for the payment of covered losses on behalf of the association. Among other things necessary to the orderly evaluation, prioritization and disbursement of monies payable on behalf of the association, the plan shall contain a schedule for the prioritization of claims payments by the type of claim for which payment is due. The schedule may provide for the deferral of the payment of residual bodily injury losses over a period not to exceed four years. The schedule may also provide for the deferral of other payments only upon certification by the commissioner that the fund cannot by any other available means secure the monies necessary to pay those losses. However, the plan shall not provide for the deferral of payment of damages which are due and payable for present economic loss under any circumstance.

(3) The trustee shall report to the commissioner biannually, or more frequently if ordered by the commissioner, on the financial condition of the association and the disbursement of funds pursuant to the plan of operation. The commissioner shall make an

annual report on the activities of the trustee to the Legislature and the Governor. The report shall contain an accounting of the immediately preceding annual period, including a report of the financial obligations attributable to the association; the income available to and the disbursements made by the trustee during that period; and a projection of the financial obligations, anticipated income and expected disbursements for the immediately succeeding annual period.

(4) In fulfilling his duties pursuant to this subsection, the trustee shall avail himself of the services of association staff and shall utilize association procedures, equipment and supplies to the extent such use facilitates fulfillment of the trustee's duties. The trustee shall have the authority to continue any audit being conducted with regard to the operations of the association and to conduct such audits.

C.17:33B-4 Liability under deferred payment plan.

22. Notwithstanding any provision of law to the contrary, no insured or other person covered under an association policy shall be held liable for payment of any claim attributable to damages subject to a deferred payment plan implemented pursuant to paragraph (2) of subsection b. of section 21 of this 1990 amendatory and supplementary act until payment is made to the covered person pursuant to the deferred payment plan.

C.17:33B-5 New Jersey Automobile Insurance Guaranty Fund created; monies to be credited to fund; disbursement of monies.

23. a. There is hereby created within the General Treasury a special nonlapsing fund to be known as the New Jersey Automobile Insurance Guaranty Fund. The State Treasurer shall credit to the fund, in addition to any sums appropriated thereto, all monies designated in subsection b. of this section and collected pursuant to this act on and after the effective date of this 1990 amendatory and supplementary act. Monies credited to the New Jersey Automobile Insurance Guaranty Fund may be invested in the same manner as assets of the General Fund and any investment earnings on the fund shall accrue to the fund and shall be available subject to the same terms and conditions as other monies in the fund. The State Treasurer may determine the amount of earnings to be credited to the New Jersey Automobile Insurance Guaranty Fund to reflect the average rate of return on the State of New Jersey Cash Management Fund.

b. Monies from the following sources shall be credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund: the revenues attributable to the surtax imposed under section 76 of this 1990 amendatory and supplementary act (C.17:33B-49); the revenues attributable to the tax imposed on premiums earned by the New Jersey Automobile Full Insurance Underwriting Association pursuant to section 34 of P.L.1983, c.65 (C.17:30E-22); that percentage of surcharges collected by the Division of Motor Vehicles on or after October 1, 1991, pursuant to subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35); monies collected by the Division of Motor Vehicles on or after October 1, 1991, pursuant to section 68 of this 1990 amendatory and supplementary act (C.17:33B-63); monies collected by the State Board of Medical Examiners pursuant to section 63 of this 1990 amendatory and supplementary act (C.17:33B-58); monies collected by the State Board of Chiropractic Examiners pursuant to section 64 of this 1990 amendatory and supplementary act (C.17:33B-59); monies collected by the State Board of Physical Therapy pursuant to section 65 of this 1990 amendatory and supplementary act (C.17:33B-60); monies collected by the Division of Motor Vehicles pursuant to section 66 of this 1990 amendatory and supplementary act (C.17:33B-61); monies collected by the State Treasurer pursuant to section 67 of this 1990 amendatory and supplementary act (C.17:33B-62); loans made to the fund as provided in subsection c. of this section; and such other income as may be deposited with or otherwise made available to the New Jersey Automobile Full Insurance Underwriting Association on or after October 1, 1991, including monies deposited in the New Jersey Automobile Full Insurance Underwriting Association Auxiliary Fund pursuant to section 5 of P.L.1983, c.320 (C.17:33A-5).

c. (1) The fund shall borrow such monies as are made available by the New Jersey Property-Liability Insurance Guaranty Association pursuant to paragraph (10) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

(2) The fund may, upon the approval of the Commissioner of Insurance and pursuant to terms and conditions established by him, borrow monies from any other available source.

d. The monies in the New Jersey Automobile Insurance Guaranty Fund, including interest earnings thereon, are specifically dedicated and shall be utilized exclusively for the costs of the purposes of satisfying the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as provided

in this 1990 amendatory and supplementary act. Those monies are hereby appropriated for those purposes; provided, however, that those monies shall be disbursed by the State Treasurer as provided in subsection e. of this section.

e. The trustee appointed pursuant to section 21 of this 1990 amendatory and supplementary act shall prepare a written application for any disbursement of monies from the New Jersey Automobile Insurance Guaranty Fund, specifying the amount of the disbursement, the intended expenditures, and the manner in which such expenditures serve the purposes of the trustee's function and this act. The application shall be submitted to the Commissioner of Insurance for approval. Upon approval by the commissioner, the application shall be forwarded to the State Treasurer for approval. Upon approval by the State Treasurer, he shall disburse monies from the New Jersey Automobile Insurance Guaranty Fund to the trustee for disbursement as provided in the approved application.

C.17:33B-22 Automobile coverage if not qualified as "eligible person".

24. Those persons who do not qualify as "eligible persons" as defined in section 25 of this 1990 amendatory and supplementary act but who are in good faith entitled to, but are unable to procure automobile insurance coverage, shall be provided automobile insurance coverage pursuant to the provisions of section 1 of P.L.1970, c.215 (C.17:29D-1).

C.17:33B-13 Definitions.

25. As used in sections 25 through 33 of this 1990 amendatory and supplementary act:

"Automobile" means an automobile as defined in section 2 of P.L.1972, c.70 (C.39:6A-2).

"Automobile insurance" means insurance for an automobile including coverage for bodily injury liability and property damage liability, comprehensive and collision coverages, uninsured and underinsured motorist coverage, personal injury protection coverage, additional personal injury protection coverage and any other automobile insurance required by law.

"Commissioner" means the Commissioner of Insurance.

"Declination" means:

a. Refusal by an insurance agent to submit an application on behalf of an applicant to any of the insurers represented by the agent;

b. Refusal by an insurer to issue an automobile insurance policy to an eligible person upon receipt of an application for automobile insurance;

c. The offer of automobile insurance coverage with less favorable terms or conditions than those requested by an eligible person; or

d. The refusal by an insurer or agent to provide, upon the request of an eligible person, an application form or other means of making an application or request for automobile insurance coverage.

“Automobile insurance eligibility points” means points calculated under the schedule promulgated by the commissioner pursuant to section 26 of this act.

“Eligible person” means a person who is an owner or registrant of an automobile registered in this State or who holds a valid New Jersey driver’s license to operate an automobile, but does not include any person:

a. Who, during the three-year period immediately preceding application for, or renewal of, an automobile insurance policy has been convicted pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for an offense of a substantially similar nature committed in another jurisdiction; has been convicted of a crime of the first, second or third degree resulting from the use of a motor vehicle; or has been convicted of theft of a motor vehicle;

b. Whose driver’s license to operate an automobile is under suspension or revocation;

c. Who has been convicted, within the five-year period immediately preceding application for or renewal of a policy of automobile insurance, of fraud or intent to defraud involving an insurance claim or an application for insurance; or who has been successfully denied, within the immediately preceding five years, payment by an insurer of a claim in excess of \$1,000 under an automobile insurance policy, if there was evidence of fraud or intent to defraud involving the automobile insurance claim or application;

d. Whose policy of automobile insurance has been canceled because of nonpayment of premium or financed premium within the immediately preceding two-year period, unless the premium due on a policy for which application has been made is paid in full before issuance or renewal of the policy;

e. Who fails to obtain or maintain membership or qualification for membership in a club, group, or organization, if membership is a uniform requirement of the insurer as a condition of providing insurance, and if the dues or charges, if any, or other

conditions for membership or qualifications for membership are applied uniformly throughout this State, are not expressed as a percentage of the insurance premium, and do not vary with respect to the rating classification of the member or potential member except for the purpose of offering a membership fee to family units. Membership fees, if applicable, may vary in accordance with the amount or type of coverage if the purchase of additional coverage, either as to type or amount, is not a condition for reduction of dues or fees;

f. Whose driving record for the three year period immediately preceding application for or renewal of a policy of automobile insurance has an accumulation of automobile insurance eligibility points as determined under the schedule promulgated by the commissioner pursuant to section 26 of this act; or

g. Who possesses such other risk factors as determined to be relevant by rule or regulation of the commissioner.

“Insurance agent” or “agent” means an insurance agent as defined by subsection f. of section 2 of P.L.1987, c.293 (C.17:22A-2) and shall also include an insurance broker as defined by subsection g. of section 2 of P.L.1987, c.293 (C.17:22A-2) who has a brokerage relationship with an insurer.

“Insurer” means any insurer authorized or admitted to write automobile insurance in this State, but does not include the New Jersey Automobile Full Insurance Underwriting Association created pursuant to sections 13 through 34 of P.L.1983, c.65 (C.17:30E-1 et seq.) or any residual market mechanism implemented pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1).

C.17:33B-14 Schedule of automobile insurance eligibility points.

26. The commissioner shall, within 90 days of the effective date of this act, promulgate a schedule of automobile insurance eligibility points by rule or regulation adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). The schedule shall assess a point valuation to driving experience related violations and shall include assessments for violations of lawful speed limits within such increments as determined by the commissioner, other moving violations, and at-fault accidents. For the purposes of this section, an “at-fault accident” means an at-fault accident which results in payment by the insurer of at least a \$500 claim.

C.17:33B-15 Coverage for eligible persons; refusal to insure or renew, limitation of coverage of eligible persons prohibited.

27. a. On or after April 1, 1992, every insurer, either by one or more separate rating plans filed in accordance with the provisions of section 6 of P.L.1988, c.156 (C.17:29A-45) or through one or more affiliated insurers, shall provide automobile insurance coverage for eligible persons.

b. No insurer shall refuse to insure, refuse to renew, or limit coverage available for automobile insurance to an eligible person who meets its underwriting rules as filed with and approved by the commissioner in accordance with the provisions of section 7 of P.L.1988, c.156 (C.17:29A-46). The commissioner may suspend, revoke or otherwise terminate the certificate of authority to transact automobile insurance business in this State of any insurer who violates the provisions of this section.

C.17:33B-16 Declination; reasons for.

28. An insurer or agent, upon making a declination of automobile insurance, shall inform the applicant of each specific reason for the declination and shall include a statement as to whether the applicant may qualify for insurance from an affiliate of the insurer. If the application or request for coverage was made in writing, the insurer or agent shall provide the explanation of reasons in writing. If the application or request for coverage was made orally, the insurer or agent may provide the applicant with an oral explanation instead of a written explanation, and shall offer to provide a written explanation if the applicant requests a written explanation within 90 days.

C.17:33B-17 Procedures for resolving complaints.

29. a. The commissioner shall establish procedures for resolving complaints of persons who believe that they have been improperly denied automobile insurance, including procedures for a written appeal to the commissioner.

b. If either the insurer or the person disagrees with a determination of the commissioner under this section, the commissioner, if requested to do so by either party, shall proceed to hear the matter as a contested case.

C.17:33B-18 Conditions of licensure.

30. a. A licensed insurance agent shall, as a condition of licensure:

(1) Provide each eligible person seeking automobile insurance premium quotations for the forms or types of automobile insurance coverages which are offered by all insurers represented by the agent or with which the agent places risks;

(2) Not attempt to channel an eligible person away from an insurer or insurance coverage with the purpose or effect of avoiding an agent's obligation to submit an application or an insurer's obligation to accept an eligible person; and

(3) Upon request, submit an application of the eligible person for automobile insurance to the insurer selected by the eligible person.

b. With respect to automobile insurance, an insurer shall not penalize an agent by paying less than normal commissions or normal compensation or salary because of the expected or actual experience produced by the agent's automobile insurance business or because of the geographic location of automobile insurance business written by the agent.

C.17:33B-19 Suspension of obligation to issue policies due to unsafe, unsound financial condition.

31. a. The commissioner shall suspend, after hearing, an insurer's obligation to issue policies in compliance with the provisions of section 27 of this act if the insurer is in an unsafe or unsound financial condition.

b. If an insurer requests suspension and avers that there is an immediate need to cease issuance of policies in compliance with section 27 of this act because compliance would result in the insurer being in an unsafe or unsound financial condition, the insurer's obligation to issue policies in compliance with section 27 of this act shall be suspended beginning on the 10th business day after the insurer has filed the request and supporting documentation with the commissioner, unless within that time, the commissioner finds that continued compliance with section 27 of this act will not result in the insurer being in an unsafe or unsound financial condition.

c. Any suspension pursuant to subsection a. or b. of this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

d. For the purposes of this section, an insurer shall be deemed to be in an unsafe or unsound financial condition if the commis-

sioner finds the insurer to have a ratio of annual net premiums written to surplus as to policyholders that threatens the financial health of the insurer.

C.17:33B-20 Suspension of obligation because of danger of future unsafe, unsound financial condition.

32. The commissioner may suspend an insurer's obligation to issue policies pursuant to section 27 of this act if the commissioner, in his discretion, determines that compliance with section 27 of this act will result in an insurer's financial condition becoming unsafe or unsound. In making this determination, the commissioner shall consider the following factors:

- a. The insurer's ratio of annual net premiums written to surplus as to policyholders; and
- b. Whether the insurer, in issuing policies in compliance with section 27 of this act, would experience:
 - (1) an adverse change in its rating by A.M. Best and Company, Dun and Bradstreet, Moody's or Standard and Poor's;
 - (2) financial ratios outside the acceptable ranges as established by the National Association of Insurance Commissioners or the chief financial officer of the Department of Insurance of this State; or
 - (3) a net reduction to the insurer's surplus as to policyholders greater than 25% during a period of two years or less.

Any suspension pursuant to this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

C.17:33B-21 Penalties for violation.

33. If the commissioner determines that any person has violated any provision of sections 26 through 30 of this 1990 amendatory and supplementary act, he may impose a civil penalty in an amount of up to \$2,000 for the first violation and up to \$5,000 for the second and each subsequent violation, collectible in an action brought in the name of the commissioner pursuant to the provisions of "the penalty enforcement law," N.J.S.2A:58-1 et seq. For the purposes of this section, each declination shall be deemed to constitute a separate violation.

34. Section 1 of P.L.1970, c.215 (C.17:29D-1) is amended to read as follows:

C.17:29D-1 Rules, regulations.

1. The Commissioner of Insurance may adopt, issue and promulgate rules and regulations establishing a plan for the providing and apportionment of insurance coverage for applicants therefor who are in good faith entitled to, but are unable to procure the same, through ordinary methods. Every insurer admitted to transact and transacting any line, or lines, of insurance in the State of New Jersey shall participate in such plan and provide insurance coverage to the extent required in such rules and regulations.

Any plan established pursuant to this section to provide insurance for automobiles, as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), shall provide:

a. That any automobile liability insurance coverage with limits in excess of \$50,000 per person and \$100,000 per accident for bodily injury or death and \$25,000 for property damage, or in lieu thereof, \$100,000 for a single limit of liability against claims for bodily injury or death and property damage, shall be experience rated with respect to the rate applicable to coverage in excess of those limits;

b. That collision and comprehensive automobile insurance coverages on automobiles with a value of \$25,000 or more at the time those coverages are issued or renewed shall be experience rated and for automobiles with a value of more than \$15,000 but less than \$25,000 at the time those coverages are issued or renewed that part of the rate applicable to the value between \$15,000 and \$25,000 shall be experience rated;

c. For a limited assignment distribution system permitting insurers to enter into agreements with other mutually agreeable insurers or other qualified entities to transfer their applicants and insureds under such plan to such insurers or other entities;

d. That it shall not provide insurance coverage for more than 10 percent of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State. The plan shall provide for the cessation of the acceptance of applications or the issuance of new policies at any time it reaches 10 percent of marketshare, as certified by the commissioner, until such time that the commissioner certifies that the plan is insuring less than 10 percent of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State;

e. That it shall not provide coverage to an eligible person as defined pursuant to section 25 of P.L.1990, c.8 (C.17:33B-13); and

f. That insurers who write automobile risks in those urban territories designated by the commissioner shall receive one assigned risk credit for every two voluntary risks written in those designated territories.

Prior to the adoption or amendment of such rules and regulations, the commissioner shall consult with such members of the insurance industry as he deems appropriate. Such consultation shall be in addition to any otherwise required public hearing or notice with regard to the adoption or amendment of rules and regulations.

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

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

6. a. A merit rating accident surcharge system for private passenger automobiles may be used in the voluntary market, by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), by the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), and by any insurance plan established to provide private passenger automobile insurance pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1). No surcharges shall be imposed on or after the operative date of this act, unless there is an at-fault accident within a three year period immediately preceding the effective date of coverage which results in payment by the insurer of at least a \$300.00 claim. All moneys collected under this subsection shall be retained by the insurer assessing the surcharge. Accident surcharges shall be imposed for a three-year period and shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

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

(1) (a) Plan surcharges shall be levied, beginning on or after January 1, 1984, by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three year period, beginning on or after February 10, 1983, six or more motor vehicle points, as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions for which surcharges are levied under paragraph (2) of this subsection; except that the

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

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

(2) Plan surcharges shall be levied for convictions (a) under R.S.39:4-50 for violations occurring on or after February 10, 1983, and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for offenses committed in other jurisdictions of a substantially similar nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), for violations occurring on or after January 26, 1984. Surcharges under this paragraph shall be levied annually for a three year period, and shall be not less than \$1,000.00 per year for each of the first two convictions, and not less than \$1,500.00 per year for the third conviction occurring within a three year period. If a driver is convicted under both R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out of the same incident, the driver shall be assessed only one surcharge for the two offenses. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of P.L.1983, c.65 (C.17:29A-33 et al.), and may, pursuant to regulation, permit the deferral of all or any part of these surcharges as provided in paragraph (1)(a) of this subsection.

If, upon written notification from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the Division of Motor Vehicles; except that upon satisfactory showing of indigency, the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed 10 months.

For the purposes of this subparagraph, "indigency" shall be defined in rules and regulations promulgated by the Director of the Division of Motor Vehicles.

All moneys collectible under this subsection shall be billed and collected by the Division of Motor Vehicles. Of the moneys collected: 10%, or the actual cost of administering the collection of the surcharge, whichever is less, shall be retained by the Division of Motor Vehicles; five percent, or the actual cost of administering the cancellation notification system established pursuant to section 50 of P.L.1990, c.8 (C.17:33B-41), whichever is less, shall be retained by the Division of Motor Vehicles; and prior to October 1, 1991, the remainder shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association and on or after October 1, 1991, the remainder shall be remitted to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5). From the date of certification by the Commissioner of Insurance that the monies collectible under this subsection are no longer needed to fund the association debt, monies collectible under this subsection shall be remitted to the New Jersey Property-Liability Guaranty Association created pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans made by that association to the New Jersey Automobile Insurance Guaranty Fund pursuant to paragraph (10) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

(3) In addition to any other authority provided in P.L.1983, c.65 (C.17:29A-33 et al.), the commissioner, after consultation with the Director of the Division of Motor Vehicles, is specifically authorized (a) to increase the dollar amount of the surcharges for motor vehicle violations or convictions, (b) to impose, in accordance with paragraph (1)(a) of this subsection, surcharges for motor vehicle violations or convictions for which motor vehicle points are not assessed under Title 39 of the Revised Statutes, or (c) to reduce the number of points for which surcharges may be assessed below the level provided in paragraph (1)(a) of this subsection, except that the dollar amount of all surcharges levied under the New Jersey Merit Rating Plan shall be uniform on a Statewide basis for each filer, without regard to classification or territory. Surcharges adopted by the commissioner on or after January 1, 1984 for motor vehicle violations or convictions for which motor vehicle points are not assessable under Title 39 of the Revised Statutes shall not be retroactively applied but shall take effect on the date of the New Jersey Regis-

ter in which notice of adoption appears or the effective date set forth in that notice, whichever is later.

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

d. (Deleted by amendment, P.L.1990, c.8.)

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

36. Section 5 of P.L.1988, c.156 (C.17:29A-44) is amended to read as follows:

C.17:29A-44 Maximum rate increases.

5. a. Beginning July 1, 1989, a filer may charge rates for private passenger automobile insurance in the voluntary market which are not in excess of the following:

(1) For private passenger automobile personal injury protection coverage, residual bodily injury and property damage insurance, the maximum permissible annual rate increase applicable to each rate level utilized by an insurer in the voluntary market pursuant to section 6 of P.L.1988, c.156 (C.17:29A-45) shall be a Statewide average rate change of not more than the last published increase in the medical care services components of the national Consumer Price Index, all urban consumers, U.S. city average, plus three percentage points.

(2) For private passenger automobile physical damage coverage, the maximum permissible annual rate increase applicable to each rate level utilized by an insurer in the voluntary market pursuant to section 6 of P.L.1988, c.156 (C.17:29A-45) shall be a Statewide average rate change of not more than the last published increase in the automobile maintenance and repair components of the national Consumer Price Index, U.S. city average, plus three percentage points.

b. For the purposes of this section, "Statewide average rate change" means the total Statewide premium for all coverages combined at the rates in effect at the time of the filing for each rate level.

c. Any change in excess of the rate changes permitted by paragraphs (1) and (2) of subsection a. shall be subject to the provisions of P.L.1944, c.27 (C.17:29A-1 et seq.).

d. If, at any time, the commissioner believes that an increase in either or both of the published indices will produce rate levels which are excessive, he may modify the Statewide average rate change which may be used pursuant to this section.

e. A filer may implement a change in rate level, pursuant to subsection a. of this section, in whole or in part, in a single or in multiple filings by making an informational filing with the commissioner in a manner and form approved by the commissioner. The filing shall include a statement of the reason or reasons for the change in rate level, including, but not limited to, the claim and expense experience of the individual filer.

f. Other than filings made pursuant to subsection c. of this section, neither the provisions of subsection c. of section 14 of P.L.1944, c.27 (C.17:29A-14), nor the provisions of section 19 of P.L.1974, c.27 (C.52:27E-18), shall apply to any filing made pursuant to this section. However, the commissioner shall provide a copy of any filing made or other information provided by a filer pursuant to the provisions of this section to the Department of the Public Advocate, Division of Rate Counsel. The Public Advocate may challenge a rate change implemented pursuant to subsection a. of this section after the effective date of the rate change by filing such challenge in writing with the commissioner within 30 days of the effective date of the rate change. The commissioner shall hear the matter on an expedited basis and shall render a final determination within six months of the date of filing. The commissioner may, for good cause, extend this six-month period up to an additional three months. If the Public Advocate prevails, the commissioner shall reduce or rescind the rate change as appropriate. If the commissioner reduces or rescinds a rate change as a result of a challenge by the Public Advocate filed pursuant to the provisions of this subsection, the filer shall bear the cost of the reasonable expenses incurred by the Public Advocate in maintaining the challenge.

g. The commissioner shall monitor the implementation and use of flex rating pursuant to this section and shall report his findings to the Senate Labor, Industry and Professions Committee and the Assembly Insurance Committee, or their successors, including any legislative proposals, no later than July 1, 1992. This report shall provide an evaluation of the use of this rating

mechanism and its impact on the availability and affordability of private passenger automobile insurance in this State and the depopulation of the New Jersey Automobile Full Insurance Underwriting Association and shall include any legislative proposals or other recommendations of the commissioner.

37. Section 6 of P.L.1988, c.156 (C.17:29A-45) is amended to read as follows:

C.17:29A-45 Filing of rating plans.

6. a. Notwithstanding the provisions of P.L.1944, c.27 (C.17:29A-1 et seq.) to the contrary, every insurer transacting or proposing to transact private passenger automobile insurance may file rating plans in the voluntary market for standard risks, or non-standard risks, or both. Within 30 days following the effective date of this 1988 amendatory and supplementary act, every insurer writing private passenger automobile insurance in this State which intends to write coverage in the voluntary market using more than one rate level shall file with the commissioner the rates and underwriting rules which are applicable to each rate level.

b. An insurer which intends to use more than one rating plan and which has a rating plan on file as of the effective date of this 1988 amendatory and supplementary act, may make an initial filing for the additional rating plan in which the modification of the plan on file is expressed as a percentage increase or decrease of the existing rate level.

c. Notwithstanding any other law to the contrary, any rates filed pursuant to subsection b. of this section shall be deemed to be approved if not disapproved by the commissioner within 60 days. Any subsequent modification of any rate level other than that provided for in section 5 of this 1988 amendatory and supplementary act, or any initial rate level which is not expressed as a percentage increase or decrease of an existing rate level as provided for in this section, shall be subject to the provisions of P.L.1944, c.27 (C.17:29A-1 et seq.).

d. Any limitation on rates established by the provisions of section 7 of P.L.1983, c.65 (C.17:29A-36) shall apply separately to each rate level established pursuant to subsection a. of this section.

e. Every insurer shall maintain such data for each rate level as may be required by the commissioner by regulation for the purpose of determining excess profits pursuant to the provisions of P.L.1988, c.118 (C.17:29A-5.6 et seq.).

f. No more than 15 percent of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State shall be provided through the non-standard voluntary market as defined by rule or regulation of the commissioner adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). If the commissioner certifies that 15 percent or more of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State are insured in the non-standard voluntary market, no insurer transacting automobile insurance in this State shall refuse to issue or renew an automobile insurance policy in the voluntary market for an eligible person as defined in section 25 of P.L.1990, c.8 (C.17:33B-13) until such time that the commissioner certifies that the non-standard market comprises less than 15 percent of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State.

g. Notwithstanding any provision of this or any other section of law to the contrary, no insurer shall file, nor shall the commissioner approve, any rates filed for non-standard risks in the voluntary market in excess of 135 percent of the cost of private passenger automobile insurance in the voluntary market in this State as determined by the commissioner.

h. The commissioner shall monitor and report to the Legislature, on March 1, 1992, and annually thereafter, the number of private passenger automobile non-fleet exposures insured in the standard market on December 31 of the preceding calendar year and the number of such exposures insured in the non-standard market on December 31 of the preceding calendar year.

38. Section 7 of P.L.1988, c.156 (C.17:29A-46) is amended to read as follows:

C.17:29A-46 Underwriting rules.

7. a. Insurers shall put in writing all underwriting rules applicable to each rate level utilized pursuant to section 6 of this 1988 amendatory and supplementary act. No underwriting rule shall operate in such a manner as to assign a risk to a rating plan on the basis of the territory in which the insured resides. An insurer which knowingly fails to transact automobile insurance consis-

tently with its underwriting rules shall be subject to a fine of not less than \$500.00 for each violation.

b. All underwriting rules applicable to each rate level as provided for in section 6 of this 1988 amendatory and supplementary act shall be filed with the commissioner and shall be subject to his prior approval. All underwriting rules shall be subject to public inspection. Insurers shall apply their underwriting rules uniformly and without exception throughout the State, so that every applicant or insured conforming with the underwriting rules will be insured or renewed, and so that every applicant not conforming with the underwriting rules will be refused insurance.

c. (Deleted by amendment, P.L.1990, c.8.)

d. (Deleted by amendment, P.L.1990, c.8.)

C.17:33B-25 Refusal to issue or renew prohibited.

39. Notwithstanding the provisions of section 27 of this 1990 amendatory and supplementary act, section 2 of P.L.1968, c.158 (C.17:29C-7), section 26 of P.L.1988, c.119 (C.17:29C-7.1) or any other section of law to the contrary, if the plan for automobile insurance established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), is not accepting new applications for coverage pursuant to subsection d. of that section, no insurer transacting automobile insurance in this State shall refuse to issue or renew any private passenger automobile insurance policy in this State.

C.17:33B-32 Factors used in determining rates and premiums.

40. a. Notwithstanding any other provision of law to the contrary, rates and premiums for private passenger automobile insurance shall be determined by the application of the following factors in decreasing order of importance:

(1) The insured's driving safety record, including motor vehicle points as provided in Title 39 of the Revised Statutes, at-fault accidents and convictions pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or offenses of a substantially similar nature committed in another jurisdiction;

(2) The number of miles the insured drives annually;

(3) The number of years of driving experience the insured has had;

(4) The type of private passenger automobile driven; and

(5) Such other factors as the Commissioner of Insurance may adopt by regulation which have a substantial relationship to the risk of loss. The regulations shall also set forth the respective

weight to be given to each factor in determining automobile insurance rates and premiums.

b. Notwithstanding any provision of subsection a. of this section to the contrary, rates and premiums for private passenger automobile insurance shall not be determined, in whole or in part, directly or indirectly, upon the age, sex or marital status of the persons insured.

c. The commissioner shall, no later than January 1, 1992, promulgate a plan providing for the implementation of the provisions of subsections a. and b. of this section which shall take effect no later than one year following the date of promulgation.

C.17:33B-33 Applicability; "renewal" defined.

41. a. The provisions of sections 41 through 48 shall be applicable to all automobile physical damage insurance policies covering automobiles, as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), registered in this State.

b. As used in this section and section 42 of this act, "renewal" means the issuance and delivery by an insurer, at the end of the policy period, of a policy superseding a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term. Any policy with a policy period or term of less than one year shall, for the purpose of determining each renewal date pursuant to section 42 of this act, be considered as if written for a policy period or term of one year commencing with the annual anniversary date, and any policy written for a period or term of more than one year or any policy with no fixed expiration date shall, for the purpose of section 42 of this act, be considered as if written for successive policy periods or terms of one year commencing with the annual anniversary date.

c. No policy providing automobile physical damage insurance shall be issued, delivered or renewed unless the provisions of section 42 through section 48 are complied with.

C.17:33B-34 Inspection of automobile.

42. a. A newly issued policy shall not provide coverage for automobile physical damage perils prior to an inspection of the automobile by the insurer.

b. For a renewal of a policy referred to in subsection a. of this section, an insurer may require, as a condition of renewal, that the automobile be made available for inspection.

c. If an insurer requests an inspection pursuant to subsection b. of this section, the insured shall make the automobile available for inspection by the insurer, upon reasonable notice. If the insured fails to make the automobile available for inspection, the insurer may refuse to continue physical damage coverage.

C.17:33B-35 Inspection before issuance of physical damage coverage.

43. If an automobile is acquired by the insured as a replacement for or in addition to an automobile insured for physical damage coverage, and the insured requests physical damage coverage for the replacement or additional automobile, the coverage for physical damage shall not be effective before an inspection is made. If, at the time of the request for the coverage, the automobile is unavailable for inspection because of conditions of purchase or other circumstances and is thereafter made available for inspection, the insurer shall promptly inspect the automobile, and physical damage coverage shall not become effective before the inspection has been made.

C.17:33B-36 Damage; subsequent inspection; documentation of repairs.

44. If an automobile insured for physical damage coverage by an insurer is damaged, the insurer may request that the automobile be made available for inspection regardless of whether the automobile is repaired. The results of the inspection may form a basis for determining the value of the automobile in the event of a subsequent loss. If the automobile is repaired, the insurer shall request the repair invoice and shall require the insured and the auto body repair facility or automobile repairer to certify, under the penalties of perjury, whether the applicable deductible has been paid to the auto body repair facility or automobile repairer, whether any repairs have been made and if any items allowed by the insurer were not included in the repairs.

C.17:33B-37 Form, photographs for inspection.

45. a. Any inspection made pursuant to section 42, 43 or 44 of this act shall be conducted by the insurer or its authorized representative and shall be recorded on a form prescribed by the commissioner and by photographs of the automobile if prescribed by the commissioner by regulation. The form and photographs, if any, shall be retained by the insurer with its policy records for the

insured, and a copy of the form and photographs, if any, shall be made available to the insured upon request.

b. Any inspection made pursuant to section 42, 43 or 44 of this act shall be made at locations and times reasonably convenient to the insured. The results of any inspection may be considered in determining the value of the automobile.

C.17:33B-38 Report of wrongdoing.

46. Every insurer shall report to the Director of the Division of Motor Vehicles any evidence of overcharges, improper repairs or adjustments or other wrongdoing by auto body repair facilities or automobile repairers.

C.17:33B-39 Penalty for violation.

47. If the commissioner, after notice and hearing, finds that any insurer or its authorized representative has violated any provision of sections 42 through 46 or section 48 of this act, he shall order the payment of a penalty, to be collected by the commissioner pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq., not to exceed \$500 for each offense. Each issuance, procurement or negotiation of a policy of insurance in violation shall be deemed a separate offense.

C.17:33B-40 Dissemination of information; exemption or deferral under certain circumstances.

48. a. The Commissioner of Insurance, in regulations implementing the provisions of sections 41 through 47 of this act, shall also require that insurers take appropriate action to ensure that there is wide public dissemination of the provisions of sections 41 through 47 of this act relating to the rights and obligations of insured and insurers.

b. The inspections provided for in sections 42, 43 and 44 of this act may be exempted or deferred under circumstances specified in regulations of the commissioner. The commissioner shall exempt new automobiles from inspection under conditions he establishes by regulation. Other circumstances for exemption or deferral may include but are not limited to, the insuring of an automobile whose inspection would constitute a serious hardship to the insurer, the insured or an applicant for insurance, and the insuring of an automobile for a limited specified period of time.

49. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read as follows:

C.39:6B-2 Penalties.

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 \$300.00 and a period of community service to be determined by the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of one year from the date of conviction. Upon subsequent conviction, he shall be subject to a fine of \$500.00 and shall be subject to imprisonment for a term of 14 days 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.

Failure to produce at the time of trial an insurance identification card or an insurance policy which was in force for the time of operation for which the offense is charged, creates a rebuttable presumption that the person was uninsured when charged with a violation of this section.

Notwithstanding any provision of P.L.1972, c.197 (C.39:6B-1 et seq.), any person who violates the provisions of that act, from October 1, 1990 through January 31, 1991, shall not be subject to any of the penalties or sanctions provided for a first violation of that act if that person produces at the time of trial an insurance identification card or a motor vehicle liability insurance policy which is in force at the time of the trial and the conviction for that

person's offense would be the person's first conviction for an offense under that act. The Commissioner of Insurance shall appropriately promote and advertise this limited time amnesty program for first-time offenses under that act throughout the State.

C.17:33B-41 Cancellation for nonpayment of premium; suspension of registration.

50. a. Upon the termination of a policy of motor vehicle liability insurance by cancellation for nonpayment of premium pursuant to section 2 of P.L.1968, c.158 (C.17:29C-7), notice of that cancellation shall be filed by the insurer with the Division of Motor Vehicles not later than 30 days following the effective date of that cancellation.

b. The division shall notify the person whose policy was cancelled that, unless proof of motor vehicle liability insurance is filed with the division within 30 days of the notification or some other allowable circumstance exists and the division is notified of that circumstance within 30 days of the notification, the sanctions and penalties of this section shall apply.

c. If the Director of the Division of Motor Vehicles has not received proof of motor vehicle liability insurance or other allowable circumstances within 30 days pursuant to subsection b. of this section, he shall suspend the registration of such vehicle, except that:

(1) Suspension shall not be made under this subsection upon the basis of a cancellation of motor vehicle liability insurance if the registration certificate and registration plates of the motor vehicle are surrendered prior to the time at which the cancellation of insurance becomes effective. Such surrender shall be made to such officers of the division as the director shall direct. For the purposes of this paragraph, the expiration of a registration without renewal of that registration shall be deemed to be a surrender of registration as of the date of expiration;

(2) Suspension shall not be made under this subsection upon a cancellation of motor vehicle liability insurance if the vehicle has been, or will be, prior to the date of that cancellation, removed from the United States in North America and the Dominion of Canada for the purpose of international traffic, provided that the owner of the vehicle, prior to the date of that cancellation, has filed with the director a statement, in a form prescribed by him, indicating that the vehicle has been, or will be, so removed, and agreeing to notify the director immediately upon return of the vehicle to the United States in North America or the Dominion of Canada. Upon receipt of the statement the director shall restrict the use of the registration to such international traffic until new proof that motor vehicle liability insurance has been secured for the vehicle;

(3) Suspension need not be made under this subsection upon the basis of a cancellation of motor vehicle liability insurance if the period of time during which the motor vehicle remained both registered and uninsured was not greater than 15 days. The director shall promulgate regulations governing the conditions under which suspension action may be withheld pursuant to this paragraph.

d. Notwithstanding the provisions of subsection c. of this section, an order of suspension may be rescinded if the registrant pays to the commissioner a civil penalty in the amount of \$4 for each day up to 90 days for which motor vehicle liability insurance was not in effect. The provisions of this subsection shall apply only once during any 36-month period and only if the registrant surrenders the certificate of registration and registration plates to the director not more than 90 days from the date of cancellation of motor vehicle liability insurance coverage or submits to the director proof of motor vehicle liability insurance which took effect not more than 90 days from the cancellation of his previous motor vehicle liability insurance.

e. Any motor vehicle, the registration for which has been suspended pursuant to this section shall not be registered or reregistered in the name of the same registrant, or in any other name where the director has reasonable grounds to believe that such registration or reregistration will have the effect of defeating the purposes of this section, and no other motor vehicle shall be registered in the name of such person during the period of suspension.

f. No registration plates shall be returned to the registrant until proof of motor vehicle liability insurance is submitted to the director.

g. If a registrant has not surrendered his certificate of registration and registration plates or obtained motor vehicle liability insurance within 90 days from the date of cancellation of motor vehicle liability insurance, the director shall suspend the driver's license of any such registrant. The suspension shall take effect on the date specified in the order and shall remain in effect until termination of the suspension of the registrant's registration.

h. The Director of the Division of Motor Vehicles shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section. The director may, by regulation, require that the provisions of this section shall be applicable to the termination of policies of motor vehicle liability insurance for reasons other than cancellation for nonpayment of premium, including nonrenewals.

C.17:33B-42 Implementation of procedures or practices to control costs.

51. The Commissioner of Insurance may order insurers writing automobile insurance in this State to implement any procedure or practice that he deems necessary to more effectively control the cost of providing personal injury protection coverage to insureds in this State, including procedures or practices to increase the efficiency of the insurers or to prevent fraudulent practices by the insured, insurers, providers of services or equipment, or others.

C.17:33B-43 Structured settlement.

52. If an insurer, the New Jersey Automobile Full Insurance Underwriting Association, the trustee appointed pursuant to section 21 of this 1990 amendatory and supplementary act, the Market Transition Facility created pursuant to section 88 of this act or any insurer or other entity insuring risks under a plan providing private passenger automobile insurance pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), offers a lump sum settlement of more than \$10,000 to a claimant covered for bodily injury liability under a private passenger automobile liability insurance policy, the insurer, the association, the facility or the other entity may, at the same time, offer a structured settlement for that claim to the claimant or his attorney. If the claimant's attorney receives an offer of structured settlement pursuant to this section, he shall present it to the claimant.

C.17:33B-44 Reduction in base rates for use of anti-theft or safety devices.

53. The Commissioner of Insurance is authorized to order reductions in the base rates of comprehensive, collision, physical damage, or any combination of these coverages, as appropriate, for private passenger automobiles which are equipped with one or more anti-theft or safety devices which are approved by the commissioner.

54. Section 5 of P.L.1982, c.43 (C.39:5-30.9) is amended to read as follows:

C.39:5-30.9 Reduction of points.

5. Points recorded against a licensee shall be reduced at the rate of three points for each 12 consecutive months in which the licensee has not committed any violation either resulting in the assessment of points or in the suspension of driving privileges. Points recorded against a licensee shall also be reduced by three points, where the licensee attends and satisfactorily completes an approved license

improvement course; provided, however, that no licensee may receive point reduction credits for completion of the same or a similar course within two years of having completed the original course. Points recorded against a licensee shall also be reduced by two points if the licensee attends and satisfactorily completes an approved motor vehicle defensive driving course pursuant to section 55 of P.L.1990, c.8 (C.17:33B-45), except that no licensee may receive point reduction credits for completion of an approved motor vehicle defensive driving course within five years of having completed a previously approved motor vehicle defensive driving course. No point totals shall be reduced below zero. Computation of the time periods used in granting point reduction credits shall in all cases be based upon the respective dates of commission of the offenses for which the licensee was convicted and assessed points.

C.17:33B-45 Approved motor vehicle defensive driving course.

55. a. An approved motor vehicle defensive driving course shall include that number of hours of classroom or field driving instruction, or both, as the Director of the Division of Motor Vehicles may by regulation prescribe. The director may adopt such other requirements concerning the subject matter and contents of courses, and school and instructor qualifications, as he may from time to time deem appropriate.

The director shall approve any motor vehicle defensive driving course which meets or exceeds the standards of the National Safety Council's defensive driving course.

b. The provisions of this section shall not apply to driver training courses offered by driving schools pursuant to P.L.1951, c.216 (C.39:12-1 et seq.), public, parochial or private school driving education courses, or to a Division of Motor Vehicles Driver Improvement Program required pursuant to P.L.1969, c.261 (C.39:5-30.2 et seq.).

c. The Director of the Division of Motor Vehicles may promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that he deems necessary to effectuate the purposes of this section.

C.17:33B-46 Fraud and theft prevention plan.

56. a. Every insurer writing private passenger automobile insurance in this State shall, within 360 days of the effective date of this act, file with the commissioner a plan for the prevention of

fraudulent insurance applications and claims and for the prevention of automobile theft. The plan shall be deemed approved by the commissioner if not affirmatively approved or disapproved by the commissioner within 90 days of the date of filing. The commissioner may call upon the expertise of the Director of the Division of Insurance Fraud Prevention in his review of plans filed pursuant to this subsection. During the 90-day approval period the commissioner may request such amendments to the plan as he deems necessary. Any subsequent amendments to a plan filed with and approved by the commissioner shall be submitted for filing and deemed approved if not affirmatively approved or disapproved within 90 days from the date of filing.

b. The implementation of plans filed and approved pursuant to subsection a. of this section shall be monitored by the Division of Insurance Fraud Prevention in the Department of Insurance. Each insurer writing private passenger automobile insurance in this State shall report to the director on an annual basis, beginning January 1, 1992, on its experience in implementing its fraud and theft prevention plan.

c. Upon reasonable notice, the commissioner shall order a reduction of up to 20 percent in the automobile physical damage base rates of any insurer for failure to submit a plan, failure to submit any amendments to an approved plan, failure to properly implement an approved plan in a reasonable manner and within a reasonable time period, failure to provide a report required pursuant to subsection b. of this section or for any other violation of the provisions of this section. The rate reduction shall continue in effect until the insurer is in compliance with the requirements of this section.

C.17:33B-9 List of licensed insurance brokers; producer assignment program.

57. a. The Commissioner of Insurance shall, on or before October 1, 1990, compile a list of insurance brokers licensed pursuant to the "New Jersey Insurance Producer Licensing Act," P.L.1987, c.293 (C.17:22A-1 et seq.), who are producers for the New Jersey Automobile Full Insurance Underwriting Association pursuant to section 22 of P.L.1983, c.65 (C.17:30E-10). The list shall include the name of the broker and any applicable fictitious, trade or firm name used by the broker; the business address of the broker; and shall set forth the authorities which the broker holds pursuant to section 10 of P.L.1987, c.293 (C.17:22A-10). The list shall be made available to all insurers licensed to transact automobile insurance in this State.

b. The commissioner shall initiate a plan to encourage the broadening of authorities held by those brokers who have been active as association producers.

c. The commissioner shall, on or before October 1, 1991, establish a producer assignment program. The program shall be available upon application to any licensed insurance producer who: (1) is a producer for the association; (2) has no affiliation with a voluntary market company for the purposes of placement of private passenger automobile insurance; (3) had an affiliation with an insurance company for the placement of automobile insurance in the voluntary market which was terminated by the insurer on or after December 31, 1980; (4) has demonstrated to the commissioner his competency, efficiency and effectiveness in servicing association and other insurance business as determined by a review of the record of the producer for complaints, violations of the licensing law and other factors deemed relevant by the commissioner; and (5) is located and services insurance in a geographic area which the commissioner has determined to lack sufficient representation for the placement of automobile insurance business in the voluntary market. The program shall provide for the assignment of qualified producers on an equitable basis to insurers writing private passenger automobile insurance in the voluntary market.

C.17:33B-10 Payment of costs to State.

58. Any costs, including attorneys' fees, incurred by the State in maintaining any action against servicing carriers of the New Jersey Automobile Full Insurance Underwriting Association, whether brought by the Commissioner of Insurance, the Attorney General or any other person on behalf of the State of New Jersey, whether or not ultimately reimbursable as costs, shall be payable from monies available to the association or the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of this 1990 amendatory and supplementary act.

59. The Commissioner of Insurance shall study the feasibility of continuing the current system of mandatory motor vehicle liability insurance coverage in this State and the effect that discontinuance of mandatory liability insurance coverage would have on the citizens of this State. In making this study the commissioner shall consult with such representatives of the automobile insurance industry, consumer and safety groups and

such other persons with expertise deemed relevant by the commissioner. The commissioner shall report his findings, including any legislative proposals, to the Governor and the Legislature on or before February 1, 1992.

C.17:33B-47 Towing and storage fee schedules.

60. The Commissioner of Insurance shall, within 180 days after the effective date of this 1990 amendatory and supplementary act, promulgate towing and storage fee schedules on a regional basis for the reimbursement of towing charges and storage charges for private passenger automobiles that are damaged in accidents or are recovered after being stolen.

No person shall be liable to any person who tows or stores a private passenger automobile which was damaged in an accident or recovered after being reported stolen for any amount of money which results from the charging of fees in excess of those permitted by the towing and storage fee schedules established pursuant to this section.

C.17:33B-48 Storage expense not included.

61. No insurer or rating organization shall include any expense for storage of a private passenger automobile for more than 30 days into the base for determining private passenger automobile insurance rates used or to be used in this State.

C.17:33B-29 Temporary certificate of authority.

62. a. The Commissioner of Insurance may issue a temporary certificate of authority which authorizes an insurer to issue private passenger automobile insurance policies or make contracts of private passenger automobile insurance in this State.

b. A temporary certificate of authority pursuant to subsection a. of this section shall be issued to any applicant which:

- (1) Is organized as a capital stock company or mutual company;
- (2) Is currently authorized and licensed to issue private passenger automobile insurance policies or make contracts of private passenger automobile insurance in one or more states of the United States;
- (3) Meets the current capital or asset requirements of chapter 17 of Title 17 of the Revised Statutes for capital stock companies or mutual companies, as the case may be, which insure private passenger automobiles;

(4) Has complied with the deposit requirements pursuant to chapter 20 of Title 17 of the Revised Statutes.

c. Notwithstanding any other provision of Subtitle 3 of Title 17 of the Revised Statutes, any application for a temporary certificate of authority pursuant to this section shall be deemed approved if not disapproved by the commissioner within 30 days of the application filing date.

d. A temporary certificate of authority shall be effective for a period of one year and may be renewed for only one additional year with the approval of the Commissioner of Insurance. No temporary certificate of authority shall be issued or renewed pursuant to this section on or after January 1, 1993.

C.17:33B-58 \$100 annual fee to be assessed by Board of Medical Examiners.

63. The State Board of Medical Examiners shall assess an annual fee in the amount of \$100 payable by:

a. Each physician licensed to practice medicine or surgery in this State pursuant to the provisions of R.S.45:9-1 et seq., and certified or registered pursuant to the provisions of section 1 of P.L.1971, c.236 (C.45:9-6.1), except physicians holding a certificate of registration as a retired physician pursuant to that section. As used in this subsection "physician" includes both doctors of medicine and doctors of osteopathy; and

b. Each person licensed in this State to practice podiatry pursuant to the provisions of R.S.45:5-1 et seq. and registered pursuant to the provisions of R.S.45:5-9.

Fees imposed pursuant to this section shall be payable on or before July 1 of each calendar year from 1990 through 1996. Payments are to be remitted to the board and credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of this 1990 amendatory and supplementary act.

C.17:33B-59 \$100 annual fee to be assessed by Board of Chiropractic Examiners.

64. The State Board of Chiropractic Examiners shall assess an annual fee in the amount of \$100, payable by each person licensed in this State to practice chiropractic and registered pursuant to the provisions of section 14 of P.L.1953, c.233 (C.45:9-41.11), except persons registered as retired practitioners pursuant to that section. Fees imposed pursuant to this section shall be payable on or before July 1 of each calendar year from 1990

through 1996. Payments are to be remitted to the board and credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of this 1990 amendatory and supplementary act.

C.17:33B-60 \$100 annual fee to be assessed by Board of Physical Therapy.

65. The State Board of Physical Therapy shall assess an annual fee in the amount of \$100, payable by each person licensed or registered in this State as a physical therapist pursuant to the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.). As used in this section "physical therapist" includes a registered physical therapist as provided in section 22 of P.L.1983, c.296 (C.45:9-37.32) but shall not include a licensed physical therapist assistant as defined in subsection c. of section 3 of P.L.1983, c.296 (C.45:9-37.13). Fees imposed pursuant to this section shall be payable on or before July 1 of each calendar year from 1990 through 1996. Payments are to be remitted to the board and credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of this 1990 amendatory and supplementary act.

C.17:33B-61 \$100 annual assessment of auto body repair facilities.

66. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall assess an annual fee in the amount of \$100, payable by each auto body repair facility licensed pursuant to the provisions of P.L.1983, c.360 (C.39:13-1 et seq.). Fees imposed pursuant to this section shall be payable on or before July 1 of each calendar year from 1990 through 1996. Payments are to be remitted to the director and credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of this 1990 amendatory and supplementary act.

C.17:33B-62 \$100 annual assessment of lawyers.

67. The State Treasurer shall assess an annual fee in the amount of \$100, payable by each person licensed to practice law in this State who has engaged in the practice of law for at least one year. Fees imposed pursuant to this section shall be payable on or before July 1 of each calendar year from 1990 through 1996. Payments are to be remitted to the treasurer and credited to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of this 1990 amendatory and supplementary act.

C.17:33B-63 Additional registration fees.

68. a. In addition to the registration fees imposed pursuant to Article 2 of chapter 3 of Title 39 of the Revised Statutes, the Director of the Division of Motor Vehicles shall impose and collect additional registration fees as follows:

(1) For all motor vehicles, except commercial motor vehicles as defined by R.S.39:1-1 that were manufactured in any model year prior to the 1989 model year, the additional fee shall be \$15;

(2) For all motor vehicles, except commercial motor vehicles as defined by R.S.39:1-1, that were manufactured in model year 1989 and thereafter, the additional fee shall be \$40 for the first two years of registration or renewal and \$15 for each year thereafter;

(3) For all commercial motor vehicles as defined in R.S.39:1-1, the additional fee shall be \$75;

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection, the additional fee on motorcycle registrations shall be \$15 and the additional registration fee on noncommercial trucks registered pursuant to section 2 of P.L.1968, c.429 (C.39:3-8.1) shall be \$50;

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection, there shall not be any additional fee imposed on any vehicle registered pursuant to R.S.39:3-24.

b. Fees collected pursuant to subsection a. of this section shall be collected on registrations issued and renewed on or after July 1, 1990 through December 31, 1996.

(1) Fees collected pursuant to subsection a. of this section prior to October 1, 1991 shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association created by section 16 of P.L.1983, c.65 (C.17:30E-4) and shall be income to the association for purposes of section 20 of P.L.1983, c.65 (C.17:30E-8).

(2) Fees collected pursuant to subsection a. of this section on or after October 1, 1991 shall be remitted to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of this 1990 amendatory and supplementary act.

c. Notwithstanding any provision of subsection a. of this section to the contrary, no fees shall be imposed pursuant to this section on a registration for which no fee is presently collected pursuant to Article 2 of chapter 3 of Title 39 of the Revised Statutes or on a registration for a motor vehicle, except commercial vehicles, if the registrant is eligible for pharmaceutical assistance to the aged and disabled pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).

C.17:33B-31 Use of rating or advisory organization only for collection, compilation and dissemination of historical data.

69. Notwithstanding the provisions of Subtitle 3 of Title 17 of the Revised Statutes or any other provision of law to the contrary, no rating organization or advisory organization may be used by an insurer in rate-making for private passenger automobile insurance except for the purposes of the collection, compilation and dissemination of historical data for two or more insurers. As used in this section, the "collection, compilation and dissemination of historical data" shall not be deemed to include the trending of loss data for claims.

70. Section 5 of P.L.1970, c.73 (C.56:9-5) is amended to read as follows:

C.56:9-5 Certain activities permitted.

5. a. This act shall not forbid the existence of trade and professional organizations created for the purpose of mutual help, and not having capital stock, nor forbid or restrain members of such organizations from lawfully carrying out the legitimate objects thereof not otherwise in violation of this act; nor shall those organizations or members per se be illegal combinations or conspiracies in restraint of trade under the provisions of this act.

b. No provisions of this act shall be construed to make illegal:

(1) The activities of any labor organization or of individual members thereof which are directed solely to labor objectives which are legitimate under the laws of either the State of New Jersey or the United States;

(2) The activities of any agricultural or horticultural cooperative organization, whether incorporated or unincorporated, or of individual members thereof, which are directed solely to objectives of such cooperative organizations which are legitimate under the laws of either the State of New Jersey or the United States;

(3) The activities of any public utility, as defined in R.S.48:2-13 to the extent that such activities are subject to the jurisdiction of the Board of Public Utilities, the Department of Transportation, the Federal Power Commission, the Federal Communications Commission, the Federal Department of Transportation or the Interstate Commerce Commission;

(4) The activities, including, but not limited to, the making of or participating in joint underwriting or joint reinsurance arrangements, of any insurer, insurance agent, insurance broker,

independent insurance adjuster or rating organization to the extent that such activities are subject to regulation by the Commissioner of Insurance of this State under, or are permitted, or are authorized by, the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) and the "Department of Insurance Act of 1970," P.L.1970, c.12 (C.17:1C-1 et seq.), provided, however, the provisions of this paragraph (4) shall not apply to private passenger automobile insurance business.

(5) The bona fide religious and charitable activities of any not for profit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes;

(6) The activities engaged in by securities dealers, issuers or agents who are (i) licensed by the State of New Jersey under the "Uniform Securities Law (1967)," P.L.1967, c.93 (C.49:3-47 et seq.), or (ii) members of the National Association of Securities Dealers, or (iii) members of any National Securities Exchange registered with the Securities and Exchange Commission under the "Securities Exchange Act of 1934," as amended, in the course of their business of offering, selling, buying and selling, or otherwise trading in or underwriting securities, as agent, broker, or principal, and activities of any National Securities Exchange so registered, including the establishment of commission rates and schedules of charges;

(7) The activities of any State or national banking institution to the extent that such activities are regulated or supervised by officers of the State government under the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) or P.L.1970, c.11 (C.17:1B-1 et seq.), or the federal government under the banking laws of the United States;

(8) The activities of any state or federal savings and loan association to the extent that such activities are regulated or supervised by officers of the State government under the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) or P.L.1970, c.11 (C.17:1B-1 et seq.), or the federal government under the banking laws of the United States;

(9) The activities of any bona fide not for profit professional association, society or board, licensed and regulated by the courts or any other agency of this State, in recommending schedules of suggested fees, rates or commissions for use solely as guidelines in determining charges for professional and technical services; or

(10) The activities permitted under the provisions of chapter 4 of Title 56 of the Revised Statutes, "An act to regulate the retail

sale of motor fuels," P.L.1938, c.163 (C.56:6-1 et seq.), the "Unfair Motor Fuels Practices Act," P.L.1953, c.413 (C.56:6-19 et seq.) and the "Unfair Cigarette Sales Act of 1952," P.L.1952, c.247 (C.56:7-18 et seq.).

c. This act shall not apply to any activity directed, authorized or permitted by any law of this State that is in conflict or inconsistent with the provisions of this act, and the enactment of this act shall not be deemed to repeal, either expressly or by implication, any such other law in effect on the date of its enactment.

71. R.S.17:17-10 is amended to read as follows:

Certificate of authority; plan for withdrawal, surrender, or discontinuance.

17:17-10. a. When satisfied that a company has complied with all the requirements of this subtitle to entitle it to engage in business and that the proposed methods of operation of the company are not such as would render its operation hazardous to the public or its policyholders, the commissioner shall issue to the company a certificate authorizing it to commence business, specifying in the certificate the particular kind or kinds of insurance it is authorized to transact. The commissioner may refuse to issue a certificate of authority if he finds that any of the company's directors or officers has been convicted of a crime involving fraud, dishonesty, or like moral turpitude or that said persons are not persons of good character and integrity. No company shall transact the business for which it is incorporated until it has received the certificate from the commissioner. If any company fails to obtain the certificate of authority within one year from the date of the certificate of the Attorney General to its certificate of incorporation, as provided in R.S.17:17-5, the company shall, ipso facto, be dissolved and its certificate of incorporation be null and void.

b. No company licensed to transact insurance business in this State pursuant to chapter 17 of Title 17 of the Revised Statutes may surrender its certificate of authority or discontinue writing or renewing any kind or kinds of insurance specified in the certificate, except in accordance with a plan to be submitted by the company and approved by the commissioner, which plan shall provide for an orderly withdrawal from the market and for the minimization of the impact of the surrender of the certificate or the discontinuance of the writing or renewing of any kind or kinds of insurance upon the public generally and upon the company's policyholders in this State. No surrender or discontinuance

shall become effective until the approved plan has been complied with. In reviewing a plan for withdrawal submitted by the company, the commissioner shall consider, and may require as a condition of approval, whether some or all other certificates of authority issued pursuant to chapter 17 or 32 of Title 17 of the Revised Statutes held by the company or by other companies within the same holding company system as the company submitting the plan shall be required to be surrendered. The provisions of this subsection shall apply to any request for withdrawal, surrender or discontinuance filed on or after January 25, 1990.

C.17:33B-30 Surrender of certificate of authority by insurance company of another state or foreign country.

72. An insurance company of another state or foreign country authorized under chapter 32 of Title 17 of the Revised Statutes to transact insurance business in this State may surrender to the commissioner its certificate of authority and thereafter cease to transact insurance in this State, or discontinue the writing or renewal of one or more kinds of insurance specified in the certificate of authority, only after the submission of a plan which provides for an orderly withdrawal from the market and a minimization of the impact of the surrender or discontinuance on the public generally and on the company's policyholders in this State. The plan shall be approved by the commissioner before the withdrawal or discontinuance takes effect. In reviewing a plan for withdrawal under this section, the commissioner shall consider, and may require as a condition of approval, whether some or all other certificates of authority issued pursuant to chapter 17 or 32 of Title 17 of the Revised Statutes held by the company or by other companies in the same holding company as the company submitting the plan should be surrendered. The certificate of authority of the company shall be deemed to continue in effect until the provisions of the approved plan have been carried out. The provisions of this section shall apply to any request for withdrawal, surrender or discontinuance filed on or after January 25, 1990.

73. Section 34 of P.L.1983, c.65 (C.17:30E-22) is amended to read as follows:

C.17:30E-22 Payment of taxes.

34. Taxes required to be paid pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.) on premiums earned by the association on or

after the effective date of P.L.1990, c.8 (C.17:33B-1 et al.) shall be paid by the association to the State Treasurer and shall be credited to the New Jersey Automobile Insurance Guaranty Fund created by section 23 of P.L.1990, c.8 (C.17:33B-5).

74. Section 8 of P.L.1974, c.17 (C.17:30A-8) is amended to read as follows:

C.17:30A-8 Association's obligations, powers and duties.

8. a. The association shall:

(1) Be obligated to the extent of the covered claims against an insolvent insurer incurred, in the case of private passenger automobile insurance, prior to or after the determination of insolvency, but before the policy expiration date or the date upon which the insured replaces the policy or causes its cancellation, or in the case of insurance other than private passenger automobile insurance, covered claims against such insolvent insurer incurred prior to or 90 days after the determination of insolvency, or before the policy expiration date if less than 90 days after said determination, or before the insured replaces the policy or causes its cancellation, if he does so within 90 days of the determination, but such obligation shall include only that amount of each covered claim which is less than \$300,000.00 and subject to any applicable deductible contained in the policy, except that the \$300,000.00 limitation shall not apply to a covered claim arising out of insurance coverage mandated by section 4 of P.L.1972, c.70 (C.39:6A-4). In the case of benefits payable under subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4), the association shall be liable for payment of benefits in an amount not to exceed \$75,000.00. Benefits paid in excess of such amount shall be recoverable by the association from the Unsatisfied Claim and Judgment Fund pursuant to the provisions of section 2 of P.L.1977, c.310 (C.39:6-73.1). In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the limits of liability stated in the policy of the insolvent insurer from which the claim arises;

(2) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) Assess member insurers in amounts necessary to pay:

(a) The obligation of the association under paragraph a.(1) of this section;

- (b) The expenses of handling covered claims;
- (c) The cost of examinations under section 13; and
- (d) Other expenses authorized by this act, excluding expenses incurred by the association pursuant to paragraphs (9) and (10) of this subsection.

The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment bears to the net direct written premiums of all member insurers for the calendar year preceding the assessment.

Each member insurer shall be notified of the assessment not later than 30 days before it is due. No member insurer may be assessed pursuant to paragraph (3) of this subsection in any year in an amount greater than 2% of that member insurer's net direct written premiums for the calendar year preceding the assessment.

The association may, subject to the approval of the commissioner, exempt, abate or defer, in whole or in part the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. In the event an assessment against a member insurer is exempted, abated, or deferred, in whole or in part, because of the limitations set forth in this section, the amount by which such assessment is exempted, abated, or deferred, shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association, does not provide in any one year an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as it is permitted by this act. Each member insurer serving as a servicing facility may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by such member insurer;

(4) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) Notify such persons as the commissioner directs under section 10b.(1);

(6) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer;

(7) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act;

(8) Make loans to the New Jersey Surplus Lines Insurance Guaranty Fund in accordance with the provisions of the "New Jersey Surplus Lines Insurance Guaranty Fund Act," P.L.1984, c.101 (C.17:22-6.70 et seq.);

(9) Assess member insurers in amounts necessary to make loans pursuant to paragraph (10) of this subsection. Estimated assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment bears to the net direct written premiums of all member insurers for the calendar year preceding the assessment with actual assessments adjusted in the succeeding year based on the proportion that the insurer's net direct written premiums in the year of assessment bears to the net direct written premiums of all member insurers for that year;

(10) Make loans in the amount of \$160 million per calendar year, beginning in calendar year 1990, to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5), except that no loan shall be made pursuant to this paragraph after December 31, 1997.

b. The association may:

(1) Employ or retain such persons as are necessary to handle claims and perform such other duties of the association;

(2) Borrow funds necessary to effectuate the purpose of this act in accordance with the plan of operation;

(3) Sue or be sued;

(4) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act;

(5) Perform such other acts as are necessary or proper to effectuate the purpose of this act;

(6) Refund to the member insurers in proportion of the contribution of each member insurer that amount by which the assets exceed the liabilities if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities, as estimated by the board of directors for the coming year.

75. Section 16 of P.L.1974, c.17 (C.17:30A-16) is amended to read as follows:

C.17:30A-16 Surcharges.

16. a. The commissioner shall adopt rules permitting member insurers to recoup over a reasonable length of time, a sum reasonably calculated to recoup assessments paid by the member insurer pursuant to paragraph (3) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8) by way of a surcharge on premiums charged for insurance policies to which this act applies. The amount of any surcharge shall be determined by the commissioner. The commissioner may permit an insurer to omit collection of the surcharge from its insureds when the expense of collecting the surcharge would exceed the amount of the surcharge, provided that nothing in this subsection shall relieve the insurer of its obligation to remit the amount of surcharge otherwise collectible.

b. No member insurer shall impose a surcharge on the premiums of any policy to recoup assessments paid pursuant to paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

C.17:33B-49 Annual surtax on premiums, terms defined, revenues credited to New Jersey Automobile Insurance Guaranty Fund.

76. a. In addition to the tax on net premiums paid pursuant to section 1 of P.L.1945, c.132 (C.54:18A-1), each taxpayer under that section shall pay to the Director of the Division of Taxation an annual surtax at a rate of 5%, or a rate adjusted pursuant to section 77 of this 1990 amendatory and supplementary act, on all taxable premiums collected in this State, except premiums collected by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), and premiums collected by the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), in calendar years 1990, 1991 and 1992 for contracts of automobile insurance, notwithstanding section 6 of

P.L.1945, c.132 (C.54:18A-6). The surtax shall be administered pursuant to the provisions of P.L.1945, c.132 (C.54:18A-1 et seq.), except that if any provision of that act is in conflict with a specific provision of this 1990 amendatory and supplementary act, the provision or provisions of this 1990 amendatory and supplementary act shall govern.

b. For the purposes of sections 76 through 78 of this 1990 amendatory and supplementary act:

“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, a van, 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. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definition contained in this section, shall be considered a private passenger automobile owned by two or more relatives resident in the same household; and

“Automobile insurance” means direct insurance against injury or damage, including the legal liability therefor, arising out of the ownership, operation, maintenance or use of an automobile, 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.

c. Each taxpayer shall:

(1) on or before the first day of the third month following enactment of this 1990 amendatory and supplementary act make an installment payment of surtax due under subsection a. of this section in an amount equal to one half of the surtax estimated to be due for taxable premiums collected in this State in calendar year 1990 if the surtax rate at the time of the payment was imposed for the entire year; and

(2) on or before the first day of the sixth month following enactment of this 1990 amendatory and supplementary act, make an installment payment of surtax due under subsection a. of this section in an amount equal to one half of the surtax estimated to be due for taxable premiums collected in this State in calendar

year 1990 if the surtax rate at the time of the payment was imposed for the entire year; provided however, that no installment payment shall be due if the payment date of such installment pursuant to this subsection falls on or after February 1, 1991.

In the calculation of the tax due in accordance with subsection a. of this section, a taxpayer shall be entitled to a credit in the amount of the tax paid under this subsection as a partial payment and shall be entitled to the return of any amount so paid which is in excess of the total amount payable in accordance with this section.

d. Failure to pay any installment payment required pursuant to subsection c. of this section shall constitute a deficiency, and there shall be added to the tax for the calendar year interest on the amount of underpayment as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., for the period of the underpayment.

The amount of underpayment shall be the excess of the amount of the installment payment which would be required to be paid if the installment payment were equal to 45% of the surtax which would be shown on the return for the year if the surtax rate at the time of the payment were imposed for the entire year, or if no return was filed, 45% of the tax for that year, over the amount, if any, of the installment payment paid on or before the last date prescribed for payment.

For purposes of this subsection, the period of the underpayment shall run from the date the installment payment was required to be paid to the earlier of the date on which the surtax is due pursuant to subsection a. of this section or, with respect to any portion of the underpayment, the date on which that portion is paid.

For purposes of this subsection, a payment of any installment payment shall be considered a payment of any previous underpayment only to the extent that such payment exceeds the amount of the installment payment determined under this subsection for that installment payment.

e. All revenues collected from the surtax imposed pursuant to this section, less any refunds paid pursuant to subsection d. of section 77 of this 1990 amendatory and supplementary act, shall be credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund, created pursuant to section 23 of this 1990 amendatory and supplementary act.

C.17:33B-50 Adjustment of rate of surtax.

77. a. The Director of the Division of Taxation is hereby authorized to adjust the rate of the surtax imposed pursuant to section 76 of this 1990 amendatory and supplementary act, for any of the calendar years in which the surtax is imposed, as provided in this section.

b. The Director of the Division of Taxation, in consultation with the Commissioner of Insurance, shall, on or before the first day of the second month following enactment of this 1990 amendatory and supplementary act, prepare an estimate of the revenues anticipated to be collected from the surtax imposed pursuant to section 76 of this 1990 amendatory and supplementary act, at the rate established thereby, and credited to the New Jersey Automobile Insurance Guaranty Fund, for each of the three calendar years in which the surtax is imposed. These estimates shall be reviewed and, if appropriate, revised, on or before the first day of the month immediately preceding the due date for the second installment payment for the first calendar year in which the surtax is imposed and each subsequent installment payment and each final payment required to be made pursuant to section 76 of this 1990 amendatory and supplementary act. Such review and revision shall be based upon information available to the director and the commissioner, including actual surtax collections as reflected in final payments.

c. At any time that the estimates prepared and revised pursuant to subsection b. of this section reflect total estimated surtax revenues in excess of, or significantly less than, \$300,000,000 for the three calendar years in which the surtax is imposed, the director shall provide that the surtax be imposed at a different rate, such that the total estimated revenues are as near as possible to, but do not exceed, \$300,000,000, provided, however, that the rate shall not exceed 5%. That different surtax rate shall be imposed on premiums collected in the first calendar year for which final returns and final payments have not yet been made and, subject to the director's determination, may be reflected in installment payments which have not yet been made.

d. On or before April 1, 1993, the director shall make a final determination of the total amount of revenues collected under the surtax imposed pursuant to section 76 of this 1990 amendatory and supplementary act for the three calendar years in which the surtax is imposed. The director shall refund any such revenues collected in excess of \$300,000,000 to taxpayers in proportion to each taxpayer's share of total surtax payments made for the three calendar years.

C.17:33B-51 Private passenger automobile insurance policyholders not to pay surtax.

78. The Commissioner of Insurance shall take such action as is necessary to ensure that private passenger automobile insurance policyholders shall not pay for the surtax imposed pursuant to section 76 of this 1990 amendatory and supplementary act.

79. Section 3 of P.L.1981, c.183 (C.54:18A-1a) is amended to read as follows:

C.54:18A-1a Equivalent of franchise tax to municipalities and counties.

3. a. To ensure that no county or municipality will experience a loss of revenue as a result of the repeal of the franchise tax on domestic insurance companies, the State Treasurer, upon warrant of the State Comptroller, shall, on or before August 1, 1982 and on or before August 1 annually thereafter, pay to the collector of the municipality and to the county treasurer of a county in which a domestic insurance company's principal office was situated on January 1, 1981, an amount determined by increasing the total amount of franchise taxes received by the municipality or county in the prior calendar year by the percentage rate of change of all taxes paid by all insurance companies pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), but excluding any surtax payments made pursuant to section 76 of P.L.1990, c.8 (C.17:33B-49) and excluding any tax payments made for the additional tax imposed to provide for Department of Insurance administrative costs pursuant to R.S.54:16-8 and sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3) as amended by P.L.1990, c.8 (C.17:33B-1 et al.), for the current and the immediately preceding tax years.

The payments shall continue to be made so long as the principal office of the domestic insurance company remains at the location established on January 1, 1981. No liability for payment under this section shall arise by virtue of the relocation of the principal office of a domestic insurance company to another municipality, whether or not within the same county.

b. To ensure that no municipality will experience an abrupt loss of revenue as a result of a domestic insurance company relocating its principal office from the municipality wherein it was established on January 1, 1981, the State Treasurer, upon warrant of the State Comptroller, shall, on or before August 1 of each year, pay to the collector of the municipality from which the principal office was removed, an amount as hereinafter provided:

(1) For the first year after relocation, an amount equal to 80% of the amount the municipality received in the year in which the relocation occurred;

(2) For the second year after relocation, an amount equal to 60% of the amount the municipality received in the year in which the relocation occurred;

(3) For the third year after relocation, an amount equal to 40% of the amount the municipality received in the year in which the relocation occurred;

(4) For the fourth year after relocation, an amount equal to 30% of the amount the municipality received in the year in which the relocation occurred; and

(5) For the fifth year after relocation, an amount equal to 15% of the amount the municipality received in the year in which the relocation occurred.

No municipality shall be entitled to any payment under this subsection for any year following the fifth year after relocation.

c. To ensure that no county will experience an abrupt loss of revenue as a result of a domestic insurance company relocating its principal office from the county wherein it was established on January 1, 1981, the State Treasurer, upon warrant of the State Comptroller, shall, on or before August 1 of each year, pay to the treasurer of the county from which the principal office was removed, an amount as hereinafter provided:

(1) For the first year after relocation, an amount equal to 80% of the amount the county received in the year in which the relocation occurred;

(2) For the second year after relocation, an amount equal to 60% of the amount the county received in the year in which the relocation occurred;

(3) For the third year after relocation, an amount equal to 40% of the amount the county received in the year in which the relocation occurred;

(4) For the fourth year after relocation, an amount equal to 30% of the amount the county received in the year in which the relocation occurred; and

(5) For the fifth year after relocation, an amount equal to 15% of the amount the county received in the year in which the relocation occurred.

No county shall be entitled to any payment under this subsection for any year following the fifth year after relocation.

80. R.S.54:16-8 is amended to read as follows:

Computation of tax.

54:16-8. Computation of tax. If the Commissioner of Insurance finds the report of the insurer to be correct he shall ascertain the tax to be paid by the insurer, in the following manner:

a. If the insurer has written marine insurances in this State for three years the Commissioner of Insurance shall:

(1) Ascertain the average annual underwriting profit derived by the insurer from such marine insurances written within the United States during the last preceding three calendar years;

(2) Ascertain the proportion which the average annual premiums of the insurer from such marine insurances written by it in this State during the last preceding three years bear to the average total of such marine premiums of the insurer during the same three years;

(3) Compute an amount of five percent on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurances, and compute an additional amount of twenty-five one-hundredths on that proportion which amount shall be dedicated to the Department of Insurance for payment of administrative costs related to its statutory duties; and

(4) Charge the amount of tax thus computed to such insurer as a tax upon such marine insurances written by it in this State during the current calendar year.

The Commissioner of Insurance shall each year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such insurer from such marine insurances during the preceding three years, including the current calendar year, namely, at the expiration of each current calendar year, the profit or loss on such marine insurances of that year is to be added or deducted, and the profit or loss upon such marine insurances of the first calendar year of the preceding three-year period is to be dropped so that the computation of underwriting profit for purposes of taxation under this section will always be on a three-year average.

b. If the insurer has not been writing such marine insurances in this State for three years the Commissioner of Insurance shall, until the insurer has transacted such business in this State for that number of years, compute the tax upon the basis of its annual underwriting profit on such marine insurances written within the United States for the current calendar year, subject, however, to an adjustment in the tax as soon as the Commissioner of Insur-

ance, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three-year basis.

In the case of mutual companies, the Commissioner of Insurance shall not include in underwriting profit when computing the tax provided by this chapter, the amounts refunded by such companies on account of premiums previously paid by their policyholders.

81. R.S.54:17-4 is amended to read as follows:

Tax on foreign fire insurance companies; disposition of proceeds.

54:17-4. All moneys received by the Director of the Division of Taxation in the Department of the Treasury from insurance companies of other states and countries in an amount equivalent to a tax of 2% on premiums for fire insurance, and all payments in lieu of that tax, required by law to be made by such companies, shall be turned over monthly by the said Director of the Division of Taxation to the State Treasurer to be distributed by him as follows:

The State Treasurer shall from time to time in each year, out of the moneys above referred to, pay over to the treasurer of the board of managers of the New Jersey firemen's home such sums as the managers, by resolution approved by the Governor, shall demand and require for the proper conduct of the home.

After the demands and requirements of the home upon said moneys in any year have been met and discharged or provided for, the balance thereof remaining shall be paid by the State Treasurer to the treasurer of the New Jersey State Firemen's Association or to the treasurer of any local relief association organized and existing under the provisions of chapter 17 of the Title, Pensions and Retirement and Unemployment Compensation (§ 43:17-1 et seq.), upon the duly authenticated order of the executive committee of the New Jersey State Firemen's Association in such amounts and at such time as may be required.

82. Section 2 of P.L.1945, c.132 (C.54:18A-2) is amended to read as follows:

C.54:18A-2 Amount of tax, additional tax.

2. (a) The tax specified in subsection (a) of section 1 of this act, except as to life insurance companies and except as to marine insurance as described by chapter 16 of Title 54 of the Revised Statutes, shall, except as hereinafter provided, be 2% upon the taxable premiums collected by such company during the year end-

ing December 31 next preceding on all business of the company in this State, less the amount of taxes on its property, exclusive of taxes on real estate and of taxes payable pursuant to this section, paid in this State by the company pursuant to any law of this State during the said year. Any taxes paid to the treasurer of any firemen's relief association of this State pursuant to R.S.54:18-1 shall be considered a part of the tax payable under this act. An additional tax of 0.1% upon such taxable premiums of such insurers shall also be paid, which amount shall be dedicated to the Department of Insurance for payment of administrative costs related to its statutory duties.

(b) Taxable premiums, collected after December 31, 1965 by an insurance company subject to the provisions of subsection (a) hereof under group accident and health insurance policies on residents of this State, and taxable premiums collected under legal insurance policies as defined in section 3 of P.L.1981, c.160 (C.17:46C-3) on residents of this State, shall be subject to tax only at the following rates:

As to taxes payable in 1967	1 3/4 %
As to taxes payable in 1968	1 1/2 %
As to taxes payable in 1969	1 1/4 %
As to taxes payable in 1970 and thereafter	1 %

An additional tax of 0.05% upon such taxable premiums of such insurers shall also be paid, which amount shall be dedicated to the Department of Insurance for payment of administrative costs related to its statutory duties.

83. Section 3 of P.L.1945, c.132 (C.54:18A-3) is amended to read as follows:

C.54:18A-3 Amount of tax, life insurance companies; additional tax.

3. Amount of tax, life insurance companies; deductions. (a) The tax specified in subsection (a) of section 1 of this act as to life insurance companies, shall, except as hereinafter provided, be 2% upon the taxable premiums collected by the company during the year ending December 31 next preceding under all policies or contracts of insurance on residents of this State, less the amount of taxes on its property, exclusive of taxes on real estate and of taxes payable pursuant to this section, paid in this State by the company pursuant to any law of this State during the said year. An additional tax of 0.1% upon such taxable premiums of such insurers shall also be paid, which amount shall be dedicated to the

Department of Insurance for payment of administrative costs related to its statutory duties.

(b) Taxable premiums, collected after December 31, 1965 by an insurance company subject to the provisions of subsection (a) hereof under group accident and health insurance policies on residents of this State, and taxable premiums collected under legal insurance policies as defined in section 3 of P.L.1981, c.160 (C.17:46C-3) on residents of this State, shall be subject to tax only at the following rates:

As to taxes payable in 1967	1 3/4 %
As to taxes payable in 1968	1 1/2 %
As to taxes payable in 1969	1 1/4 %
As to taxes payable in 1970 and thereafter	1 %

An additional tax of 0.05% upon such taxable premiums of such insurers shall also be paid, which amount shall be dedicated to the Department of Insurance for payment of administrative costs related to its statutory duties.

84. Section 4 of P.L.1970, c.12 (C.17:1C-4) is amended to read as follows:

C.17:1C-4 Deputy commissioners; appointment, powers and duties; administrative division authorized.

4. (a) The commissioner may appoint two deputy commissioners to serve at the pleasure of the commissioner who shall be authorized to exercise the powers and duties of the commissioner in his absence or disability and shall perform such other duties as the commissioner shall prescribe.

(b) The commissioner shall have the authority to establish, organize and maintain in his offices an administrative division to perform all necessary personnel, budget and finance, facilities and equipment services for the department and to assign such personnel thereto as may be required.

85. Section 3 of P.L.1952, c.174 (C.39:6-63) is amended to read as follows:

C.39:6-63 Creation of fund.

3. For the purpose of creating and maintaining the fund:

- (a) (Deleted by amendment, P.L.1968, c.323, s.3.)
- (b) (Deleted by amendment, P.L.1968, c.323, s.3.)
- (c) (Deleted by amendment, P.L.1968, c.323, s.3.)

(d) On December 30 in each year, the commissioner 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 P.L.1977, c.310 (C.39:6-73.1), 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) 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 contributions to the fund. Such probable amount needed shall be initially apportioned on an estimated basis 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, including the New Jersey Automobile Full Insurance Underwriting Association, created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.), and the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), during the preceding calendar year as shown by the records of the commissioner as an estimate. Each insurer shall pay the sum so assessed to the treasurer on or before March 31, next following. Such estimated sum shall be subject to adjustment on March 31 next following payment based upon the proportion that the net direct written premiums of each insurer bear to the aggregate net direct written premiums of all insurers, including the New Jersey Automobile Full Insurance Underwriting Association created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.), and the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), during the year the estimated assessment was paid as shown by the records of the commissioner.

(e) Whenever any of the provisions of this act concerning the method and sources of assessments on insurers, including the New Jersey Automobile Full Insurance Underwriting Association, created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.), and the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), 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 commissioner may, if he deems it necessary, rescind any assessment on insurers, including the New Jersey Automobile Full Insurance Underwriting Association, created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.) and the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), 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.

C.17:33B-7 Payment of premiums on installment basis.

86. Any plan for the payment of premiums payable to the New Jersey Automobile Full Insurance Underwriting Association on an installment basis for policies issued for a one-year period shall provide for installment payments during a period of not less than nine months.

C.17:33B-8 Written notice needed for cancellation due to nonpayment of premium.

87. a.No New Jersey Automobile Full Insurance Underwriting Association policy may be cancelled for nonpayment of premium unless written notice is provided at least 15 days prior to the effective date of cancellation accompanied by the reason for cancellation. Notice shall be provided to the named insured and the producer of record at their last known addresses.

b. The association shall notify the named insured and the producer of record at their last known addresses no later than 15 days after the nonrenewal of an association policy of such nonrenewal.

C.17:33B-11 Market Transition Facility created, advisory board, membership, functions.

88. a.There is created a Market Transition Facility to be operated by the Commissioner of Insurance pursuant to the provisions of this section. Every insurer authorized to transact automobile

insurance in this State shall be a member of the facility and shall share in its profits and losses as provided by the commissioner pursuant to the provisions of subsection d. of this section.

b. The commissioner shall, within 30 days of the effective date of this 1990 amendatory and supplementary act, appoint a Market Transition Facility Advisory Board which shall be comprised of six members, one of whom shall represent member companies organized on a mutual basis, one of whom shall represent member companies organized on a stock basis, one of whom shall represent servicing carriers, one of whom shall represent insurance producers, one of whom shall be a qualified actuary and one of whom shall represent the public. Advisory board members shall serve for the duration of the facility or until such time as their successor is appointed. Advisory board members shall not be compensated for their services but shall be reimbursed by the facility for any necessary and reasonable expenses incurred in performance of their duties as members of the advisory board.

c. The facility shall arrange for the issuance and renewal of automobile insurance policies for the period commencing October 1, 1990 and ending September 30, 1992 pursuant to a plan of operation promulgated by the commissioner in consultation with the advisory board. The facility shall not issue or renew any policies of automobile insurance on or after October 1, 1992. The plan shall provide:

- (1) The applicable levels of coverage available through the facility;
- (2) That the premiums payable on policies issued by the facility shall be based on rates applicable to persons insured by the New Jersey Automobile Full Insurance Underwriting Association on September 30, 1990 but shall not incorporate the rates applicable under section 25 of P.L.1983, c.65 (C.17:30E-13) and section 22 of P.L.1988, c.119 (C.17:30E-13.1). However, the applicable rates for those insureds who do not qualify as eligible persons as provided in section 25 of this 1990 amendatory and supplementary act shall be those set by the plan for the provision of automobile insurance established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1);
- (3) Procedures for the filing and approval of changes in rates applicable to policies issued or renewed by the facility;
- (4) For the issuance and renewal of automobile insurance through servicing carriers under contract with the New Jersey Automobile Full Insurance Underwriting Association pursuant to the provisions of section 24 of P.L.1983, c.65 (C.17:30E-12), uti-

lizing, at the discretion of the commissioner, the staff of the association;

(5) Procedures for the depopulation of the facility which shall provide that: on or after April 1, 1991 no more than 29% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility and the New Jersey Automobile Full Insurance Underwriting Association created by P.L.1983, c.65 (C.17:30E-1 et seq.); on or after October 1, 1991 no more than 20% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility; on or after April 1, 1992 no more than 10% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility; and on or after October 1, 1992, 0% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility. In establishing the quotas set forth above, the plan shall prescribe the number of voluntary market exposures which shall be written during each six-month period set forth in this paragraph in a manner consistent with the apportionment procedure established pursuant to subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14). In the event that any of the quotas established pursuant to this paragraph have not been met by the end of the applicable period, the commissioner shall direct the facility to assign the balance of the exposures needed to meet the applicable quota to member companies pursuant to the apportionment procedure. A member company which exceeds its apportionment share for any six-month period set forth in this paragraph shall receive credit for the excess against the following period's obligation. The commissioner may excuse a member company from meeting its obligations under the depopulation procedures if he determines that the company would be placed in an unsafe or unsound condition;

(6) A schedule for the payment of premiums on an installment basis. Any installment payment schedule for policies issued for a one year period shall provide for installment payments during a period of not less than nine months;

(7) That no policy issued by the facility may be cancelled for nonpayment of premium unless written notice is provided at least 15 days prior to the effective date of cancellation accompanied by the reason for cancellation. Notice shall be provided to the named insured and the producer of record at their last known addresses;

(8) Provide for notification of the named insured and the producer of record at their last known addresses no later than 15 days after the nonrenewal of a facility policy of such nonrenewal; and

(9) Such other provisions as are deemed necessary for the operation of the facility.

d. The commissioner shall apportion any profits or losses of the facility among member companies based on each company's apportionment share as determined for purposes of depopulation pursuant to subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14).

e. The facility shall be subject to the provisions of P.L.1945, c.132 (C.54:18A-1 et seq.).

C.17:33B-12 Charges under depopulation plan.

89. Notwithstanding any provision of law to the contrary, an insurer may charge premiums at the rate level applicable to eligible persons insured by the facility as provided in paragraph (2) of subsection c. of section 88 of this 1990 amendatory and supplementary act to an insured written in the voluntary market under the depopulation plan established pursuant to paragraph (5) of subsection c. of section 88 of this act. However, no insured shall be subject to facility rates for a total period in excess of three years, including the time during which the insured is covered by the facility.

C.17:33B-26 Refusal by insurer of coverage.

90. Nothing contained in paragraph e. of the definition of an eligible person as set forth in section 25 of this 1990 amendatory and supplementary act shall be deemed to permit an insurer subject to the provisions of that paragraph e. to refuse coverage to a person pursuant to the provisions of section 27 or section 39 of this act unless that insurer has complied with its depopulation obligation, as determined by the commissioner pursuant to the provisions of section 26 of P.L.1983, c.65 (C.17:30E-14) and paragraph (5) of subsection c. of section 88 of this act, by October 1, 1992.

C.17:33B-23 Suspension of obligation to issue policies for insurer in unsafe or unsound financial condition.

91. a. The commissioner shall suspend, after hearing, an insurer's obligation to provide insurance for automobiles in compliance with the provisions of section 1 of P.L.1970, c.215 (C.17:29D-1) if the insurer is in an unsafe or unsound financial condition.

b. If an insurer requests suspension and avers that there is an immediate need to cease providing insurance for automobiles in

compliance with section 1 of P.L.1970, c.215 (C.17:29D-1) because compliance would result in the insurer being in an unsafe or unsound financial condition, the insurer's obligation to provide insurance for automobiles in compliance with section 1 of P.L.1970, c.215 (C.17:29D-1) shall be suspended beginning on the 10th business day after the insurer has filed the request and supporting documentation with the commissioner, unless within that time, the commissioner finds that continued compliance with the provisions of section 1 of P.L.1970, c.215 (C.17:29D-1) will not result in the insurer being in an unsafe or unsound financial condition.

c. Any suspension pursuant to subsection a. or b. of this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

d. For the purposes of this section, an insurer shall be deemed to be in an unsafe or unsound financial condition if the commissioner finds the insurer to have a ratio of annual net premiums written to surplus as to policyholders that threatens the financial health of the insurer.

C.17:33B-24 Suspension of obligation to provide coverage if insurer's financial condition will become unsafe or unsound.

92. The commissioner may suspend an insurer's obligation to provide insurance for automobiles in compliance with the provisions of section 1 of P.L.1970, c.215 (C.17:29D-1) if the commissioner, in his discretion, determines that compliance with section 1 of P.L.1970, c.215 (C.17:29D-1) will result in an insurer's financial condition becoming unsafe or unsound. In making this determination, the commissioner shall consider the following factors:

a. The insurer's ratio of annual net premiums written to surplus as to policyholders; and

b. Whether the insurer, in providing insurance for automobiles in compliance with section 1 of P.L.1970, c.215 (C.17:29D-1), would experience:

(1) an adverse change in its rating by A.M. Best and Company, Dun and Bradstreet, Moody's or Standard and Poor's;

(2) financial ratios outside the acceptable ranges as established by the National Association of Insurance Commissioners or the chief financial officer of the Department of Insurance of this State; or

(3) a net reduction to the insurer's surplus as to policyholders greater than 25% during a period of two years or less.

Any suspension pursuant to this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

C.17:33B-27 Suspension of obligation to issue policies for insurer in unsafe or unsound financial condition.

93. a. The commissioner shall suspend, after hearing, an insurer's obligation to issue policies in compliance with the provisions of section 39 of this act if the insurer is in an unsafe or unsound financial condition.

b. If an insurer requests suspension and avers that there is an immediate need to cease issuance of policies in compliance with section 39 of this act because compliance would result in the insurer being in an unsafe or unsound financial condition, the insurer's obligation to issue policies in compliance with section 39 of this act shall be suspended beginning on the 10th business day after the insurer has filed the request and supporting documentation with the commissioner, unless within that time, the commissioner finds that continued compliance with section 39 of this act will not result in the insurer being in an unsafe or unsound financial condition.

c. Any suspension pursuant to subsection a. or b. of this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

d. For the purposes of this section, an insurer shall be deemed to be in an unsafe or unsound financial condition if the commissioner finds the insurer to have a ratio of annual net premiums written to surplus as to policyholders that threatens the financial health of the insurer.

C.17:33B-28 Suspension of obligation to issue policies if insurer's financial condition will become unsafe or unsound.

94. The commissioner may suspend an insurer's obligation to issue policies pursuant to section 39 of this 1990 amendatory and supplementary act if the commissioner, in his discretion, determines that compliance with section 39 of this act will result in an insurer's financial condition becoming unsafe or unsound. In making this determination, the commissioner shall consider the following factors:

a. The insurer's ratio of annual net premiums written to surplus as to policyholders; and

b. Whether the insurer, in issuing policies in compliance with section 39 of this act, would experience:

(1) an adverse change in its rating by A.M. Best and Company, Dun and Bradstreet, Moody's or Standard and Poor's;

(2) financial ratios outside the acceptable ranges as established by the National Association of Insurance Commissioners or the chief financial officer of the Department of Insurance of this State; or

(3) a net reduction to the insurer's surplus as to policyholders greater than 25% during a period of two years or less.

Any suspension pursuant to this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

C.17:33B-55 Exemption, abatement, deferral of payment of assessment if insurer is in unsafe or unsound financial condition.

95. a. The commissioner shall, after hearing, provide that the New Jersey Property-Liability Guaranty Association exempt, abate or defer, in whole or in part, the assessment on any member insurer imposed pursuant to paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8), if the insurer is in an unsafe or unsound financial condition.

b. If an insurer requests exemption, abatement or deferral and avers that there is an immediate need to exempt, abate or defer the payment of assessments pursuant to paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8), because payment would result in the insurer being in an unsafe or unsound financial condition, the insurer's obligation to pay such assessments shall be exempted, abated or deferred beginning on the 10th business day after the insurer has filed the request and supporting documentation with the commissioner, unless within that time, the commissioner finds that continued payment of assessments will not result in the insurer being in an unsafe or unsound financial condition.

c. Any exemption, abatement or deferral pursuant to subsection a. or b. of this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

d. For the purposes of this section, an insurer shall be deemed to be in an unsafe or unsound financial condition if the commissioner finds the insurer to have a ratio of annual net premiums written to surplus as to policyholders that threatens the financial health of the insurer.

C.17:33B-56 Exemption, abatement, deferral if payment of assessment will result in insurer's financial condition becoming unsafe or unsound.

96. The commissioner may provide that the association exempt, abate or defer, in whole or in part, the assessment on any member insurer imposed pursuant to paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8), if the commissioner, in his discretion, determines that payment of the assessment will result in an insurer's financial condition becoming unsafe or unsound. In making this determination, the commissioner shall consider the following factors:

a. The insurer's ratio of annual net premiums written to surplus as to policyholders; and

b. Whether the insurer would experience:

(1) an adverse change in its rating by A.M. Best and Company, Dun and Bradstreet, Moody's or Standard and Poor's;

(2) financial ratios outside the acceptable ranges as established by the National Association of Insurance Commissioners or the chief financial officer of the Department of Insurance of this State; or

(3) a net reduction to the insurer's surplus as to policyholders greater than 25% during a period of two years or less.

Any exemption, abatement or deferral pursuant to this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

C.17:33B-57 Exempted, abated, deferred assessment to be assessed against other member insurers.

97. If an assessment against a member insurer is exempted, abated or deferred pursuant to the provisions of section 95 or 96 of this 1990 amendatory and supplementary act, the amount by which such assessment is exempted, abated or deferred shall be assessed against the other member insurers in a manner consistent with the basis for assessment set forth in paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8). After the exemption, abatement or deferral is revoked in whole, the commissioner may order that the association require the insurer to pay those obligations deferred pursuant to the provisions of section 95 or 96 of this act.

C.17:33B-52 Exemption, abatement, deferral of surtax for insurer in unsafe or unsound financial condition.

98. a. The commissioner shall, after hearing, notify the director to exempt, abate or defer, in whole or in part, the surtax imposed on an insurer pursuant to the provisions of section 76 of this 1990 amendatory and supplementary act if the insurer is in an unsafe or unsound financial condition.

b. If an insurer requests exemption, abatement or deferral and avers that there is an immediate need to exempt, abate or defer the surtax imposed pursuant to section 76 of this act because payment would result in the insurer being in an unsafe or unsound financial condition, the insurer's obligation to pay such surtax shall be exempted, abated or deferred beginning on the 10th business day after the insurer has filed the request and supporting documentation with the commissioner, unless within that time, the commissioner finds that continued payment of the surtax will not result in the insurer being in an unsafe or unsound financial condition.

c. Any exemption, abatement or deferral pursuant to subsection a. or b. of this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

d. For the purposes of this section, an insurer shall be deemed to be in an unsafe or unsound financial condition if the commissioner finds the insurer to have a ratio of annual net premiums written to surplus as to policyholders that threatens the financial health of the insurer.

C.17:33B-53 Exemption, abatement, deferral of surtax if financial condition of insurer will become unsafe or unsound.

99. The commissioner may provide that the director exempt, abate or defer, in whole or in part, the surtax imposed on an insurer pursuant to section 76 of this 1990 amendatory and supplementary act if the commissioner, in his discretion, determines that payment of the surtax will result in an insurer's financial condition becoming unsafe or unsound. In making this determination, the commissioner shall consider the following factors:

- a. The insurer's ratio of annual net premiums written to surplus as to policyholders; and
- b. Whether the insurer would experience:

(1) an adverse change in its rating by A.M. Best and Company, Dun and Bradstreet, Moody's or Standard and Poor's;

(2) financial ratios outside the acceptable ranges as established by the National Association of Insurance Commissioners or the chief financial officer of the Department of Insurance of this State; or

(3) a net reduction to the insurer's surplus as to policyholders greater than 25% during a period of two years or less.

Any exemption, abatement or deferral pursuant to this section shall continue until the commissioner, upon the commissioner's own motion or upon request by the insurer or any other interested party, after providing opportunity for a hearing, orders its revocation.

C.17:33B-54 Payment of exempted, abated, deferred surtax on insurer.

100. After the exemption, abatement or deferral of a surtax on an insurer pursuant to the provisions of section 98 or 99 of this 1990 amendatory and supplementary act, is revoked, the commissioner may order that the director require the insurer to pay those obligations deferred pursuant to the provisions of section 98 or 99 of this act.

101. Section 7 of P.L.1972, c.198 (C.39:6-86.1) is amended to read as follows:

C.39:6-86.1 Benefits.

7. When any person qualified to receive payments under the provisions of the "Unsatisfied Claim and Judgment Fund Law" suffers bodily injury or death as a pedestrian, as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), caused by a motor vehicle, including an automobile as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), and a motorcycle, or by an object propelled therefrom, or arising out of an accident while occupying, entering into, alighting from, or using an automobile, registered or principally garaged in this State for which personal injury protection benefits under the "New Jersey Automobile Reparation Reform Act," P.L.1972, c.70 (C.39:6A-1 et seq.), or section 19 of P.L.1983, c.362 (C.17:28-1.3), would be payable to such person if personal injury protection coverage were in force and the damages resulting from such accident or death are not satisfied due to the personal injury protection coverage not being in effect with respect to such accident, then in such event the Unsatisfied Claim and Judgment Fund shall provide, under the following conditions, the following benefits:

a. Medical expenses benefits. Payment of all reasonable medical expense benefits in an amount not exceeding \$250,000 per person per accident. In the event of death, payment shall be made to the estate of the decedent.

Medical expense benefit payments shall be subject to a deductible of \$250.00 on account of injury in any one accident and a copayment of 20% of any benefits payable between \$250.00 and \$5,000.00.

b. Income continuation benefits. The payment of the loss of income of an income producer as a result of bodily injury disability, subject to a maximum weekly payment of \$100.00. Such sums shall be payable during the life of the injured person and shall be subject to an amount or limit of \$5,200.00, on account of injury to any one person in any one accident, except that in no case shall income continuation benefits exceed the net income normally earned during the period in which the benefits are payable.

c. Essential services benefits. Payment of essential services benefits to an injured person shall be made in reimbursement of necessary and reasonable expenses incurred for such substitute essential services ordinarily performed by the injured person for himself, his family and members of the family residing in the household, subject to an amount or limit of \$12.00 per day. Such benefits shall be payable during the life of the injured person and shall be subject to an amount or limit of \$4,380.00, on account of injury to any one person in any one accident.

d. Death benefits. In the event of the death of an income producer as a result of injuries sustained in an accident entitling such person to benefits under this section, the maximum amount of benefits which could have been paid to the income producer, but for his death, under subsection b. of this section shall be paid to the surviving spouse, or in the event there is no surviving spouse, then to the surviving children, and in the event there are no surviving spouse or surviving children, then to the estate of the income producer.

In the event of the death of one performing essential services as a result of injuries sustained in an accident entitling such person to benefits under subsection c. of this section, the maximum amount of benefits which could have been paid such person, under subsection c., shall be paid to the person incurring the expense of providing such essential services.

e. Funeral expenses benefits. All reasonable funeral, burial and cremation expenses, subject to a maximum benefit of \$1,000.00, on account of the death to any one person in any one accident shall be payable to decedent's estate.

Provided, however, that no benefits shall be paid under this section unless the person applying for benefits has demonstrated that he is not disqualified by reason of the provisions of subsection (a), (c), (d) or (l) of section 10 of P.L.1952, c.174 (C.39:6-70), or any other provision of law.

Repealer.

102. Section 28 of P.L.1988, c.119 (C.17:29A-6.1) and section 8 of P.L.1988, c.156 (C.17:29A-47) are repealed.

103. This act shall take effect immediately, but subsections a. through g. of section 50 shall remain inoperative until the Director of the Division of Motor Vehicles has adopted implementing regulations pursuant to subsection h. of that section; sections 41 through 47 shall remain inoperative until the Commissioner of Insurance has adopted implementing regulations pursuant to section 48 of this act; and sections 80 through 83 shall be retroactive to January 1, 1990.

Approved March 12, 1990.

CHAPTER 9

AN ACT to amend the "Local Tax Authorization Act," approved December 23, 1970 (P.L.1970, c.326, C.40:48C-1 et seq.) as said short title was amended by P.L.1981, c.507, and repealing section 1 of P.L.1981, c.433.

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

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

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

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, or in a calendar quarter prior to that in which the ordinance is adopted or on or after January 1, 1994, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1994.

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

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

5. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to alcoholic beverages delivered to a taxpayer on or after January 1, 1994.

3. Section 8 of P.L.1970, c.326 (C.40:48C-8) is amended to read as follows:

C.40:48C-8 Parking service tax.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after January 1, 1994.

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

C.40:48C-1 Imposition of taxes.

1. Any municipality having a population in excess of 200,000 hereinafter referred to as "municipality," is hereby authorized and empowered to enact an ordinance or ordinances imposing any of the taxes hereinafter provided for at the rates and in the manner hereinafter provided.

Repealer.

5. Section 1 of P.L.1981, c.433 (C.40:48C-1.1) is repealed.

6. This act shall take effect immediately and shall be retroactive to December 31, 1989.

Approved April 11, 1990.

New Jersey State Library

CHAPTER 10

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, rule, regulation or judicial order to the contrary, no city of the second class having a population of more than 80,000 but less than 90,000 shall be required to implement a revaluation of real property for the tax years 1989 through 1991. 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 April 16, 1990.

CHAPTER 11

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices of the election were not published and posted as required by the provisions of N.J.S.18A:14-19; provided however, that the notices were published and posted prior to the election and, provided further, that no action, suit or other proceeding has

heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved April 16, 1990.

CHAPTER 12

AN ACT concerning the right to a jury trial and common law remedies for discrimination and amending P.L.1945, c.169 and P.L.1986, c.105.

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

1. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read as follows:

C.10:5-3 Findings, declarations.

3. The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality, are a matter of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by federal law or otherwise necessary to promote the national interest.

The Legislature further declares its opposition to such practices of discrimination when directed against any person by reason of the race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality of that person or that person's spouse, partners, mem-

bers, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, in order that the economic prosperity and general welfare of the inhabitants of the State may be protected and ensured.

The Legislature further finds that because of discrimination, people suffer personal hardships, and the State suffers a grievous harm. The personal hardships include: economic loss; time loss; physical and emotional stress; and in some cases severe emotional trauma, illness, homelessness or other irreparable harm resulting from the strain of employment controversies; relocation, search and moving difficulties; anxiety caused by lack of information, uncertainty, and resultant planning difficulty; career, education, family and social disruption; and adjustment problems, which particularly impact on those protected by this act. Such harms have, under the common law, given rise to legal remedies, including compensatory and punitive damages. The Legislature intends that such damages be available to all persons protected by this act and that this act shall be liberally construed in combination with other protections available under the laws of this State.

2. Section 12 of P.L.1945, c.169 (C.10:5-13) is amended to read as follows:

C.10:5-13 Filing complaint; prosecution of suit in Superior Court, jury trial.

12. Any person claiming to be aggrieved by an unlawful employment practice or an unlawful discrimination may, personally or by an attorney-at-law, make, sign and file with the division a verified complaint in writing which shall state the name and address of the person, employer, labor organization, employment agency, owner, lessee, proprietor, manager, superintendent, or agent alleged to have committed the unlawful employment practice or unlawful discrimination complained of and which shall set forth the particulars thereof and shall contain such other information as may be required by the division. Upon receipt of the complaint, the division shall notify the complainant on a form promulgated by the director of the division and approved by the Attorney General of the complainant's rights under this act, including the right to file a complaint in the Superior Court to be heard before a jury; of the jurisdictional limitations of the division; and any other provisions of this act, without interpretation, that may apply to the complaint. The Commissioner of Labor, the Attorney General, or the Commissioner of

Education may, in like manner, make, sign and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to co-operate with the provisions of this act, may file with the division a verified complaint asking for assistance by conciliation or other remedial action.

Any complainant may initiate suit in Superior Court under this act without first filing a complaint with the division or any municipal office. Upon the application of any party, a jury trial shall be directed to try the validity of any claim under this act specified in the suit. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any provided by this act or any other statute. Prosecution of such suit in Superior Court under this act shall bar the filing of a complaint with the division or any municipal office during the pendency of any such suit.

At any time after 180 days from the filing of a complaint with the division, a complainant may file a request with the division to present the action personally or through counsel to the Office of Administrative Law. Upon such request, the director of the division shall file the action with the Office of Administrative Law, provided that no action may be filed with the Office of Administrative Law where the director of the division has found that no probable cause exists to credit the allegations of the complaint or has otherwise dismissed the complaint.

A party to an action based upon a violation of this act shall mail a copy of the initial pleadings or claims, amended pleadings or claims, counterclaims, briefs, and legal memoranda to the division at the same time as filing such documents with the Office of Administrative Law or the court. Upon application to the Office of Administrative Law or to the court wherein the matter is pending, the division shall be permitted to intervene.

3. Section 13 of P.L.1945, c.169 (C.10:5-14) is amended to read as follows:

C.10:5-14 Investigation of complaint; Attorney General's duties.

13. After the filing of any complaint, the Attorney General shall cause prompt investigation to be made in connection therewith and advise the complainant of the results thereof. If the Attorney General shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful

employment practice or the unlawful discrimination complained of by conference, conciliation and persuasion during a period terminating not later than 45 days from the date of the finding of probable cause. Neither the Attorney General nor any officer or employee of the division shall disclose any conversation between the Attorney General or his representative and the respondent or his representative at such conference.

4. Section 5 of P.L.1986, c.105 (C.34:19-5) is amended to read as follows:

C.34:19-5 Civil action, jury trial; remedies.

5. Upon a violation of any of the provisions of this act, an aggrieved employee or former employee may, within one year, institute a civil action in a court of competent jurisdiction. Upon the application of any party, a jury trial shall be directed to try the validity of any claim under this act specified in the suit. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided by this act or any other statute. The court may also order:

- a. An injunction to restrain continued violation of this act;
- b. The reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position;
- c. The reinstatement of full fringe benefits and seniority rights;
- d. The compensation for lost wages, benefits and other remuneration;
- e. The payment by the employer of reasonable costs, and attorney's fees;
- f. Punitive damages; or
- g. An assessment of a civil fine of not more than \$1,000.00 for the first violation of the act and not more than \$5,000.00 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund.

5. This act shall take effect immediately and shall apply to any action pending on that date.

Approved April 16, 1990.

CHAPTER 13

AN ACT concerning the appointment and term of the Commissioner of the Department of Education and amending N.J.S.18A:4-21.

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

1. N.J.S.18A:4-21 is amended to read as follows:

Appointment; term; qualifications; salary.

18A:4-21. The Commissioner of Education shall be appointed by the Governor, without regard to residence within or without the State, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until his successor is appointed and qualified. He shall receive such annual salary as shall from time to time be fixed by law, which shall be payable as other state salaries are paid.

2. This act shall take effect immediately and shall apply to the term of office of the Commissioner of Education on July 1, 1990 and thereafter.

Approved April 30, 1990.

CHAPTER 14

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, 1990 and regulating the disbursement thereof," approved July 1, 1989 (P.L.1989, c.122).

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

1. In addition to the amounts appropriated under P.L.1989, c.122, there is appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES
 26 DEPARTMENT OF CORRECTIONS
 10 Public Safety and Criminal Justice
 16 Detention and Rehabilitation
 7025 System-Wide Program Support

13-7025 Institutional Program Support \$2,700,000
 Total Appropriation,
 System-Wide Program Support..... \$2,700,000

Grants:

Purchase of services for inmates
 incarcerated in county
 penal facilities (\$2,700,000)

7040 New Jersey State Prison

07-7040 Institutional Control
 and Supervision \$1,350,000
 Total Appropriation,
 New Jersey State Prison \$1,350,000
 Special Purpose:
 Expanded capacity (\$1,350,000)

7050 East Jersey State Prison

07-7050 Institutional Control
 and Supervision \$1,460,000
 Total Appropriation,
 East Jersey State Prison \$1,460,000
 Special Purpose:
 Expanded capacity (\$1,460,000)

7060 Bayside State Prison

07-7060 Institutional Control
 and Supervision \$2,849,000
 Total Appropriation,
 Bayside State Prison \$2,849,000
 Special Purpose:
 Expanded capacity (\$2,849,000)

7075 Riverfront State Prison

07-7075	Institutional Control and Supervision	\$4,241,000
	Total Appropriation, Riverfront State Prison	<u>\$4,241,000</u>
	Special Purpose:	
	Expanded capacity	(\$4,241,000)

7085 Northern State Prison

07-7085	Institutional Control and Supervision	\$3,810,000
	Total Appropriation, Northern State Prison	<u>\$3,810,000</u>
	Special Purpose:	
	Expanded capacity	(\$3,810,000)

7130 Mountainview Youth Correctional Facility

07-7130	Institutional Control and Supervision	\$1,975,000
	Total Appropriation, Mountainview Youth Correctional Facility	<u>\$1,975,000</u>
	Special Purpose:	
	Expanded capacity	(\$1,975,000)
	Total Appropriation, Department of Corrections	<u>\$18,385,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9430 Salary and Other Benefits

05-9430	Salary and Other Benefits	\$50,000,000
	Total Appropriation, Salary and Other Benefits	<u>\$50,000,000</u>
	Special Purpose:	
	Salary and benefits increases	(\$50,000,000)
	Total Appropriation, Inter-Departmental Accounts	<u>\$50,000,000</u>
	Total Appropriation, Direct State Services	<u>\$68,385,000</u>

STATE AID	
54 DEPARTMENT OF HUMAN SERVICES	
20 Physical and Mental Health	
24 Special Health Services—State Aid	
7540 Division of Medical Assistance and Health Services	
22-7540 General Medical Services	\$16,695,000
Total Appropriation, Division of Medical Assistance and Health Services	\$16,695,000

State Aid:

Payments for medical assistance recipients (State share)	
—Inpatient hospital	(\$6,570,000)
Medicaid expansion—SOBRA	(10,125,000)
50 Economic Planning, Development and Security	
53 Economic Assistance and Security—State Aid	
7550 Division of Economic Assistance	
15-7550 Income Maintenance	\$45,000,000
Total Appropriation, Division of Economic Assistance	\$45,000,000

State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$15,081,000)
Payments for dependent children assistance, regular segment (State share)	(16,250,000)
Payments for emergency assistance (State share)	(12,488,000)
Payments for supplemental security income (State share)	(518,000)
Payments for dependent children assistance, unemployment of father (State share)	(188,000)
Payments for dependent children assistance, insufficient employment of parents (State share)	(475,000)
Total Appropriation, Department of Human Services	\$61,695,000
Total Appropriation, State Aid	\$61,695,000
Total Appropriation, General Fund	\$130,080,000

2. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS	
54 DEPARTMENT OF HUMAN SERVICES	
20 Physical and Mental Health	
24 Special Health Services	
7540 Division of Medical Assistance and Health Services	
22-7540 General Medical Services	\$29,072,000
Total Appropriation,	
Division of Medical Assistance	
and Health Services	<u>\$29,072,000</u>
State Aid and Grants:	
Medical assistance	(\$10,527,000)
Medicaid expansion SOBRA.....	(18,545,000)
50 Economic Planning, Development and Security	
53 Economic Assistance and Security	
7550 Division of Economic Assistance	
15-7550 Income Maintenance	\$18,462,000
Total Appropriation, Division of	
Economic Assistance	<u>\$18,462,000</u>
State Aid and Grants:	
Dependent children assistance	\$(18,462,000)
Total Appropriation,	
Department of Human Services	\$47,534,000
Total Appropriation, Federal Funds	<u>\$47,534,000</u>
Grand Total Appropriation, All Funds	<u><u>\$177,614,000</u></u>

3. This act shall take effect immediately.

Approved May 1, 1990.

CHAPTER 15

AN ACT concerning expenditures from the New Jersey Transportation Trust Fund, supplementing P.L.1987, c.460 (C.27:1B-4 et al.).

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

1. Notwithstanding any provisions to the contrary of section 21 of P.L.1984, c.73 (C.27:1B-21), section 8 of P.L.1987, c.460 (C.27:1B-21.1) and P.L.1989, c.122, the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall allocate and transfer \$25,000,000 from a part or all of any item to a new item 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 directly related to projects funded from the New Jersey Transportation Trust Fund for the fiscal year ending June 30, 1990.

2. This act shall take effect immediately.

Approved May 1, 1990.

CHAPTER 16

AN ACT concerning the dates of certain State aid payments to municipalities and amending parts of the statutory law.

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

1. Section 22 of P.L.1981, c.211 (C.54:4-2.2e1) is amended to read as follows:

C.54:4-2.2e1 Adjustments to in lieu of tax payment.

22. Notwithstanding the provisions of section 5 of P.L.1977, c.272 (C.54:4-2.2e), if the State has provided, or by July 5 of the year imme-

diately succeeding the year of the director's computation pursuant to that section is scheduled to provide, an advance payment or payments to a municipality subject to article IV of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) for the State's liability for in lieu of tax payment on behalf of any new State facility, including the land on which the facility is located, to be constructed in the municipality; then, commencing with the computations and certifications for the first year for which the State is liable to the municipality for said payments, the Director of the Division of Taxation shall exclude from the amount certified in lieu of tax payment required each year by P.L.1977, c.272, an amount equal to that which the State would otherwise be obligated to pay the municipality pursuant to P.L.1977, c.272 for that facility including the land on which the facility is located until the total amount withheld from in lieu of tax payments to the municipality equals the amount of the advance payment or payments made to the municipality.

The Director of the Division of Local Government Services shall each year on or before November 1 provide the Director of the Division of Taxation with a certification of the amounts and dates of said advance payments or payments which have been provided or are scheduled to be provided by July 5 of the immediately succeeding year. These certifications for a municipality shall no longer be provided when the Director of the Division of Taxation notifies the Director of the Division of Local Government Services that the amount which has been excluded for a municipality equals what the State was otherwise obligated to pay the municipality pursuant to this section.

2. Section 9 of P.L.1977, c.272 (C.54:4-2.2i) is amended to read as follows:

C.54:4-2.2i Payment; dates.

9. In lieu tax payments for local services to State property shall be made in two equal annual installments on July 5 and November 1.

3. Section 6 of P.L.1966, c.135 (C.54:11D-6) is amended to read as follows:

C.54:11D-6 Distribution.

6. The distribution required to be made by the State Treasurer under this act shall be made annually in four equal installments. The installments shall be payable annually on March 1, July 5,

August 1 and November 1 of each year and shall each consist of one-fourth of the amount appropriated.

4. Section 2 of P.L.1980, c.10 (C.54:30A-24.1) is amended to read as follows:

C.54:30A-24.1 Apportionment to municipalities; exceptions; determination of per capita amounts; annual payment; anticipation of amount in budget; rules and regulations.

2. The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to section 9 of P.L.1940, c.4 (C.54:30A-24), except that: a. no municipality which in the three next preceding tax years had a municipal purposes tax rate of \$0.10 or less shall receive a total amount pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) greater than it received in 1979, plus 50% of the difference between the amount it received pursuant to those laws in that year and the greater amount it would have received pursuant to those laws in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any three tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for three consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter, the application of the \$700.00 per capita limitation under this section would reduce the amount received by any municipality pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) to less than 50% of the amount received pursuant to those laws in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter an amount equal to 75% of the amount received in 1979; but in 1981 and each year thereafter

such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

For the purposes of this section in determining per capita amounts, the most recent population estimates published by the New Jersey Department of Labor shall be utilized.

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof on July 5 next following the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in section 9 of P.L.1940, c.4 (C.54:30A-24) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P.L.1980, c.12 (C.54:1-46 et seq.), to be used exclusively for the purpose of that fund.

Notwithstanding the provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.), any county, or municipality affected by the \$700.00 limitation set forth in this section, to which a payment is made pursuant to this section may anticipate the amount of such payment in its annual budget for the year in which such payment is made, and any municipality which is required to make an annual appropriation pursuant to this section shall make such appropriation in its annual budget for the year in which it shall receive the payment a portion of which it is required to appropriate. The Director of Local Government Services shall establish rules or regulations necessary to effectuate the purposes and provisions of this section.

5. Section 4 of P.L.1980, c.11 (C.54:30A-61.1) is amended to read as follows:

C.54:30A-61.1 Apportionment to municipalities; exceptions; determination of per capita amounts; annual payment to; anticipation in annual budget; rules and regulations.

4. The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61), except that: a. no municipality which in the three next preceding tax years had a municipal purposes tax rate of \$0.10 or less shall receive a total amount pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) greater than it received in 1979, plus 50% of the difference between the amount it received

pursuant to those laws in that year and the greater amount it would have received pursuant to those laws in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any three tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for three consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter the application of the \$700.00 per capita limitation under this section would reduce the amount received by any municipality pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) to less than 50% of the amount received pursuant to those laws in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

For the purposes of this section in determining per capita amounts, the most recent population estimates published by the New Jersey Department of Labor shall be utilized.

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof on July 5 next following the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P.L.1980, c.12 (C.54:1-46 et seq.), to be used exclusively for the purposes of that fund.

Notwithstanding the provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.), any county, or municipality affected by the \$700.00 limitation set forth in this section, to which a payment is made pursuant to this section may anticipate the amount of such payment in its annual budget for the year in which such payment is made, and any municipality which is required to make an annual appropriation pursuant to this section shall make such appropriation in its annual budget for the year in which it shall receive the payment a portion of which it is required to appropriate. The Director of Local Government Services shall establish rules or regulations necessary to effectuate the purposes and provisions of this section.

6. This act shall take effect immediately.

Approved May 1, 1990.

CHAPTER 17

AN ACT concerning municipal elections and amending P.L.1981, c.379.

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

1. Section 2 of P.L.1981, c.379 (C.40:45-6) is amended to read as follows:

C.40:45-6 Application of act.

2. This act shall govern all municipalities having adopted a plan or form of government, or a charter, which provides for the election of municipal officers at regular municipal elections held on the second Tuesday in May, including municipalities holding regular municipal elections under the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), under the "commission form of government law" (R.S.40:70-1 et seq.), under the "municipal manager form of government law" (R.S.40:79-1 et seq.), under the "village form of government" (R.S.40:157-16 et seq.), or under any plan or form of government, or charter, hereafter authorized which provides for the holding of

regular municipal elections at that time. This act shall govern these municipalities only with respect to the time, manner and method of election of municipal officers. The officers to be elected, and their number, the length of their terms of office, and their powers and responsibilities shall be determined by the laws authorizing the plan or form of government, or charter, which the municipalities have adopted, however, as of the effective date of this amendatory act, a municipality operating under the "commission form of government law" (R.S.40:70-1 et seq.) shall not adopt or continue to use the provisions of section 15 of P.L.1981, c.379 (C.40:45-19) concerning the holding of run-off elections.

2. Section 14 of P.L.1981, c.379 (C.40:45-18) is amended to read as follows:

C.40:45-18 Municipalities with run-off elections; election of councilmen-at-large or village trustees with less than majority of votes.

14. Notwithstanding the provisions of section 13 of this act, if the voters of any municipality shall adopt the proposition of holding run-off elections in the municipality, at the regular municipal election held in that municipality the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices, except that if:

- a. Nine councilmen-at-large (or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the nine candidates receiving the greatest number of votes shall be elected; or
- b. Eight councilmen-at-large (or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the eight candidates receiving the greatest number of votes shall be elected; or
- c. Seven councilmen-at-large (or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the seven candidates receiving the greatest number of votes shall be elected; or
- d. Six councilmen-at-large (or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the six candidates receiving the greatest number of votes shall be elected; or
- e. Five councilmen-at-large (or village trustees) are to be elected and two or more candidates for that office receive a

majority of the votes cast, the five candidates receiving the greatest number of votes shall be elected; or

f. Four councilmen-at-large (or village trustees) are to be elected and two or more candidates for that office receive a majority of the votes cast, the four candidates receiving the greatest number of votes shall be elected; or

g. Three councilmen-at-large (or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the three candidates receiving the greatest number of votes shall be elected; or

h. Two councilmen-at-large (or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the two candidates receiving the greatest number of votes shall be elected.

For the purpose of this section, the number constituting a majority of the votes cast shall be computed by dividing by two the number of voters who cast a vote for at least one candidate for councilman-at-large (or village trustee) and then adding one. Voting machines to be used in the election shall be equipped, as soon as practicable, with one or more counters so connected as to keep a tally of the number of voters who cast votes for one or more of the candidates for councilman-at-large (or village trustee). Until suitable counters have been provided, or whenever the tally of the number of voters cannot be determined for any reason, then the number constituting the majority of the votes cast shall be computed by adding all the votes cast for each candidate for that office, dividing that total by twice the number of councilmen-at-large (or village trustees) to be elected and then adding one.

3. Section 15 of P.L.1981, c.379 (C.40:45-19) is amended to read as follows:

C.40:45-19 Run-off elections; votes necessary for election.

15. In any regular municipal election held under section 14 of this act, if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of councilmen-at-large (or village trustees) or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a run-off election in the municipality or ward, as the case may be, shall be held on the fourth Tuesday next following that municipal election; unless in any year that Tuesday shall be the date upon which a primary election

shall be held, in which case the run-off election shall be held on the fifth Tuesday next following the municipal election.

At the run-off election, the candidates for councilman-at-large (or village trustee) shall be those candidates not elected at the regular municipal election who received the greatest number of votes at that election, but the candidates shall be equal in number to twice the number of councilmen-at-large (or village trustees) remaining to be elected. The candidates for mayor or ward councilmen at the run-off election shall be the two candidates for the office who received the greatest number of votes at the regular municipal election. Military service ballots shall be printed and distributed for the run-off election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at the run-off election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes for any of the purposes of this section, they shall draw lots to determine which one shall enter the run-off election, or be elected, as the case may be.

If any candidate to be voted for at the run-off election dies seven or more days prior to the run-off election, the candidate for the office not theretofore included in the run-off election, but next highest in number of votes for that purpose shall be substituted at the run-off election in the place of the deceased candidate and his name shall be substituted on the ballots for that of the deceased candidate.

4. This act shall take effect immediately.

Approved May 2, 1990.

CHAPTER 18

AN ACT concerning the minimum wage and amending and supplementing P.L.1966, c.113.

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

1. Section 5 of P.L.1966, c.113 (C.34:11-56a4) is amended to read as follows:

C.34:11-56a4 Minimum wage rate; exemptions.

5. Every employer shall pay to each of his employees wages at a rate of not less than \$3.80 per hour as of the effective date of P.L.1990, c.18, \$4.25 per hour as of April 1, 1991 and \$5.05 per hour as of April 1, 1992 for 40 hours of working time in any week and 1 1/2 times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C.34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P.L.1940, c.153 (C.34:2-21.15), or to persons employed as salesmen of motor vehicles, or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner, or to persons employed in a volunteer capacity and receiving only incidental benefits at a county or other agricultural fair by a nonprofit or religious corporation or a nonprofit or religious association which conducts or participates in that fair.

The provisions of this section for the payment to an employee of not less than 1 1/2 times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

Employees engaged on a piece-rate or regular hourly rate basis to labor on a farm shall be paid for each day worked not less than the minimum hourly wage rate multiplied by the total number of hours worked.

Full-time students may be employed by the college or university at which they are enrolled at not less than 85% of the effective minimum wage rate.

2. The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P.L.1966, c.113 (C.34:11-56a16).

3. This act shall take effect immediately.

Approved May 3, 1990.

CHAPTER 19

AN ACT concerning the protection of watershed lands, and amending P.L.1988, c.163.

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

1. Section 1 of P.L.1988, c.163 is amended to read as follows:

1. No municipality, municipal utilities authority, or public utility shall convey any land utilized for the purpose of the protection of a public water supply prior to the adoption by the Department of Environmental Protection of the rules and regulations establishing buffer zones for all watershed lands associated with public water supply reservoirs for the purpose of protecting drinking water quality required pursuant to the "Watershed Protection Act," P.L. , c. (C.) (now before the Legislature as Senate Bill No. 2339 of 1990). The provisions of this section shall not apply to land utilized for the purpose of the protection of a public water supply if the land is otherwise subject to regulation pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) or P.L.1973, c.185 (C.13:19-1 et seq.).

2. This act shall take effect immediately.

Approved May 7, 1990.

CHAPTER 20

AN ACT concerning any employees' retirement system established in a city of the first class having a population of less than 300,000 inhabitants, amending and supplementing P.L.1964, c.275 and amending P.L.1967, c.221 and P.L.1967, c.222.

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

1. Section 1 of P.L.1964, c.275 (C.43:13-22.50) is amended to read as follows:

C.43:13-22.50 Definitions.

1. As used in this act:

(a) "Final salary" when used solely for the purpose of fixing benefits under this act, shall mean the average annual salary or compensation earned by a member as an employee for the three years immediately preceding the member's death or retirement, or it shall mean the average annual salary or compensation earned by a member as an employee for any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary; provided, however, that as to any member employed by the city prior to January 12, 1965, the annual salary received by such member as a regular employee at the time of death or retirement shall be considered "final salary" for pension or other purposes under this act, unless otherwise specified herein.

(b) "Pension fund" or "fund" shall mean the fund referred to in section 10 of this act and is the fund from which pensions and other benefits provided for in this act shall be paid.

(c) "State" shall, unless otherwise stated, mean the State of New Jersey.

(d) "City", unless otherwise specified, shall mean any city of the first class of the State having a population of less than 300,000 inhabitants.

(e) "City employee" or "employee" shall mean and include any full-time regular employee of a city, as herein defined, or an elected or appointed official thereof. "City employee" or "employee" shall not include a member of the fire or police department or an employee of the board of education nor a transient or seasonal employee, worker or laborer, but shall include a

temporary employee with at least one year's continuous service. In all cases of doubt as to whether a person may be included within the meaning of employee the decisions of the pension commission shall be final.

(f) "Member" shall mean any employee included in the membership of the retirement system of the city as provided in section 3 of this act.

(g) "Widow" or "widower" shall mean the surviving unremarried spouse of a member married to such member prior to the retirement or death of such member, and said marriage having occurred at least five years prior to the member's death or retirement, whichever is earlier.

(h) "Dependent parent" shall mean a dependent parent or parents who is or are solely dependent as determined by the commission for support upon the member. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(i) "Commission" shall mean pension commission as constituted under section 13 of this act, and shall be known as the "Pension Commission of the Employees' Retirement System of (name of city)."

(j) "Retirement system" or "system" shall mean Employees' Retirement System of (name of city) which shall be the name of the retirement system provided under this act. By that name all of its business shall be transacted, its funds invested, warrants for money claims and payments made, and all of its cash and securities and other property held.

(k) "Child" shall mean a deceased member's unmarried child under the age of 18.

2. Section 4 of P.L.1964, c.275 (C.43:13-22.53) is amended to read as follows:

C.43:13-22.53 Retirement for age and service after age 60.

4. (a) Any member who shall have established 20 or more years of creditable service in the retirement system and who shall have attained the age of 60 years shall, upon application by that member to the commission, be retired on a pension equal to 1/2 of final salary, plus 1% of such salary for each year of creditable service in excess of 20 years, if the member has more than 20 years of creditable service at retirement.

In no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

(b) (Deleted by amendment, P.L.1990, c.20.)

(c) Any member who upon attainment of 60 or more years of age shall have established less than 20 years of creditable service in the retirement system may retire on a pension equal to 2% of final salary for each year of creditable service. In no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

3. Section 1 of P.L.1967, c.222 (C.43:13-22.54a) is amended to read as follows:

C.43:13-22.54a Retirement for service prior to age 60; survivors' benefits.

1. (a) A member who resigns after having completed 25 years of service for which credit has been established in the pension fund and before reaching age 60 may elect to receive, in lieu of the payment provided in section 4 of P.L.1964, c.275 (C.43:13-22.53), or the benefit provided by subsection (b) of this section, a pension in the amount of 1/2 of final salary, plus 1% for each year of service in excess of 20 years; provided, however, that such pension shall be reduced by 5/12 of 1% for each month that the member lacks of being age 60; but if the member waits until age 60 to start collecting benefits, there shall be no reduction in benefits, and in no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

(b) A member who, after having completed 10 years of service for which credit has been established in the pension fund, becomes separated voluntarily or involuntarily from the service before reaching age 60 may elect to receive, in lieu of the benefit provided by subsection (a) of this section, a deferred pension beginning at age 60, in an amount equal to the proportional relation which the years of the member's service credited in the fund bear to the total number of years of service that the member could have achieved by continuing in service to age 60, multiplied by 1/2 of the member's final salary calculated as of the time that the member elected the deferred pension; but in no event shall the amount of any deferred pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

4. Section 6 of P.L.1964, c.275 (C.43:13-22.55) is amended to read as follows:

C.43:13-22.55 Retirement for disability.

6. (a) Any member having five or more years of creditable service in the retirement system who shall have become permanently disabled for the further performance of duty, shall, by resolution of the commission or upon application of such member and approval thereof by the commission, and in either case pursuant to the certificate of a physician or physicians designated for that purpose by the commission, be retired on a pension equal to $\frac{1}{2}$ of final salary plus 1% of such salary for each year of creditable service in excess of 20 years, if the member has more than 20 years of creditable service at retirement; but in no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

(b) Any member who shall become permanently and totally disabled as a result of a traumatic event occurring during and as a result of the performance of that member's regular or assigned duties and where such disability is not the result of the member's willful negligence and the member is mentally or physically incapacitated for the performance of such usual duty and of any other available duty shall, by resolution of the commission or upon application of such member and approval thereof by the commission, and in either case pursuant to the certificate of a physician or physicians designated for that purpose by the commission, be retired on a pension equal to $\frac{2}{3}$ of final salary, but in no event shall the amount of any disability pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum. The application to accomplish such retirement must be filed within five years of the original traumatic event.

A member who is retired on a disability retirement allowance pursuant to this section shall submit, at times to be selected by the commission but not more often than twice a year, to a physical examination by a physician or physicians designated by the commission; provided, however, that no member retired for disability whose total years of creditable service, including any period of disability retirement, equal 20 or more years and who

shall have attained age 60 shall be required to submit to such physical examination. The physician or physicians shall report to the commission the physical condition of such member and if said report certifies that the member's condition has improved so that the member is no longer permanently disabled or if the member is engaged in an occupation, then the amount of the pension shall be reduced to an amount which, when added to the amount of the member's other earnings, shall not exceed the salary now attributable to the member's former position, but only after an opportunity is given such member to be represented by counsel at a hearing on the action by the commission.

5. Section 7 of P.L.1964, c.275 (C.43:13-22.56) is amended to read as follows:

C.43:13-22.56 Death benefits.

7. Death benefits.

(a) Upon the death of a member in service who shall have paid into the fund the full amount of contributions due and who shall die as a result of injuries or illness received or incurred in the performance of that member's regular or assigned duties or who shall have served in the employ of the city for 20 or more years, a pension of 50% of the member's final salary shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long as he remains unmarried; if there is no surviving widow or widower or in case the widow or widower dies or remarries, a pension of 20% of such final salary shall be paid to one surviving child, 35% of such final salary shall be paid to two surviving children in equal shares, and if there be three or more children, 50% of such final salary shall be paid to such children in equal shares; and if there is no surviving widow, widower or child, a pension of 25% of such final salary shall be paid to one surviving dependent parent or a pension of 40% of such final salary shall be paid to two surviving dependent parents in equal shares.

(b) Upon the death of a member in service who shall have paid into the fund the full amount of contributions due and who shall die for causes other than injuries or illness received or incurred in the performance of that member's regular or assigned duties and who shall have served in the employ of the city for five or more years but less than 20 years, a pension in an amount equal to 50% of the member's final salary shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long

as he remains unmarried; if there is no surviving widow or widower or in case the widow or widower dies or remarries, a pension of 20% of such final salary shall be paid to one surviving child, 35% of such final salary shall be paid to two surviving children in equal shares, and if there be three or more children, 50% of such final salary shall be paid to such children in equal shares; and if there is no surviving widow, widower or child, a pension of 25% of such final salary shall be paid to one surviving dependent parent or a pension of 40% of such final salary shall be paid to two surviving dependent parents in equal shares.

(c) Upon the death of a pensioner from the retirement system who has retired for age and service under the provisions of section 4 of P.L.1964, c.275 (C.43:13-22.53), or who has retired under the provisions of either subsection (a) or subsection (b) of section 1 of P.L.1967, c.222 (C.43:13-22.54a), or who has retired because of a disability under the provisions of section 6 of P.L.1964, c.275 (C.43:13-22.55), a pension equal to 50% of the amount of the pension, excluding any adjustment thereto under sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 to 43:13-22.75), payable to the decedent at the time of death shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long as he remains unmarried; if there is no surviving widow or widower or in case the widow or widower dies or remarries, such pension shall be paid to one surviving child or to two or more surviving children in equal shares; and if there is no surviving widow, widower or child, such pension shall be paid to one surviving dependent parent of the retirant or to both surviving dependent parents in equal shares.

(d) (1) In the event a pension shall be payable as a result of the death of a member in service and there are no eligible survivors at the time of such member's death, an amount equal to such member's contributions to the fund, without interest, shall be paid to the member's estate. If, after the payment of all pension and survivorship benefits payable by the retirement system to any eligible survivors of a deceased member or retirant, the total amount of those benefits, including adjustments under sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 to 43:13-22.75), together with the total amount of any retirement allowance or pension benefits, including adjustments, which shall have been paid to the decedent during retirement, is less than the amount of the decedent's contributions during membership in the retirement system, the amount of the difference, without interest, shall be payable to the deceased member or retirant's estate.

(2) If at the time of the death of a member in service the sole eligible survivors of such member are minor children and the total of the aggregate payments on account of such children shall be an amount which is less than such member's contributions to the fund, without interest, the balance of such amount shall be payable to the guardian of such minor children.

6. Section 1 of P.L.1967, c.221 (C.43:13-22.56a) is amended to read as follows:

C.43:13-22.56a Widow's pension.

1. Any pensioner receiving a pension as a result of the prior service by a deceased spouse to a city, whose spouse died prior to January 12, 1965, and who is still qualified to receive the pension, shall receive, in lieu of the present pension award the sum of \$3,600.

The provisions of this section shall in no way affect the provisions of section 7 of P.L.1964, c.275 (C.43:13-22.56).

C.43:13-22.69 Terms defined.

7. As used in sections 7 through 13 of this act:

"Retirant" means any former employee included in the membership of the pension fund established under P.L.1964, c.275, who has retired from such employment and who has or shall have received from the fund a retirement allowance or pension, based upon such employment, for not less than 24 months.

"Employer" means the city in which a pension fund has been created under P.L.1964, c.275.

"Beneficiary" means any beneficiary who has or shall have received a pension or survivorship benefit from the fund for no less than 24 months.

"Calendar year" means the 12-month period beginning January 1 and ending December 31.

"Retirement year" means the calendar year 1988 for all retirants who retired before the calendar year 1989; for all retirants who shall have retired after 1988, "retirement year" is the actual calendar year of retirement.

"Index" means the annual average over a calendar year of the Consumer Price Index for Urban Wage Earners and Clerical Workers, All Items Series A, of the United States Department of Labor (1957-1959=100). Should the reference base of that index be changed, the index used to determine the Consumer Price

Index as defined herein will be the index converted to the new base by standard statistical methods.

“Retirement year index” means the index of the calendar year 1988 for all retirants who retired prior to January 1, 1989 and the index for the calendar year of retirement for all retirants who retired thereafter.

C.43:13-22.70 Adjustment to monthly retirement allowance or pension.

8. The monthly retirement allowance or pension originally granted to any retirant and the pension or survivorship benefit originally granted to any beneficiary shall be adjusted in accordance with the provisions of this act.

Pension increases shall not be paid to retirants or beneficiaries who are not receiving their regular, full, monthly retirement allowances, pensions or survivorship benefits. The adjustment granted under the provisions of this act shall be effective only on the first day of a month, shall be paid in monthly installments, and shall not be decreased, increased, revoked or repealed except as otherwise provided in this act. No increase shall be due to a retirant or his beneficiary unless it constitutes a payment for an entire month.

C.43:13-22.71 Adjustment cost to employer; appropriation to be made.

9. The employer shall bear the cost of the adjustment in the retirement allowances or pensions payable to retirants who retired from the employ of that employer and the cost of the survivorship benefits or pensions payable to beneficiaries of active or retired members who were in the employ of that employer at the members' death or retirement. The employer shall appropriate the amount in the fiscal year next following, taking into account payments made to retirants of the employer and their beneficiaries and prospective payments to be made to those retirants in the following year.

The increase in retirement benefits, pensions and survivorship benefits provided for under this act shall commence with retirement allowance, pension and survivorship benefit payments for the month of January 1990, provided that there is appropriated the amount certified by the Director of the Division of Pensions of the Department of the Treasury to the Director of the Division of Budget and Accounting as set forth in the “Pension Adjustment Act,” P.L.1969, c.169 (C.43:3B-1 et seq.). In the case of any retirant or beneficiary first becoming eligible to receive an adjustment under the provisions of this act, such adjustment shall be paid beginning in the 25th month in which the retirant or bene-

ficiary is entitled to receive the retirement allowance, pension or survivorship benefit. The adjustment in retirement allowances, pensions and survivorship benefits shall continue to be paid as long as there shall be appropriated the amounts so certified. In the event that the necessary funds are not so appropriated, the adjustment in retirement allowances, pensions and survivorship benefits shall cease; no further payments shall be made by the employer; and a refund shall be made by the retirement system to the employer of any balance unexpended on its account.

C.43:13-22.72 Written notice of waiver.

10. Any person who is eligible to receive the increased retirement allowance, pension or survivorship benefit under the provisions of this act may, at any time, waive that right by filing a written notice of waiver with the retirement system. The application for the waiver of all or part of the increase shall be made by the retirant or beneficiary at least 30 days prior to the desired effective date on a form satisfactory to the retirement system and shall be effective on the first day of the following month. Such waiver may be withdrawn at any time and upon such withdrawal the increase in the retirement allowance, pension or survivorship benefit shall commence with the payment for the next following month.

C.43:13-22.73 Calculation of adjustment.

11. On or before October 1, 1989 and by the same date in each subsequent year, the Director of the Division of Pensions of the 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 Adjustment Act," P.L.1969, c.169 (C.43:3B-1 et seq.). The percentage of adjustment in the retirement allowances, pensions and survivorship benefits shall be 1/2 of the percentum of change. Any adjustment so calculated shall apply to all of the months of the following calendar year for eligible retirants and beneficiaries, except that for those qualifying for the first time, it shall apply only to those months of the following calendar year in which the retirant or beneficiary is eligible to receive the adjustment.

On the basis of information certified to the director by the retirement system concerning the amounts of all retirement allowances, pensions and survivorship benefits of eligible retirants and beneficiaries which are subject to adjustment under sections 7 through 13 of this act, and any other relevant matters as the director may

require, the director shall certify to the retirement system the amounts required to fund the benefits provided under those sections for the applicable year. The director shall include in that certification amounts sufficient to adjust the retirement allowances, pensions or survivorship benefits payable to all eligible retirants and beneficiaries by 1/2 of the percentum of change in the index as such retirement allowances or pensions may have been originally granted, or increased for certain retirants and beneficiaries in accordance with the provisions of the "Pension Adjustment Act."

In no instance shall the amount of the retirement allowance, pension or survivorship benefit originally granted and payable to any retirant or beneficiary be reduced as a result of this adjustment.

C.43:13-22.74 Termination of increases if blanket increase in benefits adopted.

12. If legislation is adopted providing for a blanket increase in the original retirement allowances, pensions or survivorship benefits or for minimum allowances, pensions or benefits to any group of retirants or beneficiaries eligible for benefits under P.L.1964, c.275 (C.43:13-22.50 et seq.), other than legislation which shall have been enacted on or before the effective date of P.L.1990, c.20 (C.43:13-22.69 et al.), all increases provided under this act shall be terminated on the first of the month when such blanket increases or minimum allowances, pensions or benefits are payable, except in those instances where the retirant's or beneficiary's original allowance, pension or benefit plus the increases provided under this act will exceed the amounts payable to such retirant or beneficiary as a result of such other legislation; in such event the amount payable under this act shall be the difference between the new allowance, pension or benefit payable by the pension fund and the amount which would otherwise have been paid under this act. Any subsequent annual review of amounts payable under this act for such retirants and beneficiaries shall continue to be determined on the basis of the original allowance, pension benefit as granted by the pension fund prior to any blanket increase or provision for minimum retirement allowances, pensions or survivorship benefits for any group of retirants or beneficiaries eligible for benefits under this act.

C.43:13-22.75 Rules, regulations.

13. The Director of the Division of Pensions of the Department of the Treasury shall promulgate such rules and regulations, not inconsistent with the provisions of the "Pension Adjustment Act,"

P.L.1969, c.169 (C.43:3B-1 et seq.) and this act, as the director shall deem necessary for the effective operation of the program. The director shall include a report of the operation of this act with his report of the operation of the "Pension Adjustment Act" in the annual report submitted to the Governor and the Legislature regarding all of the operations of the Division of Pensions. The retirement system shall furnish such information as the director may request for this purpose.

14. This act shall take effect immediately.

Approved May 9, 1990.

CHAPTER 21

AN ACT concerning the municipal boundaries of the borough of Beachwood in Ocean County.

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

1. The boundary lines of the municipality known as the borough of Beachwood in Ocean County shall include the following parcel:

BEGINNING at a point in the third course of a 2000 acre tract near Toms River, New Jersey, known as the Borough of Beachwood, more particularly described on a map entitled "Boundary Line Map of 2000 Acre Tract near Toms River, N.J. September 12, 1914, Scale 1" = 1000', to be called Beachwood. Surveyed by A.D. Nickerson C.E." and filed in the Ocean County Clerk's office.

Said BEGINNING point being further described as being on a course of North 44°33'00" East, a distance of 5452.70 feet from the fourth corner of said 2000 acre tract.

Said BEGINNING point being still further described as being on a course of North 44°33'00" East, a distance of 5337.50 feet from a marble monument marking the southwesterly corner of a map entitled "Beachwood, Map No. 43, Plat HF" filed in the Ocean County Clerk's office on March 6, 1915, thence,

(a) South 11°18'00" East, a distance of 916.50 feet to a point, thence,

(b) South 78°42'00" West, a distance of 1188.00 feet to a point, thence,

(c) North 11°18'00" West, a distance of 110.65 feet to a point in said third course of a 2000 acre tract, thence,

(d) along said third course of a 2000 acre tract, North 44°33'00" East, a distance of 1435.53 feet to the point and place of BEGINNING.

Containing 610,127.5 square feet and being 14.007 acres.

2. This act shall take effect immediately.

Approved May 10, 1990.

CHAPTER 22

AN ACT permitting a bank to merge its common trust fund with an affiliate bank located in another state and amending P.L.1985, c.528 and P.L.1948, c.67.

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

1. Section 5 of P.L.1985, c.528 (C.17:9A-37.1) is amended to read as follows:

C.17:9A-37.1 Single common trust fund.

5. a. A bank may, without order or judgment of a court or officer, merge or combine two or more of its own or its affiliate banks' common trust funds into a single common trust fund, which single common trust fund may be administered by the bank or by its affiliate bank; provided that:

(1) The combination or merger does not contravene the terms of the written plan for each of the funds to be merged or combined.

(2) There is a written plan governing the merger or combination of the funds which has been approved by the board of directors, or by a duly authorized committee of the bank or banks, which plan shall contain provisions, including, but not limited to, a designation of which of the merging or combining common trust funds shall be the surviving common trust fund, a specification of

any amendments or changes in the plan of operation of the surviving common trust fund, and a provision governing the conversion of units of participation in the funds to be merged or combined into units of participation in the surviving common trust fund, including the payment of cash for fractional units.

(3) Each trust estate having a participation in the common trust funds to be merged or combined shall receive units in the surviving common trust fund based on its pro rata interest in the value of the assets of the merging or combining common trust funds as determined according to subsection b. of section 40 of P.L.1948, c.67 (C.17:9A-40).

b. As used in this section, "common trust fund," "bank," "participation," "trust estate," and "affiliate bank" shall have the same meaning as set forth in section 36 of P.L.1948, c.67 (C.17:9A-36).

2. Section 36 of P.L.1948, c.67 (C.17:9A-36) is amended to read as follows:

C.17:9A-36 Definitions.

36. Definitions.

As used in this article, and except as the context otherwise requires,

(1) "Common trust fund" means a fund established and maintained by a bank or any of its affiliate banks exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or any of its affiliate banks in any fiduciary capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

(2) "Bank" means a qualified bank which is empowered to invest moneys entrusted to it in any capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

(3) "Cofiduciary" means one or more individuals or corporations, or both, lawfully acting or entitled to act jointly with a bank in the exercise of the powers referred to in the next preceding paragraph;

(4) "Trust instrument" means the will, deed, agreement, court order or other instrument pursuant to which money or other property is entrusted to a bank as sole fiduciary or jointly with a cofiduciary;

(5) "Trust estate" means money or other property entrusted to a bank solely or jointly with a cofiduciary pursuant to a trust instrument;

(6) "Participation" means the undivided share in a common trust fund which accrues to a trust estate as the result of a bank's investment of funds of such trust estate in such common trust fund;

(7) "Affiliate banks" means banks, including out-of-State banks, at least 90% of whose issued and outstanding stock is owned by the same in-State or out-of-State corporation;

(8) "Out-of-State bank" means a corporation organized as a bank under the laws of a state other than New Jersey or a national banking association having its principal office outside of New Jersey.

3. This act shall take effect immediately.

Approved May 14, 1990.

CHAPTER 23

AN ACT concerning school facility plan review and amending N.J.S.18A:18A-16, N.J.S.18A:18A-49, P.L.1975, c.217 and P.L.1985, c.409.

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

1. N.J.S.18A:18A-16 is amended to read as follows:

Preparation and approval of plans and specifications for public schoolhouses.

18A:18A-16. All plans and specifications for the erection, alteration, improvement or repair of public school buildings shall be drawn by or under the supervision of an appropriate officer employed by the board to whom such power shall have been delegated by the board of education.

No contract for the erection of any building or any part thereof by any board of education of any school district shall be entered into until the final plans and specifications therefor have been submitted to, and approved by, either the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed code official employed by any municipality in the State, with the written consent of that municipality. No change in any such plans or specifications, so approved, shall be made unless the same shall have been submitted to, and approved by, the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed municipal code official, whichever entity originally approved the plans.

Should a municipal planning board, acting pursuant to the provisions of section 22 of P.L.1975, c.291 (C.40:55D-31), recommend against the approval of plans and specifications for the erection of a school building or any part thereof and file notice of that recommendation within 10 days with the Bureau of Facility Planning Services of the Department of Education for consideration during the plan review process, the Bureau of Facility Planning Services shall not approve the preliminary plans and specifications for educational adequacy until the objections of the municipal planning board have been considered.

2. N.J.S.18A:18A-49 is amended to read as follows:

Approval required for school building.

18A:18A-49. The board of education of a school district shall be required to secure the approval of its final plans and specifications as required by the State Uniform Construction Code for the erection or alteration of any school building or vocational school building or any part thereof by the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed municipal code official.

3. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to read as follows:

C.52:27D-130 Permit required for construction or alteration of buildings and structures; application therefor; required contents of application; issuance; effect and duration of permits; public school facilities.

12. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. The application shall be in accordance with regulations established by the commissioner and on a form prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in

this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

No permit shall be issued for a public school facility unless the final plans and specifications have been first approved by the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. Approval by the Bureau of Facility Planning Services in the Department of Education shall only be required when a review for educational adequacy is necessary. Requirements determining when a review for educational adequacy is necessary shall be established jointly by the Department of Community Affairs and the Department of Education. The standards shall thereafter be adopted as part of the Uniform Construction Code regulations by the Department of Community Affairs. After the final plans and specifications have been approved for educational adequacy by the Bureau of Facility Planning Services in the Department of Education, a local board of education may submit the final plans and specifications for code approval to either the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. The Bureau of Facility Planning Services in the Department of Education when approving final plans and specifications shall be responsible for insuring that the final plans and specifications conform to the requirements of the code as well as for insuring that they provide for an educationally adequate facility. In carrying out its responsibility pursuant to the provisions of this section the Department of Education shall employ persons licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed.

4. Section 1 of P.L.1985, c.409 (C.52:27D-126c) is amended to read as follows:

C.52:27D-126c Public building fee exemptions.

1. No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality

wherein the building may be located. No erection or alteration of any public building or part thereof by a county, municipality, school board, or any agency or instrumentality thereof shall be subject to any fee, including any surcharge or training fee, imposed by any department or agency of State government pursuant to any law, or rule or regulation, except that nothing contained in this section shall be interpreted as preventing the imposition of a fee upon a board of education by either the Department of Education for plan review or by a municipality for the review of plans submitted to it pursuant to the provisions of section 12 of P.L.1975, c.217 (C.52:27D-130).

5. This act shall take effect immediately.

Approved May 15, 1990.

CHAPTER 24

AN ACT concerning the Casino Reinvestment Development Authority and amending P.L.1984, c.218.

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

1. Section 7 of P.L.1984, c.218 (C.5:12-155) is amended to read as follows:

C.5:12-155 Officers; quorum.

7. The Governor shall designate from among the appointed and voting public members, a chairman and a vice chairman of the Casino Reinvestment Development Authority, who shall serve in those capacities at the pleasure of the Governor. The powers of the Casino Reinvestment Development Authority shall be vested in the members thereof in office from time to time and five voting members of the Casino Reinvestment Development Authority shall constitute a quorum at any meeting thereof. Action may be taken by motions and resolutions adopted by the Casino Reinvestment Development Authority at any meeting thereof by the affirmative vote of at least five members of the Casino Reinvestment Develop-

ment Authority. No vacancy in the membership of the Casino Reinvestment Development Authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the Casino Reinvestment Development Authority.

2. This act shall take effect immediately.

Approved May 17, 1990.

CHAPTER 25

AN ACT concerning retirement benefits for employees of State autonomous authorities, amending and supplementing P.L.1954, c.84, and supplementing Title 43 of the Revised Statutes.

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

1. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to read as follows:

C.43:15A-73 Employees of certain authorities and commissions; State university; compensation rating and inspection bureau.

73. a. The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, the New Jersey Highway Authority, Palisades Interstate Park Commission, Interstate Sanitation Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission, or who are members of the retirement system at the time they begin employment with the commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be

subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R.S.34:15-89, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as both are applicable to State employees.

The retirement system shall certify to the Commissioner of Insurance and the Commissioner of Insurance shall direct the Compensation Rating and Inspection Bureau to provide the necessary payments to the retirement system in accordance with procedures established by the retirement system. Such payments shall include (1) the contributions and charges, similar to those paid by other public agency employers, to be paid by the Compensation Rating and Inspection Bureau to the retirement system on behalf of its employee members, and (2) the contributions to be paid by the Compensation Rating and Inspection Bureau to provide the past service credits up to June 30, 1965 for these members, both veterans and nonveterans, who enroll before July 1, 1966.

d. The New Jersey Sports and Exposition Authority, created and established pursuant to the "New Jersey Sports and Exposition Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(1) Eligible employees as used herein shall not include persons who are not classified as salaried, or who are compensated on an hourly or per diem basis, or whose employment is normally covered by other retirement systems to which the authority makes contributions.

(2) Eligible employees previously permitted to enroll in the retirement system shall redeposit the contributions previously made by them and all service credit shall then be restored and

future contributions made at the date of contribution as originally assigned. The authority shall redeposit the employer payments it had made, with interest to the date of redeposit.

e. The New Jersey Transit Corporation created and established pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Eligible employees as used herein means only those individuals who are members of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to their initial employment by the corporation.

f. (1) The Casino Reinvestment Development Authority, created and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the New Jersey Urban Development Corporation, created and established pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey Food Distribution Authority, created and established pursuant to P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), and the Catastrophic Illness in Children Relief Fund Commission, created and established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed an employer and eligible authority, corporation, or commission. Employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(2) The current or former employees of the authorities, the corporation, and the commission may purchase credit for all service with the authority, corporation, or commission rendered prior to the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.) , if that service would otherwise be eligible for credit in the retirement system. This purchase shall be made in the same manner and shall be subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or commission shall

pay the unfunded liability as determined by the actuary for prior service purchased by its employees in accordance with a schedule approved by the actuary. This obligation of the authority, corporation, or commission shall be known as the accrued liability for prior service credit.

(3) For any employee of the authorities or of the corporation or commission who is in service with the authority, corporation, or commission on the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of enrollment for the purposes of the member contribution rate under section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the employee on the date the continuous service with the authority began. Any employee who was a member of the retirement system on the date continuous service with the authority, corporation, or commission began but whose membership expired before the effective date of participation by the authority, corporation, or commission in the retirement system, and who has not withdrawn the employee contributions from the system, shall participate in the retirement system under the former membership and shall contribute to the system at the rate applicable to the former membership.

C.43:15A-73.2 Participation of State autonomous authority in PERS.

2. a. For the purposes of sections 2 through 4 of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), "State autonomous authority" means a public authority, board, commission, corporation or other agency or instrumentality of this State allocated in but not of a principal department of State government pursuant to Article V, Section IV, paragraph 1 of the New Jersey Constitution.

b. If there is no provision in a law creating a State autonomous authority subsequent to the effective date of this amendatory and supplementary act permitting employees of the authority to join the Public Employees' Retirement System, or specifically providing an alternative retirement plan, the authority shall apply to the State Treasurer for approval to participate in the Public Employees' Retirement System. If there is no provision permitting the employees of a State autonomous authority created prior to the effective date of this amendatory and supplementary act to join the retirement system, the authority may apply to the State Treasurer for approval to participate in the Public Employees' Retirement System. The State Treasurer shall approve participation by an authority in the retirement system unless it is determined that par-

ticipation is inconsistent with the policies inherent in the law governing the retirement system and is not in the public interest. The State Treasurer shall have 60 days from the date the application is received from the authority to make a determination on participation. The State Treasurer shall notify the Director of the Division of Pensions of any determination on participation. After the 60 days, if no determination is made, the authority shall participate in the retirement system. A State autonomous authority participating in the retirement system as provided in this amendatory and supplementary act is an employer under the Public Employees' Retirement System Act, P.L.1954, c.84 (C.43:15A-1 et seq.), as amended and supplemented, for all of the purposes of that act, and its employees shall be subject to that act as if they were State employees, on the first day of the first calendar month occurring not less than 60 days after receipt of notice of approval by the Director of the Division of Pensions from the State Treasurer, or after the time period for a determination on participation by the State Treasurer has expired.

C.43:15A-73.3 Purchase of credit for prior service.

3. a. The employees of a State autonomous authority approved for participation in the retirement system pursuant to subsection b. of section 2 of this amendatory and supplementary act may purchase credit for all service with the authority prior to the date of the authority's participation in the retirement system if that service would otherwise be eligible for credit in the retirement system. This purchase shall be made in the same manner and shall be subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8). The authority shall pay the unfunded liability as determined by the actuary for prior service purchased by its employees in accordance with a schedule approved by the actuary. The obligation of the authority shall be known as the accrued liability for prior service credit. The actuary shall determine and adjust the accrued liability for prior service credit and determine the annual contribution of the authority for this liability in a manner similar to that provided for the State accrued liability contribution. The accrued liability for prior service credit shall be paid by the authority over a period not to exceed 25 years following the initial valuation of this liability by the actuary.

b. For any employee of a State autonomous authority who is in service with the authority on the date its participation in the

retirement system becomes effective, the age of enrollment for the purposes of the member contribution rate under section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the employee on the date the continuous service with the authority began.

C.43:3C-10 Approval of change in retirement or deferred compensation plan by State Treasurer.

4. A State autonomous authority may not establish or change a retirement or deferred compensation plan which provides for the payment of funds of the authority to that plan without the approval of the State Treasurer. The State Treasurer shall not approve the establishment or change of a retirement or deferred compensation plan unless it is determined that the plan or change is consistent with the policies inherent in State laws concerning retirement benefits for public employees and is in the public interest. This section is applicable to all State autonomous authorities regardless of whether they participate in a State-administered retirement system or deferred compensation program.

5. This act shall take effect immediately.

Approved May 21, 1990.

CHAPTER 26

AN ACT concerning the care and custody of children and revising parts of the statutory law.

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

1. R.S.9:2-3 is amended to read as follows:

Custody of children of parents living separately; powers of court.

9:2-3. When the parents of a minor child live separately, or are about to do so, the Superior Court, in an action brought by either parent, shall have the same power to make judgments or orders concerning care, custody, education and maintenance as concerning a minor child whose parents are divorced. Until the court determines

the final custody of the minor child and unless the parties agree otherwise, the court shall determine temporary custody based upon the best interests of the child with due regard to the caretaking arrangement that previously existed. No child shall be taken forcibly or against the will of the parent having custody by the other parent without a court order. If the child has not, at the time of the commencement of the action, reached the age of 16 years, and if it is represented to the court by affidavit or under oath that evidence will be adduced involving the moral turpitude of either parent, or of the minor child, or that evidence will be adduced which may reflect upon the good reputation or social standing of the child, then the court shall admit to the hearing of such case only such persons as are directly interested in the matter then being heard. The records of such proceedings, including all papers filed with the court, shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parents, or their attorneys, and to no other person except by order of the court made for that purpose.

2. R.S.9:2-4 is amended to read as follows:

Custody of child; rights of both parents considered.

9:2-4. The Legislature finds and declares that it is in the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

In any proceeding involving the custody of a minor child, the rights of both parents shall be equal and the court shall enter an order which may include:

- a. Joint custody of a minor child to both parents, which is comprised of legal custody or physical custody which shall include: (1) provisions for residential arrangements so that a child shall reside either solely with one parent or alternatively with each parent in accordance with the needs of the parents and the child; and (2) provisions for consultation between the parents in making major decisions regarding the child's health, education and general welfare;
- b. Sole custody to one parent with appropriate visitation for the noncustodial parent; or
- c. Any other custody arrangement as the court may determine to be in the best interests of the child.

In making an award of custody, the court shall consider but not be limited to the following factors: the parents' ability to agree, communicate and cooperate in matters relating to the child; the parents' willingness to accept custody and any history of unwillingness to allow visitation not based on substantiated abuse; the interaction and relationship of the child with its parents' and siblings; the history of domestic violence, if any; the safety of the child and the safety of either parent from physical abuse by the other parent; the preference of the child when of sufficient age and capacity to reason so as to form an intelligent decision; the needs of the child; the stability of the home environment offered; the quality and continuity of the child's education; the fitness of the parents; the geographical proximity of the parents' homes; the extent and quality of the time spent with the child prior to or subsequent to the separation; the parents' employment responsibilities; and the age and number of the children. A parent shall not be deemed unfit unless the parents' conduct has a substantial adverse effect on the child.

The court, for good cause and upon its own motion, may appoint a guardian ad litem or an attorney or both to represent the minor child's interests. The court shall have the authority to award a counsel fee to the guardian ad litem and the attorney and to assess that cost between the parties to the litigation.

d. The court shall order any custody arrangement which is agreed to by both parents unless it is contrary to the best interests of the child.

e. In any case in which the parents cannot agree to a custody arrangement, the court may require each parent to submit a custody plan which the court shall consider in awarding custody.

f. The court shall specifically place on the record the factors which justify any custody arrangement not agreed to by both parents.

3. Section 1 of P.L.1955, c.232 (C.9:2-13) is amended to read as follows:

C.9:2-13 Definitions.

1. For the purposes of this act, the following words and phrases, unless otherwise indicated, shall be deemed to have the following meanings:

(a) The phrase "approved agency" means a legally constituted agency having its principal office within or without this State, which has been approved, pursuant to law, to place children in New Jersey for purposes of adoption.

(b) The word "child" means any person under 18 years of age.

(c) The word "custody" means continuing control and authority over the person of a child, established by natural parenthood, by order or judgment of a court of competent jurisdiction, or by written surrender to and approved agency pursuant to law.

(d) The phrase "forsaken parental obligations" means willful and continuous neglect or failure to perform the natural and regular obligations of care and support of a child.

(e) The phrase "mentally incompetent" means inability to understand and discharge the natural and regular obligations of care and support of a child by reason of mental disease, feebleness of mind, or habitual intemperance.

(f) The word "parent," when not otherwise described by the context, means a natural parent or parent by previous adoption.

(g) The word "may" shall be construed to be permissive and the word "shall" shall be construed to be mandatory.

4. Section 7 of P.L.1955, c.232 (C.9:2-19) is amended to read as follows:

C.9:2-19 Grounds for terminating custody.

7. If the court shall determine that custody of the child has been surrendered as provided in Article II of this act, the court may declare that the person making such surrender shall have no further right to custody of the child. If the court shall determine that a parent of the child is dead, or mentally incompetent, or has forsaken parental obligation, the court may declare that such parent shall have no further right to custody of the child. If the court shall determine that a custodian or guardian has been appointed for the child, but that such custodian or guardian has willfully and continuously neglected or failed to discharge the responsibilities of such appointment, the court may declare that such custodian or guardian shall have no further control and authority over the person of the child.

5. R.S.9:6-3 is amended to read as follows:

Cruelty and neglect of children; crime of fourth degree; remedies.

9:6-3. Any parent, guardian or person having the care, custody or control of any child, who shall abuse, abandon, be cruel to or neglectful of such child, or any person who shall abuse, be cruel

to or neglectful of any child shall be deemed to be guilty of a crime of the fourth degree. If a fine be imposed, the court may direct the same to be paid in whole or in part to the parent, or to the guardian, custodian or trustee of such minor child or children; provided, however, that whenever in the judgment of the court it shall appear to the best interest of the child to place it in the temporary care or custody of a society or corporation, organized or incorporated under the laws of this State, having as one of its objects the prevention of cruelty to children, and the society or corporation is willing to assume such custody and control, the court may postpone sentence and place the child in the custody of such society or corporation, and may place defendant on probation, either with the county probation officers or an officer of the society or corporation to which the child is ordered, and may order the parent, guardian or person having the custody and control of such child to pay to such society or corporation a certain stated sum for the maintenance of such child. When, however, a child is so placed in the custody of such society or corporation, and defendant fails to make the payments as ordered by the court, the court shall cause the arrest and arraignment before it of such defendant, and shall impose upon the defendant the penalty provided in this section.

6. R.S.9:10-3 is amended to read as follows:

Scope and purpose of school; personnel.

9:10-3. A county school of detention shall be arranged and conducted so far as practicable for the safe custody of the inmates and so far as duration of commitment permits for their training for good citizenship and self-support. There shall be ample ground for farming or gardening and shops or other means for industrial training and the institution shall be maintained or conducted as a home.

To this end a superintendent and such teachers, matrons, masters, farmers and other employees shall be employed by the board of directors as in their judgment may be necessary for the proper maintenance of the school and grounds and the proper care, instruction and training of the children.

The superintendent shall be a competent person of good moral character and shall reside in the school. The superintendent or principal teacher shall prepare and adopt a course of study and training for the pupils of the school subject to approval of the

board of directors and the State Board of Education. The teachers shall have the qualifications and certificates of public school teachers in the public schools of this State. The principal teacher shall be the supervising principal and the school shall be entitled to apportionment of school moneys as a school district under the supervision of a supervising principal. The teachers and principals shall make such reports and keep such records as are required in other school districts in the county.

The superintendent shall employ, subject to the approval of the board of directors, such additional help as may be necessary for the maintenance of buildings and grounds. The compensation and terms of service of superintendent and other employees shall be fixed by the board of directors. Whatever sum in addition to money received from the State is necessary to operate the school shall be appropriated by the governing body of the county. All bills shall be paid by the custodian of the school's moneys on order signed by the president and secretary of the board of directors.

7. R.S.9:11-1 is amended to read as follows:

Appointment of trustees; number; term; other offices; vacancies.

9:11-1. The judges of the Superior Court sitting in a county of the first class, except in counties of the first class having a population of more than 800,000 inhabitants, whenever in their judgment it shall be necessary or proper shall so certify to the governing body of the county and upon their approval of the need, the judges may appoint five persons who, together with such judges and the judge of the Family Part of the Chancery Division of the Superior Court, ex officio, shall constitute a board to be known as the Board of Trustees of the Youth House of the county of Such appointees shall be formally approved by the governing body of the county before they enter upon the discharge of their duties. They shall hold office for three years and until their successors are appointed. They shall receive no compensation.

In counties of the first class having a population of more than 800,000 inhabitants, in which there is now established a parental school, under the provisions of the act to which this act is an amendment, and in all other counties of the first class having a population of more than 800,000 inhabitants, whenever in its judgment it shall be necessary or proper, the governing body of the county shall appoint eight persons who, together with the judges of the Family Part of the Chancery Division of the Supe-

rior Court, ex officio, shall constitute a board to be known as the Board of Trustees of the Youth House of the county of They shall serve without compensation and shall hold office for a term of four years and until their successors are appointed, except that of the eight members first appointed, two shall hold office for four years, two shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. The holding of any other public office by any member of said board of trustees shall not be held to be incompatible with the office as member of such board of trustees. A vacancy caused by death, resignation or otherwise shall be filled by the governing body of the county for the unexpired term.

8. Section 25 of P.L.1953, c.9 (C.9:12A-1) is amended to read as follows:

C.9:12A-1 County children's shelter; management and operation.

25. The governing body of any county may establish, equip and maintain a home for the temporary detention of children, separated entirely from any place of confinement of adults, to be known as "The Children's Shelter of County," which shall be conducted as an agency for the purposes of caring for the children of the county whose cases are pending before the Family Part of the Chancery Division of the Superior Court of the county or who are homeless or abandoned, abused, neglected or cruelly treated or who, being under 16 years of age, are witness before such court or some other court.

The governing body of the county may appropriate sufficient funds for the purchase of property and the building or buildings and the furnishing of supplies and equipment therefor from the annual appropriations, or if they consider the amount too great to add to the annual appropriation, they may issue bonds for such purpose.

The building may be built on property owned by the county or the governing body of the county may acquire the same by gift, purchase or condemnation.

The governing body of the county may appoint a committee of seven citizens of the county who together with the judge of the Family Part of the Chancery Division of the Superior Court of the county and a member of the governing body of the county as ex officio members shall constitute the board of trustees of the children's shelter. The board of trustees shall make the rules and

regulations for the management of the children's shelter and the groupings of the children therein.

In any county in which a children's shelter is or shall be established and operated pursuant to this section, solely for children who are homeless or abandoned, abused, neglected or cruelly treated, the governing body of the county may, by resolution, determine to operate and manage such children's shelter instead of appointing a board of trustees for such purpose, in which case the governing body of the county shall have and may exercise all the powers of a board of trustees as provided in this section.

The shelter shall be in the charge of a superintendent, and the board of managers, or the governing body of the county, as the case may be, shall have authority to appoint the superintendent, and other employees in like manner as other county employees are appointed; the governing body of the county shall provide the funds for carrying on the shelter and for the betterments, improvements and replacements that may be required, in the annual appropriations, but money for new buildings and the equipment thereof and other permanent improvements may be raised by bond issue.

Repealer.

9. R.S.9:2-6 is repealed.

10. This act shall take effect on the 90th day after enactment.

Approved May 21, 1990.

CHAPTER 27

AN ACT concerning prevailing wage rates and amending P.L.1963, c.150 to provide for payment of prevailing wages on public work performed on certain property or premises leased or to be leased by a public body.

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

1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to read as follows:

C.34:11-56.26 Definitions.

2. As used in this act:

(1) "Department" means Department of Labor of the State of New Jersey.

(2) "Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality" the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workers in such craft or trade.

(3) "Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

(4) "Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

(5) "Public work" means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program. "Public work" shall also mean construction, reconstruction, demolition, alteration, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract:

(a) Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and

(b) The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

(6) "Commissioner" means the Commissioner of Labor or his duly authorized representatives.

(7) "Workman" or "worker" includes laborer, mechanic, skilled or semi-skilled, laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not

include material suppliers or their employees who do not perform services at the job site.

(8) "Work performed under a rehabilitation program" means work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the inmates of such institutions.

(9) "Prevailing wage" means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workers of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done.

(10) "Act" means the provisions of this act and the rules and regulations issued hereunder.

2. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to read as follows:

C.34:11-56.27 Prevailing wage rate required in contract.

3. Every contract in excess of \$2,000.00 for any public work to which any public body is a party or for public work to be done on property or premises leased or to be leased by a public body shall contain a provision stating the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract the public body or lessor may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable to the public body or lessor for any excess costs occasioned thereby.

3. Section 4 of P.L.1963, c.150 (C.34:11-56.28) is amended to read as follows:

C.34:11-56.28 Specification of prevailing wage rate by craft.

4. The public body or lessor awarding any contract for public work or otherwise undertaking any public work shall ascertain

from the commissioner the prevailing wage rate in the locality in which the public work is to be performed for each craft or trade needed to perform the contract and shall specify in the contract itself what the prevailing wage rate in the locality is for each craft or trade or classification of all workmen needed to perform the contract during the anticipated term thereof. Nothing in this act however shall prohibit the payment of more than the prevailing wage rate to any workmen employed on a public work.

4. Section 5 of P.L.1963, c.150 (C.34:11-56.29) is amended to read as follows:

C.34:11-56.29 Record of wages paid by contractor and subcontractor.

5. Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed by him in connection with a public work and such records shall be preserved for two years from date of payment. The record shall be open at all reasonable hours to the inspection of the public body awarding the contract, to any other party to the lease or agreement to lease pursuant to which the public work is done, and to the commissioner.

5. Section 9 of P.L.1963, c.150 (C.34:11-56.33) is amended to read as follows:

C.34:11-56.33 Statement by contractor of amounts due workers; deductions from payments to contractor; payments to workers.

9. (a) Before final payment is made by or on behalf of any public body or before the lessor makes such payment, of any sum or sums due on a public work it shall be the duty of the treasurer of the public body or other officer or person charged with the custody and disbursement of the funds of the public body, or lessor, to require the contractor and subcontractor to file written statements with the public body in form satisfactory to the commissioner certifying to the amounts then due and owing from such contractor and subcontractor filing such statement to any and all workmen for wages due on account of the public work, setting forth therein the names of the persons whose wages are unpaid and the amount due to each respectively, which statement shall be verified by the oath of the contractor or subcontractor, as the case may be, that he has read such statement subscribed by him, knows the contents thereof, and that the same is true of his own knowledge; provided, however,

that nothing herein shall impair the right of a contractor to receive final payment because of the failure of any subcontractor to comply with provisions of this act.

(b) In case any workman shall have filed a protest in writing within three months from the date of the occurrence of the incident complained of with the commissioner, objecting to the payment to any contractor to the extent of the amount or amounts due or to become due to the said workman for wages for work performed on a public work, the commissioner may direct the fiscal or financial officer of the public body or other person charged with the custody and disbursements of the funds of the public body, or the lessor, to deduct from the whole amount of any payment, the sum or sums admitted by any contractor in such statement or statements so filed to be due and owing by him on account of wages earned on such public work.

Such fiscal or financial officer, or the lessor, shall withhold the amount so deducted for the benefit of the workmen whose wages are unpaid as shown by the verified statement filed by such contractor, and shall pay directly to any workman the amount shown by such statement to be due to him for such wages. Such payment shall thereby discharge the obligation of the contractor to the person receiving such payment to the extent of the amount thereof.

6. Section 10 of P.L.1963, c.150 (C.34:11-56.34) is amended to read as follows:

C.34:11-56.34 Notice of failure to pay prevailing wages; protest by worker.

10. (a) The fiscal or financial officer or any public body, or lessor, having public work performed under which any workman shall have been paid less than the prevailing wage shall forthwith notify the commissioner in writing of the name of the person or firm failing to pay the prevailing wages.

(b) Any workman may within two years from the date of the occurrence of the incident complained of file a protest in writing with the commissioner objecting to the amount of wages paid for service performed by him on a public work as being less than the prevailing wages for such services.

(c) It shall not constitute a failure to pay the prevailing wage rates for the work of a particular craft or classification where the prevailing wage rate determined for a specific craft or classification has been paid and thereafter one or more craft unions contend that the work should have been assigned to their mem-

bers instead of the members of the specific craft to whom it was assigned or by whom it was performed.

7. Section 14 of P.L.1963, c.150 (C.34:11-56.38) is amended to read as follows:

C.34:11-56.38 Prohibition against award of contract to noncomplying contractors.

14. The public body awarding any contract for public work, or otherwise undertaking any public work, or entering into a lease or agreement to lease pursuant to which public work is to be done, shall first ascertain from the commissioner the list of names of contractors or subcontractors who have failed to pay prevailing wages as determined in section 13 of this act, and no contract shall be awarded to such contractor or subcontractor, or to any firm, corporation or partnership in which such contractor or subcontractor has an interest until three years have elapsed from the date of listing as determined in section 13 of this act.

8. This act shall take effect immediately.

Approved May 21, 1990.

CHAPTER 28

AN ACT concerning water pollution control and prevention, amending and supplementing P.L.1977, c.74, supplementing P.L.1983, c.230 (C.58:11-64 et seq.), amending P.L.1974, c.169 and P.L.1972, c.42, creating a "Clean Water Enforcement Fund" and a "Wastewater Treatment Operators' Training Account".

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

1. Section 3 of P.L.1977, c.74 (C.58:10A-3) is amended to read as follows:

C.58:10A-3 Definitions.

3. As used in this act, unless the context clearly requires a different meaning, the following words and terms shall have the following meanings:

- a. "Administrator" means the Administrator of the United States Environmental Protection Agency or his authorized representative;
- b. "Areawide plan" means any plan prepared pursuant to section 208 of the Federal Act;
- c. "Commissioner" means the Commissioner of Environmental Protection or his authorized representative;
- d. "Department" means the Department of Environmental Protection;
- e. "Discharge" means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State. "Discharge" includes the release of any pollutant into a municipal treatment works;
- f. "Effluent limitation" means any restriction on quantities, quality, rates and concentration of chemical, physical, thermal, biological, and other constituents of pollutants established by permit, or imposed as an interim enforcement limit pursuant to an administrative order, including an administrative consent order;
- g. "Federal Act" means the "Federal Water Pollution Control Act Amendments of 1972" (Public Law 92-500; 33 U.S.C. § 1251 et seq.);
- h. "Municipal treatment works" means the treatment works of any municipal, county, or State agency or any agency or subdivision created by one or more municipal, county or State governments and the treatment works of any public utility as defined in R.S.48:2-13;
- i. "National Pollutant Discharge Elimination System" or "NPDES" means the national system for the issuance of permits under the Federal Act;
- j. "New Jersey Pollutant Discharge Elimination System" or "NJPDES" means the New Jersey system for the issuance of permits under this act;
- k. "Permit" means a NJPDES permit issued pursuant to section 6 of this act. "Permit" includes a letter of agreement entered into between a delegated local agency and a user of its municipal

treatment works, setting effluent limitations and other conditions on the user of the agency's municipal treatment works;

l. "Person" means any individual, corporation, company, partnership, firm, association, owner or operator of a treatment works, political subdivision of this State and any state or interstate agency. "Person" shall also mean any responsible corporate official for the purpose of enforcement action under section 10 of this act;

m. "Point source" means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged;

n. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into the waters of the State. "Pollutant" includes both hazardous and nonhazardous pollutants;

o. "Pretreatment standards" means any restriction on quantities, quality, rates, or concentrations of pollutants discharged into municipal or privately owned treatment works adopted pursuant to P.L.1972, c.42 (C.58:11-49 et seq.);

p. "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with water quality standards, an effluent limitation or other limitation, prohibition or standard;

q. "Substantial modification of a permit" means any significant change in any effluent limitation, schedule of compliance, compliance monitoring requirement, or any other provision in any permit which permits, allows, or requires more or less stringent or more or less timely compliance by the permittee;

r. "Toxic pollutant" means any pollutant identified pursuant to the Federal Act, or any pollutant or combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring;

s. "Treatment works" means any device or systems, whether public or private, used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. "Treatment works" includes any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems;

t. "Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction;

u. "Hazardous pollutant" means:

(1) Any toxic pollutant;

(2) Any substance regulated as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, Pub.L.92-516 (7 U.S.C. § 136 et seq.);

(3) Any substance the use or manufacture of which is prohibited under the federal Toxic Substances Control Act, Pub.L.94-469 (15 U.S.C. § 2601 et seq.);

(4) Any substance identified as a known carcinogen by the International Agency for Research on Cancer;

(5) Any hazardous waste as designated pursuant to section 3 of P.L.1981, c.279 (C.13:1E-51) or the "Resource Conservation and Recovery Act," Pub.L.94-580 (42 U.S.C. § 6901 et seq.); or

(6) Any hazardous substance as defined pursuant to section 3 of P.L.1976, c.141 (C.58:10-23.11b);

v. "Serious violation" means an exceedance of an effluent limitation for a discharge point source set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, by 20 percent or more for a hazardous pollutant, or by 40 percent or more for a nonhazardous pollutant, calculated on the basis of the monthly average for a pollutant for which the effluent limitation is expressed as a monthly average, or, in the case of an effluent limitation

expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant in any month; in the case of an effluent limitation for a pollutant that is not measured by mass or concentration, the department shall prescribe an equivalent exceedance factor therefor. The department may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the department states the specific reasons therefor, which may include the potential for harm to human health or the environment. "Serious violation" shall not include a violation of a permit limitation for color;

w. "Significant noncomplier" means any person who commits a serious violation for the same hazardous pollutant or the same nonhazardous pollutant, at the same discharge point source, in any two months of any six month period, or who exceeds the monthly average or, in a case of a pollutant for which no monthly average has been established, the monthly average of the daily maximums for an effluent limitation for the same pollutant at the same discharge point source by any amount in any four months of any six month period, or who fails to submit a completed discharge monitoring report in any two months of any six month period. The department may utilize, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier, if the department states the specific reasons therefor, which may include the potential for harm to human health or the environment. A local agency shall not be deemed a "significant noncomplier" due to an exceedance of an effluent limitation established in a permit for flow;

x. "Local agency" means a political subdivision of the State, or an agency or instrumentality thereof, that owns or operates a municipal treatment works;

y. "Delegated local agency" means a local agency with an industrial pretreatment program approved by the department;

z. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other act of God, or other similar circumstance, which is the cause of the violation. "Upset" also includes noncompliance consequent to the performance of maintenance operations for which a prior exception has been granted by the department or a delegated local agency;

aa. "Bypass" means the anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works;

bb. "Major facility" means any facility or activity classified as such by the Administrator of the United States Environmental Protection Agency, or his representative, in conjunction with the department, and includes industrial facilities and municipal treatment works;

cc. "Significant indirect user" means a discharger of industrial or other pollutants into a municipal treatment works, as defined by the department, including, but not limited to, industrial dischargers, but excluding the collection system of a municipal treatment works;

dd. "Violation of this act" means a violation of any provisions of this act, and shall include a violation of any rule or regulation, water quality standard, effluent limitation or other condition of a permit, or order adopted, issued, or entered into pursuant to this act.

2. Section 4 of P.L.1977, c.74 (C.58:10A-4) is amended to read as follows:

C.58:10A-4 Rules and regulations.

4. The commissioner shall have power to prepare, adopt, amend, repeal and enforce, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable codes, rules and regulations to prevent, control or abate water pollution and to carry out the intent of this act, either throughout the State or in certain areas of the State affected by a particular water pollution problem. Such codes, rules and regulations may include, but shall not be limited to, provisions concerning:

a. The storage of any liquid or solid pollutant in a manner designed to keep it from entering the waters of the State;

b. The prior submission and approval of plans and specifications for the construction or modification of any treatment work or part thereof;

c. The classification of the surface and ground waters of the State and the determination of water quality standards for each such classification;

d. The limitation of effluents, including toxic effluents as indicated herein;

e. The determination of pretreatment standards;

f. The establishment of user charges and cost recovery requirements in conformance with the Federal Act;

g. The establishment of a civil penalty policy governing the uniform assessment of civil penalties in accordance with section 10 of P.L.1977, c.74 (C.58:10A-10).

3. Section 6 of P.L.1977, c.74 (C.58:10A-6) is amended to read as follows:

C.58:10A-6 Permits; issuance; exemptions; prohibitions; requirements.

6. a. It shall be unlawful for any person to discharge any pollutant, except in conformity with a valid New Jersey Pollutant Discharge Elimination System permit that has been issued by the commissioner pursuant to this act or a valid National Pollutant Discharge Elimination System permit issued by the administrator pursuant to the Federal Act, as the case may be.

b. It shall be unlawful for any person to build, install, modify or operate any facility for the collection, treatment or discharge of any pollutant, except after approval by the department pursuant to regulations adopted by the commissioner.

c. The commissioner is hereby authorized to grant, deny, modify, suspend, revoke, and reissue NJPDES permits in accordance with this act, and with regulations to be adopted by him. The commissioner may reissue, with or without modifications, an NPDES permit duly issued by the federal government as the NJPDES permit required by this act.

d. The commissioner may, by regulation, exempt the following categories of discharge, in whole or in part, from the requirement of obtaining a permit under this act; provided, however, that an exemption afforded under this section shall not limit the civil or criminal liability of any discharger nor exempt any discharger from approval or permit requirements under any other provision of law:

(1) Additions of sewage, industrial wastes or other materials into a publicly owned sewage treatment works which is regulated by pretreatment standards;

(2) Discharges of any pollutant from a marine vessel or other discharges incidental to the normal operation of marine vessels;

(3) Discharges from septic tanks, or other individual waste disposal systems, sanitary landfills, and other means of land disposal of wastes;

(4) Discharges of dredged or fill materials into waters for which the State could not be authorized to administer the section 404 program under section 404(g) of the "Federal Water Pollution Control

Act Amendments of 1972,” as amended by the “Clean Water Act of 1977” (33 U.S.C. § 1344) and implementing regulations;

(5) Nonpoint source discharges;

(6) Uncontrolled nonpoint source discharges composed entirely of storm water runoff when these discharges are uncontaminated by any industrial or commercial activity unless these particular storm water runoff discharges have been identified by the administrator or the department as a significant contributor of pollution;

(7) Discharges conforming to a national contingency plan for removal of oil and hazardous substances, published pursuant to section 311(c)(2) of the Federal Act.

e. The commissioner shall not issue any permit for:

(1) The discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste into the waters of this State;

(2) Any discharge which the United States Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage or navigation;

(3) Any discharge to which the administrator has objected in writing pursuant to the Federal Act;

(4) Any discharge which conflicts with an areawide plan adopted pursuant to law.

f. A permit issued by the department or a delegated local agency, under this act shall require the permittee:

(1) To achieve effluent limitations based upon guidelines or standards established pursuant to the Federal Act or this act, together with such further discharge restrictions and safeguards against unauthorized discharge as may be necessary to meet water quality standards, areawide plans adopted pursuant to law, or other legally applicable requirements;

(2) Where appropriate, to meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;

(3) To insure that all discharges are consistent at all times with the terms and conditions of the permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit;

(4) To submit application for a new permit in the event of any contemplated facility expansion or process modification that would result in new or increased discharges or, if these would not violate effluent limitations or other restrictions specified in the

permit, to notify the commissioner, or delegated local agency, of such new or increased discharges;

(5) To install, use and maintain such monitoring equipment and methods, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities, and to submit to the commissioner, or to the delegated local agency, reports of monitoring results for surface waters, as may be stipulated in the permit, or required by the commissioner or delegated local agency pursuant to paragraph (9) of this subsection, or as the commissioner or the delegated local agency may prescribe for ground water. Significant indirect users, major industrial dischargers, and local agencies, other than those discharging only stormwater or noncontact cooling water, shall, however, report their monitoring results for discharges to surface waters monthly to the commissioner, or the delegated local agency. Discharge monitoring reports for discharges to surface waters shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility, who may, in his absence, authorize another responsible high ranking official to sign a monthly monitoring report if a report is required to be filed during that period of time. The highest ranking official shall, however, be liable in all instances for the accuracy of all the information provided in the monitoring report; provided, however, that the highest ranking official may file, within seven days of his return, amendments to the monitoring report to which he was not a signatory. The filing of amendments to a monitoring report in accordance with this paragraph shall not be considered a late filing of a report for purposes of subsection d. of section 6 of P.L.1990, c.28 (C.58:10A-10.1), or for purposes of determining a significant noncomplier;

(6) At all times, to maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit;

(7) To limit concentrations of heavy metals, pesticides, organic chemicals and other contaminants in the sludge in conformance with the land-based sludge management criteria established by the department in the Statewide Sludge Management Plan adopted pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or established pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. § 1251 et seq.), or any regulations adopted pursuant thereto;

(8) To report to the department or delegated local agency, as appropriate, any exceedance of an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the permittee becoming aware of the occurrence. Within 24 hours thereof, or of an exceedance, or of becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a permittee shall provide the department or delegated local agency with such additional information on the discharge as may be required by the department or delegated local agency, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment, and to avoid a repetition of the problem;

(9) Notwithstanding the reporting requirements stipulated in a permit for discharges to surface waters, a permittee shall be required to file monthly reports with the commissioner or delegated local agency if the permittee:

(a) in any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefor; or

(b) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.

The commissioner or delegated local agency may restore the reporting requirements stipulated in the permit if the permittee has not committed any of the violations identified in this paragraph for six consecutive months;

(10) To report to the department or delegated local agency, as appropriate, any serious violation within 30 days of the violation, together with a statement indicating that the permittee understands the civil administrative penalties required to be assessed for serious violations, and explaining the nature of the serious violation and the measures taken to remedy the cause or prevent a recurrence of the serious violation.

g. The commissioner and a local agency shall have a right of entry to all premises in which a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept, for purposes of inspection, sampling, copying or photographing.

h. In addition, any permit issued for a discharge from a municipal treatment works shall require the permittee:

(1) To notify the commissioner or local agency in advance of the quality and quantity of all new introductions of pollutants into a facility and of any substantial change in the pollutants introduced into a facility by an existing user of the facility, except for such introductions of nonindustrial pollutants as the commissioner or local agency may exempt from this notification requirement when ample capacity remains in the facility to accommodate new inflows. The notification shall estimate the effects of the changes on the effluents to be discharged into the facility.

(2) To establish an effective regulatory program, alone or in conjunction with the operators of sewage collection systems, that will assure compliance and monitor progress toward compliance by industrial users of the facilities with user charge and cost recovery requirements of the Federal Act or State law and toxicity standards adopted pursuant to this act and pretreatment standards.

(3) As actual flows to the facility approach design flow or design loading limits, to submit to the commissioner or local agency for approval, a program which the permittee and the persons responsible for building and maintaining the contributory collection system shall pursue in order to prevent overload of the facilities.

i. (1) All local agencies shall prescribe terms and conditions, consistent with applicable State and federal law, or requirements adopted pursuant thereto by the department, upon which pollutants may be introduced into treatment works, and shall have the authority to exercise the same right of entry, inspection, sampling, and copying, and to impose the same remedies, fines and penalties, and to recover costs and compensatory damages as authorized pursuant to subsection a. of section 10 of P.L.1977, c.74 (C.58:10A-10) and section 6 of P.L.1990, c.28 (C.58:10A-10.1), with respect to users of such works, as are vested in the commissioner by this act, or by any other provision of State law, except that a local agency may not impose civil administrative penalties, and shall petition the county prosecutor or the Attorney General for a criminal prosecution under that section. Terms and conditions shall include limits for heavy metals, pesticides, organic chemicals and other contaminants in industrial wastewater discharges based upon the attainment of land-based sludge management criteria established by the department in the State-wide Sludge Management Plan adopted pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or

established pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. § 1251 et seq.), or any regulations adopted pursuant thereto.

(2) Of the amount of any penalty assessed and collected pursuant to an action brought by a local agency in accordance with section 10 of P.L.1977, c.74 or section 6 of P.L.1990, c.28 (C.58:10A-10.1), 10% shall be deposited in the "Wastewater Treatment Operators' Training Account," established in accordance with section 13 of P.L.1990, c.28 (C.58:10A-14.5), and used to finance the cost of training operators of municipal treatment works. The remainder shall be used by the local agency solely for enforcement purposes, and for upgrading municipal treatment works.

j. In reviewing permits submitted in compliance with this act and in determining conditions under which such permits may be approved, the commissioner shall encourage the development of comprehensive regional sewerage planning or facilities, which serve the needs of the regional community, conform to the adopted area-wide water quality management plan for that region, and protect the needs of the regional community for water quality, aquifer storage, aquifer recharge, and dry weather based stream flows.

k. No permit may be issued, renewed, or modified by the department or a delegated local agency so as to relax any water quality standard or effluent limitation until the applicant, or permit holder, as the case may be, has paid all fees, penalties or fines due and owing pursuant to P.L.1977, c.74, or has entered into an agreement with the department establishing a payment schedule therefor; except that if a penalty or fine is contested, the applicant or permit holder shall satisfy the provisions of this section by posting financial security as required pursuant to paragraph (5) of subsection d. of section 10 of P.L.1977, c.74 (C.58:10A-10). The provisions of this subsection with respect to penalties or fines shall not apply to a local agency contesting a penalty or fine.

l. Each permitted facility or municipal treatment works, other than one discharging only stormwater or non-contact cooling water, shall be inspected by the department at least once a year; except that each permitted facility discharging into the municipal treatment works of a delegated local agency, other than a facility discharging only stormwater or non-contact cooling water, shall be inspected by the delegated local agency at least once a year. Except as hereinafter provided, an inspection required under this subsec-

tion shall be conducted within six months following a permittee's submission of an application for a permit, permit renewal, or, in the case of a new facility or municipal treatment works, issuance of a permit therefor, except that if for any reason, a scheduled inspection cannot be made the inspection shall be rescheduled to be performed within 30 days of the originally scheduled inspection or, in the case of a temporary shutdown, of resumed operation. Exemption of stormwater facilities from the provisions of this subsection shall not apply to any permitted facility or municipal treatment works discharging or receiving stormwater runoff having come into contact with a hazardous discharge site on the federal National Priorities List adopted by the United States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act," Pub.L.96-510 (42 U.S.C.A. § 9601 et seq.), or any other hazardous discharge site included by the department on the master list for hazardous discharge site cleanups adopted pursuant to section 2 of P.L.1982, c.202 (C.58:10-23.16). Inspections shall include:

(1) A representative sampling of the effluent for each permitted facility or municipal treatment works, except that in the case of facilities or works that are not major facilities or significant indirect users, sampling pursuant to this paragraph shall be conducted at least once every three years;

(2) An analysis of all collected samples by a State owned and operated laboratory, or a certified laboratory other than one that has been or is being used by the permittee, or that is directly or indirectly owned, operated or managed by the permittee;

(3) An evaluation of the maintenance record of the permittee's treatment equipment;

(4) An evaluation of the permittee's sampling techniques;

(5) A random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results; and

(6) An inspection of the permittee's sample storage facilities and techniques if the sampling is normally performed by the permittee.

The department may inspect a facility required to be inspected by a delegated local agency pursuant to this subsection. Nothing in this subsection shall require the department to **conduct** more than one inspection per year.

A delegated local agency shall not be required to conduct annual inspections pursuant to this subsection until January 1, 1992.

m. The facility or municipal treatment works of a permittee identified as a significant noncomplier shall be subject to an inspection by the department, or the delegated local agency, as the case may be, which inspection shall be in addition to the requirements of subsection l. of this section. The inspection shall be conducted within 60 days of receipt of the discharge monitoring report that initially results in the permittee being identified as a significant noncomplier. The inspection shall include a random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results. A copy of each summary shall be maintained by the permittee. The inspection shall be for the purpose of determining compliance. The department or delegated local agency is required to conduct only one inspection per year pursuant to this subsection, and is not required to make an inspection hereunder if an inspection has been made pursuant to subsection l. of this section within six months of the period within which an inspection is required to be conducted under this subsection.

n. To assist the commissioner in assessing a municipal treatment works' NJPDES permit in accordance with paragraph (3) of subsection b. of section 7 of P.L.1977, c.74 (C.58:10A-7), a delegated local agency shall perform a complete analysis that includes a complete priority pollutant analysis of the discharge from, and inflow to, the municipal treatment works. The analysis shall be performed by a delegated local agency as often as the priority pollutant scan is required under the permit, but not less than once a year, and shall be based upon data acquired in the priority pollutant scan and from applicable sludge quality analysis reports. The results of the analysis shall be included in a report to be attached to the annual report required to be submitted to the commissioner by the delegated local agency.

o. Except as otherwise provided in section 3 of P.L.1963, c.73 (C.47:1A-3), any records, reports or other information obtained by the commissioner or a local agency pursuant to this section or section 5 of P.L.1972, c.42 (C.58:11-53), including any correspondence relating thereto, shall be available to the public; however, upon a showing satisfactory to the commissioner by any person that the making public of any record, report or informa-

tion, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the commissioner or local agency shall consider such record, report, or information, or part thereof, to be confidential, and access thereto shall be limited to authorized officers or employees of the department, the local agency, and the federal government.

4. Section 7 of P.L.1977, c.74 (C.58:10A-7) is amended to read as follows:

C.58:10A-7 Term of permit; modification, suspension or revocation; causes; notice; contested cases.

7. a. All permits issued under this act shall be for fixed terms not to exceed five years. Any permittee who wishes to continue discharging after the expiration date of his permit must file for a new permit at least 180 days prior to that date.

b. (1) The commissioner may modify, suspend, or revoke a permit in whole or in part during its term for cause, including but not limited to the following:

(a) Violation of any term or condition of the permit;

(b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(2) If a toxic effluent limitation or prohibition, including any schedule of compliance specified in such effluent limitation or prohibition, is established under section 307(a) of the Federal Act for a toxic pollutant which is more stringent than any limitations upon such pollutant in an existing permit, the commissioner shall revise or modify the permit in accordance with the toxic effluent limitation or prohibition and so notify the permittee.

(3) The department shall include in a permit for a delegated local agency effluent limits for all pollutants listed under the United States Environmental Protection Agency's Categorical Pretreatment Standards, adopted pursuant to 33 U.S.C. § 1317, and such other pollutants for which effluent limits have been established for a permittee discharging into the municipal treatment works of the delegated local agency, except those categorical or other pollutants that the delegated local agency demonstrates to the department are not discharged above detectable levels by the municipal treatment works. The department, by permit, may authorize the use by a delegated local agency of surrogate parameters for categorical and other pollutants discharged from a municipal treatment works, except that if a surrogate

parameter is exceeded, the department shall require effluent limits for each categorical or other pollutant for which the surrogate parameter was used, for such period of time as may be determined by the department.

c. Notice of every proposed suspension, revocation or renewal, or substantial modification of a permit and opportunity for public hearing thereupon, shall be afforded in the same manner as with respect to original permit applications as provided for in this act. In any event notice of all modifications to a discharge permit shall be published in the DEP Bulletin.

d. A determination to grant, deny, modify, suspend, or revoke a permit shall constitute a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The permittee, or any other person considered a party to the action pursuant to subsection e. of this section, shall have the opportunity to contest the determination in an administrative hearing.

e. A person, other than the permittee, seeking to be considered a party to the action shall submit a request to be so considered to the commissioner within 30 days of the publication of the notice of the decision to grant, deny, modify, suspend, or revoke a permit. The administrative law judge upon referral, or the commissioner, if the commissioner decides to make the determination, shall find whether a person other than the permittee is a party to the action within 30 days of the submission of the request or the referral to the administrative law judge. A person shall be deemed a party to the action only if:

(1) the person's objections to the action to grant, deny, modify, suspend, or revoke a permit were raised by that person in the hearing held pursuant to section 9 of P.L.1977, c.74 (C.58:10A-9), or, if no hearing was held, the objections were raised in a written submission;

(2) the person demonstrates the existence of a significant issue of law or fact;

(3) the person shows that the significant issue of law or fact is likely to affect the permit determination;

(4) the person can show an interest, including an environmental, aesthetic, or recreational interest, which is or may be affected by the permit decision and that the interest fairly can be traced to the challenged action and is likely to be redressed by a decision favorable to that person. An organization may contest a permit decision on behalf of one or more of its members if (a) the organization's member or members could otherwise be a party to the

action in their own right; and (b) the interests the organization seeks to protect are germane to the organization's purpose; and

(5) the person submits the following information with the request to be considered a party to the action:

(a) a statement of each legal or factual question alleged to be at issue and its relevance to the permit decision, together with a designation of the specific factual areas to be adjudicated and the hearing time estimated to be necessary for adjudication;

(b) information supporting the request which shall be submitted pursuant to adopted rules;

(c) the name, mailing address, and telephone number of the person making the request;

(d) a clear and concise factual statement of the nature and scope of the interest of the requester;

(e) the names and addresses of all affected persons whom the requester represents;

(f) a statement by the requester that, upon motion of any party granted by the hearing officer, or upon order of the hearing officer sua sponte, the requester shall make available to appear and testify at the administrative hearing, if granted, the following: the requester; all affected persons represented by the requester; and all officers, directors, employees, consultants, and agents of the requester;

(g) specific references to the contested permit conditions, as well as suggested revised or alternative permit conditions, including permit denials, which, in the judgment of the requester, would be required to implement the purposes of P.L.1977, c.74; and

(h) in the case of application of control or treatment technologies identified in the statement of basis or fact sheet, identification of the basis for the objection, and the alternative technologies or combination of technologies which the requester believes are necessary to meet the requirements of P.L.1977, c.74.

Whenever a person's request to be considered to be a party to the action is granted, the commissioner or the administrative law judge, as appropriate, shall identify the permit conditions which have been contested by the requester and for which an administrative hearing will be granted. Permit conditions which are not so contested shall not be affected by, or considered at, the administrative hearing. All requests by persons seeking to be considered a party to the action for a particular permit shall be combined in a single administrative hearing.

f. A permittee may contest the determination to grant, deny, modify, suspend, or revoke a permit in an administrative hearing pursuant to subsection d. of this section only upon the placement, in escrow, of money in an amount equal to the permit fee.

5. Section 10 of P.L.1977, c.74 (C.58:10A-10) is amended to read as follows:

C.58:10A-10 Violation of act; penalty.

10. a. Whenever the commissioner finds that any person is in violation of any provision of this act, he shall:

(1) Issue an order requiring any such person to comply in accordance with subsection b. of this section; or

(2) Bring a civil action in accordance with subsection c. of this section; or

(3) Levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) Bring an action for a civil penalty in accordance with subsection e. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection f. of this section.

Use of any of the remedies specified under this section shall not preclude use of any other remedy specified.

In the case of one or more pollutants for which interim enforcement limits have been established pursuant to an administrative order, including an administrative consent order, by the department or a local agency, the permittee shall be liable for the enforcement limits stipulated therein.

b. Whenever the commissioner finds that any person is in violation of any provision of this act, he may issue an order (1) specifying the provision or provisions of this act, or the rule, regulation, water quality standard, effluent limitation, or permit of which he is in violation, (2) citing the action which caused such violation, (3) requiring compliance with such provision or provisions, and (4) giving notice to the person of his right to a hearing on the matters contained in the order.

c. The commissioner is authorized to commence a civil action in Superior Court for appropriate relief for any violation of this act or of a permit issued hereunder. Such relief may include, singly or in combination:

(1) A temporary or permanent injunction;

(2) Assessment of the violator for the reasonable 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 reasonable cost incurred by the State in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;

(4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an unauthorized discharge;

(5) Assessment against a violator of the actual amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.

Assessments under paragraph (4) of this subsection shall be paid to the State Treasurer, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the unauthorized discharge. Assessments pursuant to actions brought by the commissioner under paragraphs (2), (3) and (5) of this subsection shall be paid to the "Clean Water Enforcement Fund," established pursuant to section 12 of P.L.1990, c.28 (C.58:10A-14.4).

d. (1) (a) The commissioner is authorized to assess, in accordance with a uniform policy adopted therefor, a civil administrative penalty of not more than \$50,000.00 for each violation and each day during which such violation continues shall constitute an additional, separate, and distinct offense. Any amount assessed under this subsection shall fall within a range established by regulation by the commissioner for violations of similar type, seriousness, and duration. The commissioner shall adopt, by regulation, a uniform assessment of civil penalties policy by January 1, 1992.

(b) In adopting rules for a uniform penalty policy for determining the amount of a penalty to be assessed, the commissioner shall take into account the type, seriousness, including extent, toxicity, and frequency of a violation based upon the harm to public health or the environment resulting from the violation, the

economic benefits from the violation gained by the violator, the degree of cooperation or recalcitrance of the violator in remedying the violation, any measures taken by the violator to avoid a repetition of the violation, any unusual or extraordinary costs directly or indirectly imposed on the public by the violation other than costs recoverable pursuant to paragraph (3) or (4) of subsection c. of this section, and any other pertinent factors that the commissioner determines measure the seriousness or frequency of the violation, or conduct of the violator.

(c) In addition to the assessment of a civil administrative penalty, the commissioner may, by administrative order and upon an appropriate finding, assess a violator for costs authorized pursuant to paragraphs (2) and (3) of subsection c. of this section.

(2) No assessment shall be levied pursuant to this subsection until after the discharger has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, regulation, order or permit condition violated; a concise statement of the facts alleged to constitute a violation; a statement of the amount of the civil penalties to be imposed; and a statement of the party's right to a hearing. The ordered party shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, then the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order.

(3) If a civil administrative penalty imposed pursuant to this subsection is not paid within 30 days of the date that the penalty is due and owing, and the penalty is not contested by the person against whom the penalty has been assessed, or the person fails to make a payment pursuant to a payment schedule entered into with the department, an interest charge shall accrue on the amount of the penalty due and owing from the 30th day after the date on which the penalty was due and owing. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(4) The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in this act, and the payment of any assessment shall not be deemed to affect the

availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Any civil administrative penalty assessed under this section may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon such terms and conditions as the commissioner may establish by regulation, except that the amount compromised shall not be more than 50% of the assessed penalty, and in no instance shall the amount of that compromised penalty be less than the statutory minimum amount, if applicable, prescribed in section 6 of P.L.1990, c.28 (C.58:10A-10.1). In the case of a violator who is a local agency that enters into an administrative consent order, the terms of which require the local agency to take prescribed measures to comply with its permit, the commissioner shall have full discretion to compromise the amount of penalties assessed or due for violations occurring during a period up to 24 months preceding the entering into the administrative consent order; except that the amount of the compromised penalty may not be less than the statutory minimum amount, if applicable, prescribed in section 6 of P.L.1990, c.28 (C.58:10A-10.1). A civil administrative penalty assessed against a local agency for a violation of an administrative consent order may not be compromised by more than 50% of the assessed penalty. In no instance shall the amount of a compromised penalty assessed against a local agency be less than the statutory minimum amount, if applicable, prescribed in section 6 of P.L.1990, c.28 (C.58:10A-10.1). The commissioner shall not compromise the amount of any component of a civil administrative penalty which represents the economic benefit gained by the violator from the violation.

(5) A person, other than a local agency, appealing a penalty assessed against that person in accordance with this subsection, whether contested as a contested case pursuant to P.L.1968, c.410 (C.52:14B-1 et seq.) or by appeal to a court of competent jurisdiction, shall, as a condition of filing the appeal, post with the commissioner a refundable bond, or other security approved by the commissioner, in the amount of the civil administrative penalty assessed. If the department's assessed penalty is upheld in full or in part, the department shall be entitled to a daily interest charge on the amount of the judgment from the date of the posting of the security with the commissioner and until paid in full. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the

Rules Governing the Courts of the State of New Jersey. In addition, if the amount of the penalty assessed by the department is upheld in full in an appeal of the assessment at an administrative hearing or at a court of competent jurisdiction, the person appealing the penalty shall reimburse the department for all reasonable costs incurred by the department in preparing and litigating the imposition of the assessment, except that no litigation costs shall be imposed where the appeal ultimately results in a reduction or elimination of the assessed penalty.

(6) A civil administrative penalty imposed pursuant to a final order:

(a) may be collected or enforced by summary proceedings in a court of competent jurisdiction in accordance with "the penalty enforcement law," N.J.S.2A:58-1 et seq.; or

(b) shall constitute a debt of the violator or discharger and the civil administrative penalty may be docketed with the clerk of the Superior Court, and shall have the same standing as any judgment docketed pursuant to N.J.S.2A:16-1; except that no lien shall attach to the real property of a violator pursuant to this subsection if the violator posts a refundable bond or other security with the commissioner pursuant to an appeal of a final order to the Appellate Division of the Superior Court. No lien shall attach to the property of a local agency.

(7) The commissioner shall refer to the Attorney General and the county prosecutor of the county in which the violations occurred the record of violations of any permittee determined to be a significant noncomplier.

e. Any person who violates this act or an administrative order issued pursuant to subsection b. or a court order issued pursuant to subsection c., or who fails to pay a civil administrative penalty in full pursuant to subsection d., or to make a payment pursuant to a payment schedule entered into with the department, shall be subject upon order of a court to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs, and, if applicable, interest charges, in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). In addition to any civil penalties, costs or interest charges, the court, in accordance with paragraph (5) of subsection c. of this section, may assess against a violator the amount of any actual economic benefits accruing to the violator from the violation. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with this act.

f. (1)(a) Any person who purposely, knowingly, or recklessly violates this act, and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.

(b) As used in this paragraph, a significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to wildlife, freshwater or saltwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State, including ocean waters subject to its jurisdiction pursuant to P.L.1988, c.61 (C.58:10A-47 et seq.).

(2) Any person who purposely, knowingly, or recklessly violates this act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both.

(3) Any person who negligently violates this act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

(4) Any person who purposely or knowingly violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, as defined in subsection b. of N.J.S.2C:11-1, shall, upon conviction, be guilty of a crime of the first degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject of a fine of not less than \$50,000 nor more than \$250,000, or, in the case of a corporation, a fine of not less than \$200,000 nor more than \$1,000,000, or by imprisonment or by both.

(5) As used in this subsection, "purposely," "knowingly," "recklessly," and "negligently" shall have the same meaning as defined in N.J.S.2C:2-2.

g. All conveyances used or intended for use in the purposeful or knowing discharge, in violation of the provisions of P.L.1977, c.74 (C.58:10A-1 et seq.), of any pollutant or toxic pollutant are subject to forfeiture to the State pursuant to the provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

h. The amendatory portions of this section, as set forth in P.L.1990, c.28 (C.58:10A-10.1 et al.), except for subsection f. of this section, shall not apply to violations occurring prior to July 1, 1991.

C.58:10A-10.1 Mandatory civil administrative penalties.

6. a. The provisions of section 10 of P.L.1977, c.74 (C.58:10A-10), or any rule or regulation adopted pursuant thereto to the contrary notwithstanding, the department shall assess, with no discretion, a mandatory minimum civil administrative penalty for the violations enumerated in subsections b., c., and d. of this section.

b. The department shall assess a minimum mandatory civil administrative penalty of \$1,000 against a violator for each serious violation, which assessment shall be made within six months of the serious violation.

c. The department shall assess a minimum mandatory civil administrative penalty of \$5,000 against a violator for the violation that causes the violator to be, or to continue to be, a significant noncomplier.

d. The department shall assess a minimum mandatory civil administrative penalty of \$100 for each effluent parameter omitted on a discharge monitoring report required to be submitted to the department, and each day during which the effluent parameter information is overdue shall constitute an additional, separate, and distinct offense, except that in no instance shall the total civil admin-

istrative penalty assessed pursuant to this subsection exceed \$50,000 per month for any one discharge monitoring report. The civil administrative penalty assessed pursuant to this subsection shall accrue as of the fifth day following the date on which the discharge monitoring report was due and shall continue to accrue for 30 days. The commissioner may continue to assess civil administrative penalties beyond the 30-day period until submission of the overdue discharge monitoring report or overdue information. A permittee may contest the assessment of the civil administrative penalty required to be assessed pursuant to this subsection by notifying the commissioner in writing, within 30 days of the date on which the effluent parameter information was required to be submitted to the department, of the existence of extenuating circumstances beyond the control of the permittee, including circumstances that prevented timely submission of the discharge monitoring report, or portion thereof, or, if the civil administrative penalty is imposed because of an inadvertent omission of one or more effluent parameters, the permittee may submit, without liability for a civil administrative penalty assessed pursuant to this subsection or subsection c. of this section, the omitted information within 10 days of receipt by the permittee of notice of omission of the parameter or parameters.

e. If a violator establishes, to the satisfaction of the department, that a single operational occurrence has resulted in the simultaneous violation of more than one pollutant parameter, the department may consider, for purposes of calculating the mandatory civil administrative penalties to be assessed pursuant to subsections b. and c. of this section, the violation of the interrelated permit parameters to be a single violation.

f. The requirement that the department assess a minimum civil administrative penalty pursuant to this section shall in no way be construed to limit the authority of the department to assess a civil administrative penalty or bring an action for a civil penalty for a violation at any time after a violation occurred or to assess a more stringent civil administrative penalty or civil penalty against a person pursuant to section 10 of P.L.1977, c.74 (C.58:10A-10).

g. The provisions of this section shall not apply to violations occurring prior to the effective date of this section.

C.58:10A-10.2 Affirmative defenses to liability.

7. a. A person may be entitled to an affirmative defense to liability for a mandatory assessment of a civil administrative penalty pursuant to section 6 of P.L.1990, c.28 (C.58:10A-10.1) for a vio-

lation of an effluent limitation occurring as a result of an upset, an anticipated or unanticipated bypass, or a testing or laboratory error. A person shall be entitled to an affirmative defense only if, in the determination of the department or delegated local agency, the person satisfies the provisions of subsection b., c., e. or f., as applicable, of this section.

b. A person asserting an upset as an affirmative defense pursuant to this section, except in the case of an approved maintenance operation, shall notify the department or the local agency of an upset within 24 hours of the occurrence, or of becoming aware of the occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating, as applicable, that:

(1) the upset occurred, including the cause of the upset and, as necessary, the identity of the person causing the upset, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it is unable to identify the cause of the upset, or the person causing the upset;

(2) the permitted facility was at the time being properly operated;

(3) the person submitted notice of the upset as required pursuant to this section, or, in the case of an upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received an approval therefor from the department or the delegated local agency; and

(4) the person complied with any remedial measures required by the department or delegated local agency.

c. A person asserting an unanticipated bypass as an affirmative defense pursuant to this section shall notify the department or the local agency of the unanticipated bypass within 24 hours of its occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating that:

(1) the unanticipated bypass occurred, including the circumstances leading to the bypass;

(2) the permitted facility was at the time being properly operated;

(3) the person submitted notice of the upset as required pursuant to this section; and

(4) the person complied with any remedial measures required by the department or delegated local agency;

(5) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(6) there was no feasible alternative to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the department or delegated local agency, back-up equipment should have been installed to avoid the need for a bypass.

d. Nothing contained in subsection b. or c. of this section shall be construed to limit the requirement to comply with the provisions of paragraph (8) of subsection f. of section 6 of P.L.1977, c.74 (C.58:10A-6).

e. A person may assert an anticipated bypass as an affirmative defense pursuant to this section only if the person provided prior notice to the department or delegated local agency, if possible, at least 10 days prior to the date of the bypass, and the department or delegated local agency approved the bypass, and if the person is able to demonstrate that:

(1) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(2) there was no feasible alternative to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the department or delegated local agency, back-up equipment should have been installed to avoid the need for a bypass.

f. A person asserting a testing or laboratory error as an affirmative defense pursuant to this section shall have the burden to demonstrate, to the satisfaction of the department, that a serious violation involving the exceedance of an effluent limitation was the result of unanticipated test interferences, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee.

g. A determination by the department on a claim that a violation of an effluent limitation was caused by an upset, a bypass or a testing or laboratory error shall be considered final agency action on the matter for the purposes of the "Administrative Pro-

cedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject only to review by a court of competent jurisdiction.

h. An assertion of an upset, a bypass or a testing or laboratory error as an affirmative defense pursuant to this section may not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

i. If the department determines, pursuant to the provisions of this section, that a violation of an effluent limitation was caused by an upset, a bypass or a testing or laboratory error, the commissioner shall waive any mandatory civil administrative penalty required to be assessed pursuant to section 6 of P.L.1990, c.28 (C.58:10A-10.1), and the violation shall not be considered a serious violation or violation causing a person to be designated a significant noncomplier.

j. The affirmative defense for an upset, a bypass or a testing or laboratory error provided in this section shall only apply to the imposition of mandatory penalties pursuant to section 6 of P.L.1990, c.28 (C.58:10A-10.1) for serious violations and for determining a significant noncomplier. Nothing in this act shall be construed to limit the authority of the department, or a delegated local agency, to adopt regulations or permit conditions that include or do not include an upset, a bypass or a testing or laboratory error, using different standards, as a defense for any other exceedance of an effluent limitation.

C.58:10A-6.1 Schedule of compliance; administrative consent order; public hearing.

8. a. Every schedule of compliance shall require the permittee to demonstrate to the commissioner the financial assurance, including the posting of a bond or other security approved by the commissioner, necessary to carry out the remedial measures required by the schedule of compliance; except that a local agency shall not be required to post financial security as a condition of a schedule of compliance.

b. The department or a delegated local agency shall afford an opportunity to the public to comment on a proposed administrative consent order prior to final adoption if the administrative consent order would establish interim enforcement limits that would relax effluent limitations established in a permit or a prior administrative order. The department or a delegated local agency shall provide public notice of the proposed administrative consent order, and

announce the length of the comment period, which shall be not less than 30 days, commencing from the date of publication of the notice. A notice shall also include a summary statement describing the nature of the violation necessitating the administrative consent order and its terms or conditions; shall specify how additional information on the administrative consent order may be obtained; and shall identify to whom written comments are to be submitted. At least three days prior to publication of the notice, a written notice, containing the same information to be provided in the published notice, shall be mailed to the mayor or chief executive officer and governing body of the municipality and county in which the violation occurred, and to any other interested persons, including any other governmental agencies. The department or delegated local agency shall consider the written comments received during the comment period prior to final adoption of the administrative consent order. Not later than the date that final action is taken on the proposed order, the department or delegated agency shall notify each person or group having submitted written comments of the main provisions of the approved administrative consent order and respond to the comments received therefrom.

c. The commissioner or delegated local agency, on his or its own initiative or at the request of any person submitting written comments pursuant to subsection b. of this section, may hold a public hearing on a proposed administrative order or administrative consent order, prior to final adoption if the order would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or a prior administrative order or administrative consent order. Public notice for the public hearing to be held pursuant to this subsection shall be published not more than 30 and not less than 15 days prior to the holding of the hearing. The hearing shall be held in the municipality in which the violation, necessitating the order, occurred. The department may recover all reasonable costs directly incurred in scheduling and holding the public hearing from the person requesting or requiring the interim enforcement limits.

C.58:10A-14.1 Report on implementation and enforcement actions; notice of significant noncompliers in newspaper.

9. a. On or before March 15, 1992, and annually thereafter, the department shall prepare a report on implementation and enforcement actions taken during the preceding calendar year by the department and delegated local agencies pursuant to P.L.1977,

c.74. Information in the report shall be compiled so as to distinguish, as applicable: enforcement actions taken by the department from those of delegated local agencies; violations of, and enforcement actions against, publicly owned treatment works from those of, or against, other permitted facilities; violations of effluent limitations from reporting violations—including discharging monitoring reports, compliance schedule progress reports, and pretreatment reports—and other violations; and violations of effluent limitations for hazardous pollutants from those for non-hazardous pollutants. The report shall be transmitted to the Governor, the members of the Legislature, the Assembly Environment Quality Committee and the Senate Energy and Environment Committee, or their successors, and to the Office of Legislative Services not later than March 31 of each year.

b. Within 30 days of publication of the report pursuant to this section, the commissioner shall transmit a written notice to at least one newspaper in each county, with circulation throughout that county which shall:

(1) Identify the owner, trade name and location of all facilities listed as significant noncompliers;

(2) Identify all of the significant noncompliers who have been assessed penalties pursuant to section 6 of P.L.1990, c.28 (C.58:10A-10.1), the amount of the penalties assessed against, and the amount paid by, each significant noncomplier;

(3) Indicate the availability of the annual reports required under this section, and the address and phone number for securing copies.

C.58:10A-14.2 Contents of annual report.

10. a. The annual report provided pursuant to section 9 of P.L.1990, c.28 (C.58:10A-14.1) shall include, but need not be limited to, the following information for the preceding calendar year:

(1) the number of facilities permitted by the department or delegated local agencies pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.) as of the end of the calendar year, by surface water discharge permits;

(2) the number of new permits or permit renewals issued;

(3) the number of permit approvals contested by a permittee or other party;

(4) the number of permit modifications, other than permit renewals;

(5) the number of schedules of compliance adopted pursuant to administrative orders or administrative consent agreements involving interim enforcement limits that relax permit limitations;

(6) the number of facilities, including publicly owned treatment works, inspected at least once by the department or local agencies;

(7) the number of enforcement actions resulting from facility inspections;

(8) the number of actual permit violations;

(9) the number of actual effluent violations constituting serious violations, including violations that are being contested;

(10) the number of defenses for upsets, bypasses or testing or laboratory errors granted pursuant to section 7 of P.L.1990, c.28 (C.58:10A-10.2) that involved a serious violation;

(11) the number of permittees qualifying as significant noncompliers, including permittees contesting such designation;

(12) the number of unpermitted discharges;

(13) the number of pass throughs of pollutants;

(14) the number of enforcement orders—administrative and judicial—issued for violations;

(15) the number of violations for which civil penalties or civil administrative penalties have been assessed;

(16) the number of violations of administrative orders or administrative consent orders, including violations of interim enforcement limits, or of schedule of compliance milestones for starting or completing construction, or for failing to attain full compliance;

(17) the number of violations of schedules of compliance milestones for starting or completing construction, or attaining full compliance, that are out of compliance by 90 days or more from the date established in the compliance schedule;

(18) the dollar amount of all assessed civil penalties and civil administrative penalties;

(19) the dollar amount of enforcement costs recovered in a civil action or civil administrative action from a violator;

(20) the dollar amount of civil administrative penalties and civil penalties collected, including penalties for which a penalty schedule has been agreed to by the violator;

(21) The specific purposes for which penalty monies collected have been expended, displayed in line-item format by type of expenditure and including, but not limited to, position numbers and titles funded in whole or in part from these penalty monies; and

(22) the number of criminal actions filed by the Attorney General or county prosecutors pursuant to section 10 of P.L.1977, c.74 (C.58:10A-10).

b. In addition to the information required pursuant to subsection a. of this section, the report shall:

(1) list the trade name of each permittee determined to be a significant noncomplier by the department or delegated local agency, and the address and permit number of the facility at which the violations occurred, and provide a brief description and the date of each violation, and the date that the violation was resolved, as well as the total number of violations committed by the permittee during the year;

(2) list the trade name of each permittee who is at least six months behind in the construction phase of a compliance schedule, as well as the address and permit number of the facility, and provide a brief description of the conditions violated and the cause of delay;

(3) list the trade name, address and permit number, of each permittee who has been convicted of criminal conduct pursuant to subsection f. of section 10 of P.L.1977, c.74 (C.58:10A-10), or who has had any officer or employee convicted thereunder, and provide a brief description and the date of the violation or violations for which convicted;

(4) list the name and location of any local agency that has failed to file with the department information required by section 11 of P.L.1990, c.28 (C.58:10A-14.3); and

(5) provide a summary assessment of the water quality of surface and ground waters affected by discharges subject to regulation pursuant to P.L.1977, c.74 to the extent that such information is not otherwise required to be submitted to the United States Environmental Protection Agency.

c. The department may include in the report any other information it determines would provide a fuller profile of the implementation and enforcement of P.L.1977, c.74. The department shall also include in the report any information that may be requested, in writing, not later than November 30 of the preceding year, for inclusion in the annual report, by the Assembly Environmental Quality Committee or the Senate Environmental Quality Committee, or their successors.

C.58:10A-14.3 Guidelines.

11. The department shall adopt guidelines to be utilized by delegated local agencies, the Attorney General and county prosecutors in providing information to the department for inclusion in the report to be prepared in accordance with section 10 of this act, and prescribing the format in which the information is to be provided. Every delegated local agency, the Attorney General,

and each county prosecutor shall file with the department, not later than February 1 of each year, such information and in such form as may be required by the department. In the event that information required to be reported pursuant to this section is also required to be reported to the department within the immediately preceding 12 month period pursuant to another law, rule, regulation, or permit requirement, to the extent that identical information is required to be reported, the local agency shall be required only to resubmit the information that was previously reported to the department.

C.58:10A-14.4 Clean Water Enforcement Fund.

12. There is created, in the Department of Environmental Protection, a special nonlapsing fund, to be known as the "Clean Water Enforcement Fund." Except as otherwise provided in P.L.1989, c.122, all monies from penalties, fines, or recoveries of costs or improper economic benefits collected by the department pursuant to section 10 of P.L.1977, c.74 (C.58:10A-10) on and after the effective date of this section, or section 6 of P.L.1990, c.28 (C.58:10A-10.1) shall be deposited in the fund. Unless otherwise specifically provided by law, monies in the fund shall be utilized exclusively by the department for enforcement and implementation of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.) and P.L.1990, c.28 (C.58:10A-10.1 et al.). Any unobligated monies in the fund at the end of each fiscal year or monies not required for enforcement purposes in the next fiscal year shall be transferred to the "Wastewater Treatment Fund" established pursuant to subsection a. of section 15 of P.L.1985, c.329, for use in accordance with the provisions of that act.

C.58:10A-14.5 Wastewater Treatment Operators' Training Account.

13. There is created in the Department of Environmental Protection a special nonlapsing account, to be known as the "Wastewater Treatment Operators' Training Account." Monies deposited in the account shall be used to provide training, including continuing education, courses for wastewater treatment operators. A court shall order to be deposited into the account 10% of the amount of any penalty assessed and collected in an action brought by a local agency pursuant to section 10 of P.L.1977, c.74 (C.58:10A-10) or section 6 of P.L.1990, c.28 (C.58:10A-10.1), or by a public entity pursuant to section 7 of P.L.1972, c.42 (C.58:11-55).

C.58:10A-14.6 Advisory Committee on Water Supply and Wastewater Licensed Operator Training.

14. There is established in the Department of Environmental Protection an Advisory Committee on Water Supply and Wastewater Licensed Operator Training. Committee members shall be appointed by the commissioner for three-year terms as follows: four members who shall be representatives of the department; two members who shall be representatives selected from a list prepared by the New Jersey Section American Water Works Association; one member who shall be a licensed operator; two members of the Water Pollution Control Association; two members who shall be selected from a list prepared by the Authorities Association of New Jersey, one of whom shall be from a water authority, and one from a wastewater treatment authority; one member who shall be selected from a list prepared by the New Jersey Business and Industry Council; three members who shall be selected from a list prepared by educational institutions in the State conducting courses in water supply or wastewater treatment operations, or which conducted an appropriate course in the immediately preceding academic year, one of whom shall be the Director of the Office of Continuing Professional Education at Cook College, the State University of Rutgers; and two members who shall be selected from environmental groups in the State actively concerned or involved in water quality or wastewater treatment. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

The advisory committee shall meet at least once a year, and shall organize itself in such manner and hold its meetings in such places as it deems most suitable. The department shall provide staff assistance to the advisory committee, to the extent that monies are available therefor.

The advisory committee shall advise the department on the training and licensing of water supply and wastewater treatment operators and on related matters, or on any other matter referred to it by the department. The advisory committee shall review the training programs for, and identify the training needs of, water supply and wastewater treatment operators, and shall approve the annual allocations of monies for wastewater treatment operators' training programs from sums available in the "Wastewater Treatment Operators' Training Account," established pursuant to section 13 of P.L.1990, c.28 (C.58:10A-14.5).

C.58:10A-10.3 Request by department for information; testimony of witnesses.

15. a. The department may request that any person whom the department has reason to believe has, or may have, information relevant to a discharge or potential discharge of a pollutant, including, but not limited to, any person having generated, treated, transported, stored, or disposed of the pollutant, or any person having arranged for the transportation, storage, treatment or disposal of the pollutant, shall provide, upon receipt of written notice therefor, the following information to the department:

(1) The nature, extent, source, and location of the discharge, or potential discharge;

(2) Identification of the nature, type, quantity, source, and location of the pollutant or pollutants;

(3) The identity of, and other relevant information concerning, the generator or transporter of the pollutant, or any other person subject to liability for the discharge or potential discharge;

(4) The ability of any person liable, or potentially liable, for the discharge, or potential discharge, to pay for, or perform, the cleanup and removal, including the availability of appropriate insurance coverage.

Information requested by the department shall be provided in the form and manner prescribed by the department, which may include documents or information in whatever form stored or recorded.

b. The commissioner may issue subpoenas requiring attendance and testimony under oath of witnesses before, or the production of documents or information, in whatever form stored or recorded, to him or to a representative designated by the commissioner. Service of a subpoena shall be by certified mail or personal service. Any person who fails to appear, give testimony, or produce documents in response to a subpoena issued pursuant to this subsection, shall be subject to the penalty provisions of section 10 of P.L.1977, c.74 (C.58:10A-10). Any person who, having been sworn, knowingly gives false testimony or knowingly gives false documents or information to the department is guilty of perjury and is subject to the penalty provisions of section 10 of P.L.1977, c.74.

c. A person receiving a request for information made pursuant to subsection a. of this section, or to a subpoena issued pursuant to subsection b. of this section, shall:

(1) be required to conduct a diligent search of all documents in his possession, custody or control, and to make reasonable inquir-

ies of present and past employees who may have knowledge or documents relevant thereto;

(2) have a continuing obligation to supplement the information if additional relevant information is discovered, or if it is determined that the information previously provided was false, inaccurate or misleading; and

(3) grant the department access, at reasonable times, to any vessel, facility, property or location to inspect and copy all relevant documents or, at the department's request, copy and furnish to the department all such documents.

d. No person may destroy any records relating to a discharge or potential discharge to surface water within five years of the discharge, or to a discharge or potential discharge to ground water at any time without the prior written permission of the commissioner.

16. Section 4 of P.L.1974, c.169 (C.2A:35A-4) is amended to read as follows:

C.2A:35A-4 Action in court; declaratory and equitable relief; dismissal.

4. a. Any person may commence a civil action in a court of competent jurisdiction against any other person alleged to be in violation of any statute, regulation or ordinance which is designed to prevent or minimize pollution, impairment or destruction of the environment. The action may be for injunctive or other equitable relief to compel compliance with a statute, regulation or ordinance, or to assess civil penalties for the violation as provided by law. The action may be commenced upon an allegation that a person is in violation, either continuously or intermittently, of a statute, regulation or ordinance, and that there is a likelihood that the violation will recur in the future.

b. Except in those instances where the conduct complained of constitutes a violation of a statute, regulation or ordinance which establishes a more specific standard for the control of pollution, impairment or destruction of the environment, any person may commence a civil action in any court of competent jurisdiction for declaratory and equitable relief against any other person for the protection of the environment, or the interest of the public therein, from pollution, impairment or destruction.

c. The court may, on the motion of any party, or on its own motion, dismiss any action brought pursuant to this act which on its face appears to be patently frivolous, harassing or wholly lacking in merit.

17. Section 10 of P.L.1974, c.169 (C.2A:35A-10) is amended to read as follows:

C.2A:35A-10 Counsel and expert witness fees; application of collateral estoppel and res judicata; dismissal of action; use of payments.

10. a. In any action under this act the court may in appropriate cases award to the prevailing party reasonable counsel and expert witness fees, but not to exceed a total of \$50,000 in an action brought against a local agency or the Department of Environmental Protection, where the prevailing party achieved reasonable success on the merits. The fees shall be based on the number of hours reasonably spent and a reasonable hourly rate for the counsel or expert in the action taking into account the prevailing rate in the venue of the action and the skill and experience of the counsel or expert.

b. The doctrines of collateral estoppel and res judicata may be applied by the court to prevent multiplicity of suits.

c. An action commenced pursuant to the provisions of this act may not be dismissed without the express consent of the court in which the action was filed.

d. Except as provided in subsection e. of this section, any payments made pursuant to a settlement or judgment entered in a case brought pursuant to this act shall be used to fund institutions, entities, or activities for purposes consistent with the purposes and goals of the statute, regulation or ordinance at issue in the case. No payment of a settlement or judgment shall be made except upon the submission of a plan to the court by the prevailing party specifying the uses for which the payment will be put, any person or organization that will receive all or part of the payment, and the dollar amounts to be given to each person or organization and the dollar amounts allocated for each use. Recipients of any payments made pursuant to a settlement or judgment shall report to the court on the use of such funds.

e. Any payments made pursuant to a settlement or judgment entered in a case brought against a local agency pursuant to this act to enforce the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.) shall be deposited in the "Wastewater Treatment Fund" established pursuant to subsection a. of section 15 of P.L.1985, c.329.

f. As used in this section "local agency" means a political subdivision of the State or an agency or instrumentality thereof, that owns or operates a municipal treatment works; "treatment works"

means any device or systems, whether public or private, used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. "Treatment works" includes any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems; and "municipal treatment works" means the treatment works of any municipal, county, or State agency or any agency or subdivision created by one or more municipal, county or State governments and the treatment works of any public utility as defined in R.S.48:2-13.

18. Section 7 of P.L.1972, c.42 (C.58:11-55) is amended to read as follows:

C.58:11-55 Enforcement.

7. a. Any person, corporation, or municipality who shall violate any of the provisions of this act or any rules or regulations promulgated thereunder shall be subject to the applicable provisions of section 10 of P.L.1977, c.74 (C.58:10A-10) and section 6 of P.L.1990, c.28 (C.58:10A-10.1), to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law".

b. A public entity operating and controlling a public sewage treatment plant shall, in accordance with subsection a. of this section, enforce any applicable pretreatment standard adopted by the public entity pursuant to section 9 of P.L.1972, c.42 (C.58:11-57), or shall obtain injunctive relief against a violation or threatened violation of a pretreatment standard. A public entity operating and controlling a public sewage treatment plant with pretreatment standards adopted by the commissioner pursuant to section 3 of P.L.1972, c.42 (C.58:11-51), may enforce applicable pretreatment

standards in accordance with subsection a. of this section, or obtain injunctive relief as provided in this subsection. The action shall be brought in the name of the local public entity. Of the amount of any penalty assessed and collected pursuant to subsection a. of this section, 10% shall be deposited in the "Wastewater Treatment Operators' Training Account," established in accordance with section 13 of P.L.1990, c.28 (C.58:10A-14.5), and used to finance the cost of training operators of public sewage treatment plants. The remainder shall be used by the local agency solely for enforcement purposes, and for upgrading treatment works.

19. Section 16 of P.L.1976, c.141 (C.58:10-23.11o) is amended to read as follows:

C.58:10-23.11o Disbursement of moneys from fund; purposes.

16. Moneys in the New Jersey Spill Compensation Fund shall be disbursed by the administrator for the following purposes and no others:

(1) Costs incurred under section 7 of P.L.1976, c.141 (C.58:10-23.11f);

(2) Damages as defined in section 8 of P.L.1976, c.141 (C.58:10-23.11g);

(3) Such sums as may be necessary for research on the prevention and the effects of spills of hazardous substances on the marine environment and on the development of improved cleanup and removal operations as may be appropriated by the Legislature; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;

(4) Such sums as may be necessary for the boards, general administration of the fund, equipment and personnel costs of the department and any other State agency related to the enforcement of P.L.1976, c.141 as may be appropriated by the Legislature;

(5) Such sums as may be appropriated by the Legislature for research and demonstration programs concerning the causes and abatement of ocean pollution; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;

(6) Such sums as may be requested by the commissioner, up to a limit of \$400,000.00 per year, to cover the costs associated with the administration of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.);

(7) Costs attributable to the department's obligation to defend and indemnify a contractor pursuant to subsection a. of section 7 of

P.L.1976, c.141 (C.58:10-23.11f), subject to the appropriation by law of moneys from the General Fund to the fund to defray these costs;

(8) Administrative costs incurred by the department to implement the provisions of P.L.1977, c.74 (C.58:10A-1 et seq.), as amended and supplemented by P.L.1990, c.28 (C.58:10A-10.1 et al.), on a timely basis, except that the amounts used for this purpose shall not exceed \$2,000,000. Any moneys disbursed by the department from the fund for this purpose shall be repaid to the fund in equal amounts from the penalties collected by the department pursuant to P.L.1977, c.74 and P.L.1990, c.28 (C.58:10A-10.1 et al.), in annual installments beginning July 1, 1991 and annually thereafter until the full amount is repaid according to a schedule of repayments determined by the State Treasurer.

The Treasurer may invest and reinvest any moneys in said fund in legal obligations of the United States, this State or any of its political subdivisions. Any income or interest derived from such investment shall be included in the fund.

20. This act shall take effect July 1, 1991, except that this section, subsection i. of section 6 of P.L.1977, c.74 (C.58:10A-6) as amended by section 3 of this act, subsection f. of section 10 of P.L.1977, c.74 (C.58:10A-10) as amended by section 5 of this act, and sections 12, 13 and 19, shall take effect immediately, and subsections d. and e. of section 7 of P.L.1977, c.74 (C.58:10A-7) as amended by section 4 of this act shall take effect July 1, 1992. The Department of Environmental Protection shall take any administrative actions necessary to implement the provisions of this act on and after the effective dates.

Approved May 23, 1990.

CHAPTER 29

AN ACT increasing penalties for violations of certain fish and game laws, establishing a remedial sportsmen education program, amending P.L.1955, c.96, R.S.23:4-16, R.S.23:7-1, R.S.23:7-2, R.S.23:7-3, P.L.1954, c.38, and P.L.1957, c.196, and repealing R.S.23:7-4.

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

1. Section 2 of P.L.1955, c.96 (C.23:3-22.1) is amended to read as follows:

C.23:3-22.1 Appeal to council by aggrieved person.

2. Any person aggrieved by the voiding of a fishing license, hunting license, bow and arrow license, or any other license held by that person for a second conviction of a violation of the fish and game laws of this or any other State, or of any provisions of the State Fish and Game Code of this State, or for conviction of negligently causing injury or death to another by gunfire, bow and arrow, or other weapon, may appeal to the Fish and Game Council for an order restoring such license. If the council, after hearing shall, in its discretion, determine that by reason of the minor nature of the violations involved, or of other extenuating circumstances, such license should be restored, it shall direct the director to cause to be endorsed upon said license that the same has been restored and to return such license to said person, but only if the person first completes, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3). Thereafter said license shall be in full force and effect and licenses may be issued to such person notwithstanding said hunting accident or said second conviction, but said conviction shall be counted as a second conviction in determining a third or subsequent conviction.

2. R.S.23:4-16 is amended to read as follows:

Prohibited hunting practices; penalty.

23:4-16. a. No person, either in or on a motor vehicle or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a motor vehicle or vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy wildlife.

b. No person shall use any portable light or lights for the purpose of hunting for any wildlife excepting raccoon and opossum, or other species as provided by the State Game Code.

c. No person shall, for the purpose of hunting, taking or killing any wildlife, cast an arrow or discharge any firearm from or across any State, county, municipal, or publicly travelled road or highway.

d. No person, except the owner or lessee of the building and persons specifically authorized by him in writing, which writing shall be in the person's possession, shall, for the purpose of hunting, taking or killing any wildlife, have in his possession a loaded firearm or nocked arrow while within 450 feet of any occupied building in this State, or of any school playground. For the purposes of this section, "occupied building" means any building constructed or adapted for overnight accommodation of a person, or for operating a business or engaging in an activity therein, whether or not a person is actually present.

e. A person who violates subsection a., b., or c. of this section shall be liable to a civil penalty of not less than \$100.00 nor more than \$200.00 for the first offense, and not less than \$200.00 nor more than \$500.00 for each subsequent offense. A person who violates subsection d. of this section shall be liable to a civil penalty of not less than \$100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$1,500.00 and permanent revocation of all license certificates required, and all privileges, to take or possess wildlife for each subsequent offense.

3. R.S.23:7-1 is amended to read as follows:

Trespassing prohibited; posting notice; private notice; penalties.

23:7-1. A person who trespasses on the lands of another for the purpose of hunting, fishing, trapping, or taking wildlife, or attempting to hunt, fish, trap, or take wildlife, after notice bearing the name of the owner, occupant, or lessee thereof, forbidding the trespass, has been conspicuously posted by the owner, occupant, or lessee with intervisible signs displayed not fewer than ten to a mile along the exterior boundaries and at all roads, trails and rights-of-way entering such land, or after having been forbidden so to trespass by the owner, occupant, or lessee, shall be liable to a civil penalty of not less than \$100.00 nor more than \$200.00 for the first offense, and not less than \$200.00 nor more than \$500.00 and the suspension of all license certificates required, and all privileges, to take or possess wildlife for a period of five years, in addition to any applicable penalty prescribed pursuant to R.S.23:3-22, for each subsequent offense.

A license certificate or privilege suspended pursuant to this section shall not be reinstated until the holder thereof has first completed, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program

established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3).

C.23:7-1.1 Littering prohibited; penalty.

4. A person entering the lands of another for the purpose of hunting, fishing, trapping, or taking wildlife, or attempting to hunt, fish, trap, or take wildlife, who litters, dumps, or discards refuse of any kind shall be liable to a civil penalty of not less than \$25.00 nor more than \$500.00 for each offense.

5. R.S.23:7-2 is amended to read as follows:

Arrest of offender; trial; failure to show permit.

23:7-2. A person violating the provisions of R.S.23:7-1 may be arrested without warrant by the owner, occupant, lessee, or any police officer and taken for trial before any Superior Court or municipal court which shall have jurisdiction to try such offender.

In a prosecution in a court of competent jurisdiction for violation hereof, the failure of the defendant to produce written permission to hunt, fish, trap, or take wildlife, as the case may be, on the lands on which he is charged with trespassing, signed by the owner, occupant, or lessee thereof, shall be prima facie proof that he was forbidden so to trespass.

6. R.S.23:7-3 is amended to read as follows:

Causing injury to property while hunting or fishing; penalties.

23:7-3. A person who, while hunting, fishing, trapping, or taking wildlife, causes or assists in causing damage or injury to real or personal property of another, including pet animals, shall be liable to a civil penalty not to exceed \$2,000.00, which sum shall be paid to the Division of Fish, Game and Wildlife for deposit in the hunters' and anglers' license fund established pursuant to R.S. 23:3-11, and (1) for a first offense, suspension of all license certificates required, and all privileges, to take or possess wildlife for a period of five years, or (2) for a second offense, permanent revocation of all such license certificates and privileges. A court may also order the violator to pay restitution to the victim for any such damage or injury caused.

A license certificate or privilege suspended pursuant to this section shall not be reinstated until the holder thereof has first

completed, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3).

7. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as follows:

C.23:7-9 Actions forbidden on property under State control; penalty.

1. With respect to or on property under the control of the Division of Fish, Game and Wildlife, no person may:

- a. remove or disturb any vegetation, soil, water, minerals, or other property of the State; or
- b. litter, dump, or discard refuse of any kind; or
- c. cause injury or damage to any equipment, structure, building, or other property; or
- d. use such property contrary to regulations established by the division.

A person who violates this section shall be liable to a civil penalty of not less than \$50.00 nor more than \$200.00 for each offense, unless the pecuniary gain to the violator or the injury or damage to property exceeds \$100.00, in which case the civil penalty shall be three times the amount of that gain or injury or damage to property. In addition, for each subsequent violation, all license certificates required, and all privileges, to take or possess wildlife shall be suspended for a period of five years.

A license certificate or privilege suspended pursuant to this section shall not be reinstated until the holder thereof has first completed, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3).

8. Section 3 of P.L.1957, c.196 (C.23:9A-1) is amended to read as follows:

C.23:9A-1 Penalty for injury or death caused by negligent use of weapon.

3. A person engaged in hunting, fishing, trapping, or taking wildlife, who, through the negligent use of a firearm, bow and arrow, or other weapon shall cause injury or death to another person, shall be liable to a civil penalty of not less than \$500.00 nor

more than \$2,000.00 and suspension of all license certificates, and all privileges, to take or possess wildlife for a period of five years for a first offense, and not less than \$1,000.00 nor more than \$4,000.00 and permanent revocation of all such license certificates and privileges for each subsequent offense.

A license certificate or privilege suspended pursuant to this section shall not be reinstated until the holder thereof has first completed, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3).

C.23:9A-2 Misuse of weapon while hunting; penalty.

9. A person engaged in hunting, fishing, trapping, or taking wildlife who shoots or discharges a firearm, bow and arrow, or other weapon in a careless manner or without due caution and circumspection shall be liable to a civil penalty of not less than \$100.00 nor more than \$500.00 and the suspension of all license certificates, and all privileges, to take or possess wildlife for a period of two years, in addition to any suspension required under the authority of R.S.23:3-22.

A license certificate or privilege suspended pursuant to this section shall not be reinstated until the holder thereof has first completed, to the satisfaction of the Division of Fish, Game and Wildlife, the approved remedial sportsmen education program established and conducted by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-22.3).

C.23:3-22.2 Establishment of range of costs for replacement value of animals possessed in violation of law.

10. The Commissioner of Environmental Protection shall establish a range of costs incurred by the department for the replacement value of any animal taken or possessed in violation of law. In addition to the civil and other penalties and costs imposed for a violation of law enforced by the department, a court may assess the violator thereof for costs pursuant to the schedule established pursuant to this section, which sums shall be paid to the Division of Fish, Game and Wildlife for deposit in the hunters' and anglers' license fund established pursuant to R.S.23:3-11.

a. The commissioner shall establish costs within the following ranges:

New Jersey State Library

(1) Animals for which open or closed seasons or methods of taking have been prescribed in the State Game Code \$20.00 to \$2,000.00.

(2) Fish for which open or closed seasons or methods of taking have been prescribed in the State Fish Code \$20.00 to \$200.00.

(3) Nongame or exotic wildlife as listed in the New Jersey Administrative Code \$20.00 to \$500.00.

(4) Potentially dangerous species of nongame or exotic wildlife as listed or described in the New Jersey Administrative Code \$20.00 to \$500.00.

(5) Endangered species as listed in the New Jersey Administrative Code \$500.00 to \$5,000.00.

(6) Marine finfish \$20.00 to \$500.00.

(7) Marine shellfish \$20.00 to \$200.00.

(8) Lobster \$20.00 to \$200.00.

b. The commissioner may, 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 this section.

C.23:4-24.1a Improper transportation of firearm in motor vehicle; penalty.

11. In addition to the requirements of section 1 of P.L.1939, c.172 (C.23:4-24.1), no person may transport, possess, or have in their control a firearm in a motor vehicle unless the firearm is unloaded and contained in a closed and securely fastened case, or locked in the trunk of the motor vehicle. A person violating this section shall be liable to a civil penalty of not less than \$50.00 nor more than \$200.00.

C.23:3-22.3 Remedial sportsmen education program; established.

12. The Division of Fish, Game and Wildlife shall establish and conduct a remedial sportsmen education program.

Repealer.

13. R.S.23:7-4 is repealed.

14. This act shall take effect immediately.

Approved May 24, 1990.

CHAPTER 30

AN ACT concerning identification cards for the disabled and amending P.L.1980, c.47.

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

1. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as follows:

C.39:3-29.5 Expiration of card; renewal; cards for blind, disabled, or handicapped valid for life.

4. Each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 48 calendar months from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the Division of Motor Vehicles, and upon payment of a fee as required by section 6 of this act. An identification card issued pursuant to this act to an applicant who is blind, disabled, or handicapped shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of this amendatory act shall be valid for the life of the holder unless canceled by the holder. Cards issued to blind, disabled or handicapped persons between October 16, 1989 and the effective date of this amendatory act, and which are valid on the effective date of this act, shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the blindness, disability, or handicap existed at the time of the original application. The director is authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder.

2. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards for disabled; issuance; contents.

2. The Division of Motor Vehicles shall issue an identification card to any resident of the State who is 17 years of age or older and who is not the holder of a valid learner's permit or a valid driver's license. The identification card shall attest to the true

name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be supported by such documentary evidence of the age and identity, or blindness, disability, or handicap, of such person as the division may require.

3. This act shall take effect immediately.

Approved May 24, 1990.

CHAPTER 31

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, 1989 and regulating the disbursement thereof," approved June 30, 1990 (P.L.1989, c.122).

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 in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environment Management

41 Community Development Management

02-8020 Housing Services.\$7,746,900

Special Purpose:

Housing Voucher Demonstration. (\$1,081,900)

Grants:

Housing Voucher Demonstration (\$6,665,000)

2. This act shall take effect immediately.

Approved May 24, 1990.

CHAPTER 32

AN ACT concerning assault firearms, amending various parts of the statutory law and supplementing chapter 58 of Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:39-1 is amended to read as follows:

Definitions.

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

- a. "Antique firearm" means any firearm and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the firearm or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

- b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

- c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

- d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to pro-

duce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type

Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms
 PJK M-68 carbine type
 Plainfield Machine Company Carbine
 Ruger K-Mini-14/5F and Mini-14/5RF
 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
 SKS with detachable magazine type
 Spectre Auto carbine type
 Springfield Armory BM59 and SAR-48 type
 Sterling MK-6, MK-7 and SAR types
 Steyr A.U.G. semi-automatic firearms
 USAS 12 semi-automatic type shotgun
 Uzi type semi-automatic firearms
 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
 Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

2. N.J.S.2C:39-5 is amended to read as follows:

Unlawful possession of weapons.

2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for

use as a machine gun, without being licensed to do so as provided in section 2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun without first having obtained a permit to carry the same as provided in section 2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

f. Assault firearms. Any person who knowingly has in his possession an assault firearm is guilty of a crime of the third degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

3. 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, ballistic 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 subsection d. of N.J.S.2C:39-5, 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 paragraph (2) of subsection f. of N.J.S.2C:39-3 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.

g. Assault firearms. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of an assault firearm without being registered or licensed to do so pursuant to N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine 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.

4. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relating to firearms; false representation in applications.

2C:39-10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.

a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1),

retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth degree.

5. Section 1 of P.L.1983, c.515 (C.2C:39-15) is amended to read as follows:

C.2C:39-15 Gun advertising requirement.

1. Any person who offers to sell a machine gun, semi-automatic rifle, or assault firearm by means of an advertisement published in a newspaper circulating within this State, which advertisement does not specify that the purchaser shall hold a valid license to purchase and possess a machine gun or assault firearm, or a valid firearms identification card to purchase and possess an automatic or semi-automatic rifle, is a disorderly person.

6. N.J.S.2C:43-6 is amended to read as follows:

Sentence of imprisonment for crime; ordinary terms; mandatory terms.

2C:43-6. Sentence of Imprisonment for Crime; Ordinary Terms; Mandatory Terms. a. Except as otherwise provided, a person who

has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been

previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

e. A person convicted of a third or subsequent offense involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S.2C:44-3 if the provisions of that section are applicable to the offender.

f. A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S.2C:35-5, of maintaining or operating a controlled dangerous substance production facility under N.J.S.2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S.2C:35-6, leader of a narcotics trafficking network under N.J.S.2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L.1987, c.101 (C.2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by subsection c. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S.2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, not less than seven years if the person is convicted of a violation of N.J.S.2C:35-6, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The court shall not impose an extended term pursuant to this subsection unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish the ground therefor by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

For the purpose of this subsection, a previous conviction exists where the actor has at any time been convicted under chapter 35 of this title or Title 24 of the Revised Statutes or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of P.L.1987, c.101 (C.2C:35-7).

g. Any person who has been convicted under subsection a. of N.J.S.2C:39-4 of possessing a machine gun or assault firearm with intent to use it against the person of another, or of a crime under any of the following sections: N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5, N.J.S.2C:35-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a machine gun or assault firearm shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at 10 years for a crime of the first or second degree, five years for a crime of the third degree, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for crimes of the first degree.

A person who has been convicted of an offense enumerated in this subsection and who used or possessed a machine gun or assault firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of any firearm as defined in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an extended term as authorized by subsection d. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court.

h. The court shall not impose a mandatory sentence pursuant to subsection g. of this section, subsections d. of N.J.S.2C:43-7 or N.J.S.2C:44-3, unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a machine gun or assault firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

7. N.J.S.2C:43-7 is amended to read as follows:

Sentence of imprisonment for crime; extended terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms. a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In case of aggravated manslaughter sentenced under subsection c. of N.J.S.2C:11-4 or kidnapping when sentenced as a crime of the first degree under paragraph (1) of subsection c. of 2C:13-1 for a specific term of years which shall be between 30 years and life imprisonment;

(2) Except for the crime of murder and except as provided in paragraph (1) of this subsection, in the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between five and 10 years;

(5) In the case of a crime of the fourth degree pursuant to 2C:43-6c. and 2C:44-3d. for a term of five years, and in the case of a crime of the fourth degree pursuant to 2C:43-6f. for a term which shall be fixed by the court between three and five years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a. during which the defendant shall not be eligible for parole or a term of 25 years during which time the defendant shall not be eligible for parole where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a. (2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall, except as may be specifically provided by N.J.S.2C:43-6f., be fixed at or between one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted for a violation of N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

d. In the case of a person sentenced to an extended term pursuant to N.J.S.2C:43-6g., the court shall impose a sentence within the ranges permitted by N.J.S.2C:43-7a.(2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall be fixed at 15 years for a crime of the first or second degree, eight years for a crime of the third degree, or five years for a crime of the fourth degree during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted of a violation of N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

8. N.J.S.2C:44-3 is amended to read as follows:

Criteria for sentence of extended term of imprisonment.

2C:44-3. Criteria for Sentence of Extended Term of Imprisonment.

The court may, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime of the first, second or third degree to an extended term of imprisonment if it finds one or more of the grounds specified in this section. If the grounds specified in subsection d. are found, and the person is being sentenced for commission of any of the offenses enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall sentence the defendant to an extended term as required by

N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the prosecutor shall not be required. The finding of the court shall be incorporated in the record.

a. The defendant is a persistent offender. A persistent offender is a person who at the time of the commission of the crime is 21 years of age or over, who has been previously convicted on at least two separate occasions of two crimes, committed at different times, when he was at least 18 years of age, if the latest in time of these crimes or the date of the defendant's last release from confinement, whichever is later, is within 10 years of the date of the crime for which the defendant is being sentenced.

b. The defendant is a professional criminal. A professional criminal is a person who committed a crime as part of a continuing criminal activity in concert with two or more persons, and the circumstances of the crime show he has knowingly devoted himself to criminal activity as a major source of livelihood.

c. The defendant committed the crime as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value the amount of which was unrelated to the proceeds of the crime or he procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

d. Second offender with a firearm. The defendant is at least 18 years of age and has been previously convicted of any of the following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or has been previously convicted of an offense under Title 2A of the New Jersey Statutes which is equivalent of the offenses enumerated in this subsection and he used or possessed a firearm, as defined in 2C:39-1f., in the course of committing or attempting to commit any of these crimes, including the immediate flight therefrom.

9. N.J.S.2C:58-5 is amended to read as follows:

Licenses to possess and carry machine guns and assault firearms.

2C:58-5. Licenses to Possess and Carry Machine Guns and Assault Firearms.

a. Any person who desires to purchase, possess and carry a machine gun or assault firearm in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The Superior Court shall refer the application to

the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant intends to carry the machine gun or assault firearm, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a permit to carry a handgun under section 2C:58-4, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire one year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the Superior Court, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

f. A filing fee of \$75.00 shall be required for each application filed pursuant to the provisions of this section. Of this filing fee, \$25.00 shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

g. Any license granted pursuant to the provisions of this section shall expire two years from the date of issuance and may be renewed in the same manner and under the same conditions as

apply to original applications. If the holder of a license dies, the holder's heirs or estate shall have 90 days to dispose of that firearm as provided in section 12 of P.L.1990, c.32 (C.2C:58-13).

h. If an assault firearm licensed pursuant to the provisions of this section is used in the commission of a crime, the holder of the license for that assault firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply if the assault firearm used in the commission of the crime was stolen and the license holder reported the theft of the firearm to law enforcement authorities within 24 hours of the license holder's knowledge of the theft.

i. Nothing in P.L.1990, c.32 (C.2C:58-12 et al.) shall be construed to abridge any exemptions provided under N.J.S.2C:39-6.

10. 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, ballistic knife, 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 subsection f. of N.J.S.2C:39-6, 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 subsection a., b., c., d., e., f., or j. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to 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. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply 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. or in subsection j. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large capacity ammunition magazine at its licensed premises for sale or disposi-

tion 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.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of N.J.S.2C:39-6.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

i. Nothing in subsection e. of this section shall be construed to prevent any guard in the employ of a private security company, who is licensed to carry a firearm, from the possession of a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course approved by the Police Training Commission in the use of a nightstick.

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

C.2C:58-12 Registration of assault firearms.

11. a. Within 90 days of the effective date of P.L.1990, c.32 (C.2C:58-12 et al.), the Attorney General shall promulgate a list by trade name of any assault firearm which the Attorney General determines is an assault firearm which is used for legitimate target-shooting purposes. This list shall include, but need not be limited to, the Colt AR-15 and any other assault firearm used in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

b. The owner of an assault firearm purchased on or before May 1, 1990 which is on the list of assault firearms determined by the Attorney General to be legitimate for target-shooting purposes shall have one year from the effective date of P.L.1990,

c.32 (C.2C:58-12 et al.) to register that firearm. In order to register an assault firearm, the owner shall:

- (1) Complete an assault firearm registration statement, in the form to be prescribed by the Superintendent of the State Police;
- (2) Pay a registration fee of \$50.00 per each assault firearm;
- (3) Produce for inspection a valid firearms purchaser identification card, a valid permit to carry handguns, or a copy of the permit to purchase a handgun which was used to purchase the assault firearm which is being registered; and
- (4) Submit valid proof that the person is a member of a rifle or pistol club in existence prior to the effective date of P.L.1990, c.32 (C.2C:58-12 et al.).

Membership in a rifle or pistol club shall not be considered valid unless the person joined the club no later than 210 days after the effective date of P.L.1990, c.32 (C.2C:58-12 et al.) and unless the rifle or pistol club files its charter with the Superintendent no later than 180 days following the effective date of P.L.1990, c.32 (C.2C:58-12 et al.). The rifle or pistol club charter shall contain the name and address of the club's headquarters and the name of the club's officers.

The information to be provided in the registration statement shall include, but shall not be limited to: the name and address of the registrant; the number or numbers on the registrant's firearms purchaser identification card, permit to carry handguns, or permit to purchase a handgun; the name, address, and telephone number of the rifle or pistol club in which the registrant is a member; and the make, model, and serial number of the assault firearm being registered. Each registration statement shall be signed by the registrant, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement.

c. For an applicant who resides in a municipality with an organized full-time police department, the registration shall take place at the main office of the police department. For all other applicants, the registration shall take place at any State Police station.

d. Within 60 days of the effective date of P.L.1990, c.32 (C.2C:58-12 et al.), the Superintendent shall prepare the form of registration statement as described in subsection b. of this section and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

e. One copy of the completed assault firearms registration statement shall be returned to the registrant, a second copy shall be sent to the Superintendent, and, if the registration takes place

at a municipal police department, a third copy shall be retained by that municipal police department.

f. If the owner of an assault firearm which has been registered pursuant to this section dies, the owner's heirs or estate shall have 90 days to dispose of that firearm in accordance with section 12 of P.L.1990, c.32 (C.2C:58-13).

g. If an assault firearm registered pursuant to the provisions of this section is used in the commission of a crime, the registrant of that assault firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply if the assault firearm used in the commission of the crime was stolen and the registrant reported the theft of the firearm to law enforcement authorities within 24 hours of the registrant's knowledge of the theft.

h. Of the registration fee required pursuant to subsection b. of this section, \$20.00 shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

C.2C:58-13 Transfer of assault firearm to another; rendering inoperable; voluntarily surrendering.

12. a. Any person who legally owns an assault firearm on the effective date of this act and who is unable to register or chooses not to register the firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) may retain possession of that firearm for a period not to exceed one year from the effective date of this act. During this time period, the owner of the assault firearm shall either:

- (1) Transfer the assault firearm to any person or firm lawfully entitled to own or possess such firearm;
- (2) Render the assault firearm inoperable; or
- (3) Voluntarily surrender the assault firearm pursuant to the provisions of N.J.S.2C:39-12.

b. If the owner of an assault firearm elects to render the firearm inoperable, the owner shall file a certification on a form prescribed by the Superintendent of the State Police indicating the date on which the firearm was rendered inoperable. This certification shall be filed with either the chief law enforcement officer of the municipality in which the owner resides or, in the case of an owner who resides outside this State but stores or pos-

sesses an assault firearm in this State, with the Superintendent of the State Police.

c. As used in this section, "inoperable" means that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable.

C.2C:58-14 Annual report on assault firearms.

13. Within 180 days of the enactment of P.L.1990, c.32 (C.2C:58-12 et al.), and annually thereafter, the Attorney General shall present a report to the Legislature which includes the types and quantities of firearms surrendered or rendered inoperable pursuant to section 12 of this act and the number and types of criminal offenses involving assault firearms and any recommendations, including additions or deletions to the inventory of assault firearms delineated in N.J.S.2C:39-1, which the Attorney General believes should be considered by the Legislature.

14. This act shall take effect immediately.

Approved May 30, 1990.

CHAPTER 33

AN ACT concerning vacancies on boards of chosen freeholders, amending R.S.19:27-11, supplementing chapter 20 of Title 40 of the Revised Statutes and P.L.1972, c.154 (C.40:41A-1 et seq.), and repealing sections 1 and 2 of P.L.1979, c.340 and section 15 of P.L.1978, c.141.

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

1. R.S.19:27-11 is amended to read as follows:

Filling vacancies in county and municipal offices.

19:27-11. In the event of any vacancy in any county or municipal office, except for the office of a member of the board of chosen freeholders, which vacancy shall occur after the 11th day

preceding the last day for filing petitions for nominations for the primary election and on or before the 51st day preceding the general election, each political party may select a candidate for the office in question in the manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection shall be filed with the county clerk not later than the close of business of the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party as before provided, candidates may also be nominated by petition in a similar manner as herein provided for direct nomination by petition for the general election but the petition shall be filed with the county clerk at least 48 days prior to such general election.

When the vacancy occurs in a county office the county clerk shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board, and in case the vacancy occurs in a municipal office the municipal clerk shall forthwith give notice thereof to the county clerk, the chairman of the county committee of each political party and in counties of the first class the county board.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

2. Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

C.40:20-35.11a Vacancy on board of chosen freeholders eligible to be filled by election.

When any vacancy occurs on the board of chosen freeholders otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chap-

ter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

3. Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

C.40:20-35.11b Selection of interim successor.

In the case of a vacancy occurring with respect to a member of the board of chosen freeholders who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of chosen freeholders, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section

2 of this act at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of his election thereto. The interim successor shall be selected by the appropriate political party's county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections, and a statement of the selection of that successor shall be certified to and filed with the county clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

4. Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

C.40:20-35.11c Nomination of candidate from floor.

Members of the political party's county committee who are empowered to select a candidate for the vacated office shall only nominate a candidate from the floor during the selection meeting called under R.S.19:13-20 by the chairman or chairmen of the committee and shall present written evidence of the nominee's acceptance of the nomination.

5. P.L.1972, c.154 (C.40:41A-1 et seq.) is supplemented as follows:

C.40:41A-145.1 Election to fill vacancy on board of chosen freeholders.

When any vacancy occurs on the board of chosen freeholders otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day

for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

6. P.L.1972, c.154 (C.40:41A-1 et seq.) is supplemented as follows:

C.40:41A-145.2 Interim successor selected by appropriate political party.

In the case of a vacancy occurring with respect to a member of the board of chosen freeholders who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of chosen freeholders, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 5 of this act at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of his election thereto. The interim successor shall be selected by the

appropriate political party's county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections, and a statement of the selection of that successor shall be certified to and filed with the county clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

7. P.L.1972, c.154 (C.40:41A-1 et seq.) is supplemented as follows:

C.40:41A-145.3 Selection from floor by county committee.

Members of the political party's county committee who are empowered to select a candidate for the vacated office shall only nominate a candidate from the floor during the selection meeting called under R.S.19:13-20 by the chairman or chairmen of the committee and shall present written evidence of the nominee's acceptance of the nomination.

Repealer.

8. Sections 1 and 2 of P.L.1979, c.340 (C.40:20-35.10 and C.40:20-35.11) and section 15 of P.L.1978, c.141 (C.40:41A-145) are repealed.

9. This act shall take effect immediately.

Approved June 4, 1990.

CHAPTER 34

AN ACT concerning the Joint Committee on the Public Schools and amending P.L.1975, c.16.

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

1. Section 1 of P.L.1975, c.16 (C.52:9R-1) is amended to read as follows:

C.52:9R-1 Joint Committee on the Public Schools; creation; membership; appointment; compensation; vacancies.

1. There is hereby created a committee to be known as the "Joint Committee on the Public Schools." The committee shall consist of seven members of the Senate, including two members of the Senate Education Committee, to be appointed by the President of the Senate and seven members of the Assembly, including two members of the Assembly Education Committee, to be appointed by the Speaker of the General Assembly. No more than four of the members from each House shall be of the same political party. All members shall serve without compensation and vacancies in the membership of the committee shall be filled in the same manner as the original appointments are made.

2. This act shall take effect immediately.

Approved June 11, 1990.

CHAPTER 35

AN ACT concerning the sale of school district property and supplementing chapter 20 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:20-9.2 Sale of school property to nonprofit private school for the handicapped.

1. Whenever any board of education shall by resolution determine that any tract of land is no longer desirable or necessary for public school purposes it may authorize the conveyance thereof, at no less than the fair market price, whether there is a building thereon or not, to a nonprofit private school for the handicapped duly incorporated under the laws of the State of New Jersey. As used in this section, market price shall equal the median of two or more appraisals conducted by qualified real estate appraisers. The president and secretary of the board shall be authorized to execute and deliver a conveyance for the same in the name and under the seal of the board, which conveyance may, in the discretion of the board, be made subject to a condition or limitation that said land

shall be used by such nonprofit private school for the handicapped and in the event that the property shall cease to be used for the purposes contemplated by this section, such property shall first be offered for resale to the board of education making the conveyance thereof hereunder at the market price current at the time of resale.

2. This act shall take effect immediately.

Approved June 11, 1990.

CHAPTER 36

AN ACT concerning employee physical examinations in nursing homes and supplementing P.L.1976, c.120 (C.30:13-1 et seq.).

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

C.30:13-12 Definition.

1. As used in this act, "Mantoux tuberculin skin test" means a test for evidence of tuberculosis infection involving the intracutaneous injection of five tuberculin units of purified protein derivative.

C.30:13-13 Nursing home employees required to be given Mantoux tuberculin skin test.

2. A nursing home as defined in section 2 of P.L.1976, c.120 (C.30:13-2) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall require in its written policies and procedures that each current employee be given a Mantoux tuberculin skin test, and that each new employee be given the test at the time he commences his employment.

If a nursing home has documentation for an employee of a Mantoux tuberculin skin test reaction of ten or more millimeters of induration, the nursing home shall exempt the employee from further tuberculin skin testing.

C.30:13-14 Requirements of testing program.

3. The testing program established pursuant to this act shall be subject to the same requirements as the existing tuberculosis examination program for employees of general hospitals and special hospitals established by the State Department of Health pursuant to the authority granted by P.L.1971, c.136 (C.26:2H-1 et seq.).

C.30:13-15 Rules, regulations.

4. The Commissioner of Health shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) adopt rules and regulations necessary to effectuate the purposes of this act.

5. This act shall take effect immediately.

Approved June 13, 1990.

CHAPTER 37

AN ACT regarding the rights of tenants and landlords and amending P.L.1975, c.310.

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

1. Section 3 of P.L.1975, c.310 (C.46:8-45) is amended to read as follows:

C.46:8-45 Statement of legal rights and responsibilities of tenants and landlords of rental dwelling units.

3. a. The department shall, as soon as practicable and annually thereafter, after public hearing, prepare and make available at cost to the public a statement, in a form and size suitable for posting and distributing pursuant to the provisions of this act, of the primary clearly established legal rights and responsibilities of tenants and landlords of rental dwelling units. This statement shall be printed in both the English and Spanish languages. The statement shall serve as an informational document, and nothing

therein shall be construed as binding on or affecting a judicial determination under section 6 of this act of what constitutes a lease provision which violates clearly established legal rights of tenants or responsibilities of landlords.

b. Where practical considerations make it necessary for the department to limit the extent of the statement, items to be included shall be selected on the basis of the importance of their inclusion in protecting the rights of the public.

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

Approved June 13, 1990.

CHAPTER 38

AN ACT concerning organization of special services school boards and amending P.L.1971, c.271.

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

1. Section 9 of P.L.1971, c.271 (C.18A:46-37) is amended to read as follows:

C.18A:46-37 Organization.

9. Each board of education for a county special services school district shall organize annually by the election of a president and vice-president on any day, except a Sunday, during the first two weeks of July.

2. This act shall take effect immediately.

Approved June 13, 1990.

CHAPTER 39

AN ACT concerning the taxation of cigarettes and other tobacco products, supplementing Title 54 of the Revised Statutes, amending P.L.1982, c.40, amending and supplementing P.L.1948, c.65 and repealing section 4 of P.L.1982, c.40.

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

C.54:40B-1 Short title.

1. Sections 1 through 14 of this act shall be known and may be cited as the “Tobacco Products Wholesale Sales and Use Tax Act.”

C.54:40B-2 Definitions.

2. As used in sections 2 through 14 and section 20 of this act:

“Consumer” means a person except a distributor, manufacturer or wholesaler who acquires a tobacco product for consumption, storage or use in this State;

“Director” means the Director of the Division of Taxation in the Department of the Treasury;

“Distributor” means a person, wherever resident or located, who brings or causes to be brought into this State a tobacco product purchased directly from the manufacturer thereof and receives, stores, sells or otherwise disposes of the same after it reaches this State;

“Manufacturer” means a person, wherever resident or located, who manufactures or produces, or causes to be manufactured or produced, a tobacco product and sells, uses, stores or distributes the product regardless of whether it is intended for sale, use or distribution within or without this State;

“Person” means an individual, firm, corporation, copartnership, joint venture, association, receiver, trustee, guardian, executor, administrator, or any other person acting in a fiduciary capacity, or an estate, trust or group or combination acting as a unit, the State Government and any political subdivision thereof, and the plural as well as the singular, unless the intention to give a more limited meaning is disclosed by the context;

“Place of business” means a place where a tobacco product is sold or where a tobacco product is brought or kept for the purpose of sale or consumption, including so far as may be applicable a vessel, vehicle, airplane, train or vending machine;

“Receipt” means the sale price of a tobacco product valued in money, whether received in money or otherwise, including early payment discounts, and without any deduction or exclusion for expenses or costs whatsoever;

“Retail dealer” means a person who is engaged in this State in the business of selling any tobacco product at retail. A person placing a tobacco product vending machine at, or on any premises shall be deemed to be a retail dealer for each vending machine;

“Sale” means any sale, transfer, exchange, barter, or gift, in any manner or by any means whatsoever;

“Tobacco product” means any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and snuff, but does not include cigarette as defined in section 102 of the “Cigarette Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.);

“Treasurer” means the State Treasurer;

“Use” means the exercise of any right or power incidental to the ownership of a tobacco product, including a sale at retail; and

“Wholesaler” means a person, wherever resident or located, other than a distributor as defined herein, who:

a. purchases tobacco products from any other person who purchases from the manufacturer and who acquires tobacco products solely for the purpose of bona fide resale to retail dealers or to other persons for the purposes of resale only; or

b. services retail outlets by the maintenance of an established place of business for the purchase of tobacco products including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of tobacco products.

C.54:40B-3 24% tax imposed on wholesale sale of tobacco product.

3. a. There is imposed a tax of 24% upon the receipts from every sale of a tobacco product by a distributor or a wholesaler to a retail dealer or consumer.

b. Unless a tobacco product has already been or will be subject to the wholesale sales tax imposed in subsection a. of this section, if a distributor or wholesaler uses a tobacco product within this State, there is imposed upon the distributor or wholesaler a compensating use tax of 24% measured by the sales price of a similar tobacco product to a retail dealer.

c. Unless a wholesale use tax is due pursuant to subsection b. of this section, if a distributor or wholesaler has not collected the

wholesale sales tax imposed in subsection a. of this section upon a sale that is subject to the wholesale sales tax imposed in that subsection a., there is imposed upon the retail dealer or consumer chargeable for the sale a compensating use tax of 24% of the price paid or charged for the tobacco product, which shall be collected in the manner provided in subsection b. of section 5 of this act.

C.54:40B-4 Collection of tax from retail dealer, consumer.

4. Every distributor or wholesaler required to collect the tax shall collect the tax from the retail dealer or consumer when collecting the receipt to which it applies. The retail dealer or consumer shall be given an invoice, receipt or other statement or memorandum of the charge and the tax shall be stated, charged and shown separately on the document given to the retail dealer or consumer. The tax shall be paid to the distributor or wholesaler required to collect it as trustee for and on account of the State.

The director may provide by regulation that the tax upon receipts paid in installments may be paid and the return filed on the amount of each installment.

C.54:40B-5 Liability for collection of tax.

5. a. Every distributor or wholesaler required to collect the tax imposed by this act shall be personally liable for the tax imposed, collected or required to be collected under this act. A distributor or wholesaler shall have the same right in respect to collecting the tax from the retail dealer or consumer or in respect to non-payment of the tax by the retail dealer or consumer as if the tax were a part of the sales price for the tobacco product and payable at the same time; except the director shall be joined as a party in any action or proceeding brought to collect the tax.

b. If a retail dealer or consumer fails to pay the tax imposed by this act to the distributor or wholesaler required to collect the same, then in addition to all other rights, obligations and remedies provided, the compensating use tax imposed in subsection c. of section 3 shall be payable by the retail dealer or consumer directly to the director, and it shall be the duty of the retail dealer or consumer to file a return, on a form prescribed by the director, with the director and to pay the tax to the director within 20 days of the date the tax was required to be paid or at other times as specified by the director.

C.54:40B-6 Filing of certificate of registration, issuance of certificate of authority.

6. Within 15 days from the effective date of this act, or in the case of distributors or wholesalers commencing business or opening new places of business after that date, within three days after the commencement or opening, every distributor or wholesaler required to collect the taxes imposed by this act shall file with the director a certificate of registration in a form prescribed by the director unless a certificate of authority has been previously issued to any distributor or wholesaler. The director shall issue, without charge, to each registrant a certificate of authority empowering the registrant to collect the tax and a duplicate thereof for each additional place of business of the registrant. Each certificate or duplicate shall state the place of business to which it is applicable. The certificate of authority shall be prominently displayed in the place of business of the registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered to the director immediately upon the registrant's ceasing to do business at the place named.

C.54:40B-7 Records of charges, amounts paid to be kept by distributor, wholesaler.

7. Every distributor or wholesaler required to collect any tax imposed by this act shall keep records of every charge and of all amounts paid, charged or due thereon and of the tax payable thereon, in such form as the director may require. Records shall include a true copy of each invoice, receipt, statement or memorandum upon which the provisions of section 4 of this act require that the tax be stated separately. Records shall be available for inspection and examination at any time upon demand by the director or duly authorized agent or employee and shall be preserved for a period of three years, except that the director may consent to their destruction within that period or may require that they be kept longer.

C.54:40B-8 Contents of return.

8. a. Every distributor or wholesaler required to collect or pay tax under this act shall on or before August 20, 1990, and on or before the 20th day of each month thereafter, make and file a return for the preceding month with the director. The return shall show the receipts of the distributor or wholesaler and the amount of taxes required to be collected with respect to such receipts. The return shall also reflect any use tax due.

b. The director may permit or require returns to be made covering other periods and upon such dates as the director may specify. In addition, the director may require payments of tax liability at such intervals and based upon such classifications as the director may designate. In prescribing other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved as well as the need for ensuring the prompt and orderly collection of the taxes imposed.

c. The form of returns shall be prescribed by the director and shall contain such information as the director may deem necessary for the proper administration of this act. The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C.54:40B-9 Payment of taxes; bond; security.

9. Every distributor or wholesaler required to file a return under this act shall, at the time of filing the return, pay to the director the taxes imposed by this act. Taxes for the period for which a return is required to be filed or for a lesser interval as shall have been designated by the director, shall be due and payable to the director on the date limited for the filing of the return for the period, or on the date limited for such lesser interval as the director has designated, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of receipts or the taxes due thereon. If the director deems it necessary to protect the revenues to be obtained under this act, the director may require a distributor or wholesaler required to collect the tax imposed by this act to file with the director a bond, issued by a surety company authorized to transact business in this State as to solvency and responsibility, in an amount as the director may fix, to secure the payment of any tax or penalties or interest due or which may become due from the distributor or wholesaler under this act. If the director determines that a distributor or wholesaler is to file a bond, the director shall give notice to the distributor or wholesaler to that effect specifying the amount of the bond required. The distributor or wholesaler shall file the bond within five days after the giving of notice unless within the five days the distributor or wholesaler requests in writing a hearing before the director at which the necessity, propriety and amount of the bond shall be determined by the director. The determination shall be final and shall be complied with within 15

days after the giving of notice thereof. In lieu of bond, securities approved by the director or cash in an amount as the director may prescribe, may be deposited, which shall be kept in the custody of the director who may at any time without notice to the depositor apply them to any tax or interest or penalties due, and for that purpose the securities may be sold by the director at public or private sale without notice to the depositor thereof.

C.54:40B-10 Estimation of taxes; notice of determination.

10. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the director from such information as may be available. If necessary, the tax may be estimated on the basis of external indices, such as purchases, location, scale of charges, comparable charges, number of employees or other factors. Notice of the determination shall be given to the distributor, wholesaler, retail dealer or consumer liable for the collection or payment of the tax. The determination shall finally and irrevocably fix the tax unless the wholesaler, distributor, retail dealer or consumer against whom it is assessed, within 30 days after the notice date of the determination, shall apply to the director for a hearing, or unless the director on the director's motion shall redetermine the same. After the hearing the director shall give notice of the determination to the wholesaler, distributor, retail dealer or consumer against whom the tax is assessed.

C.54:40B-11 Taxes governed by Tax Uniform Procedure Law.

11. 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.

C.54:40B-12 Powers of director.

12. In addition to the powers granted in this act, the director may:

- a. Make, adopt and amend rules and regulations appropriate to the carrying out of this act.
- b. Extend, for cause shown by general regulation or individual authorization, the time of filing any return for a period not exceeding three months on such terms and conditions as the director may require; and for cause shown, remit penalties and

interest as provided for in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

c. Delegate functions and powers to any officer or employee of the division, and such of the director's powers as the director may deem necessary to carry out efficiently the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties as delegated.

d. Require any distributor or wholesaler required to collect tax to keep detailed records of all receipts, charged or accrued, and names and addresses of wholesalers, distributors, retail dealers and consumers, and other facts relevant in determining the amount of tax due and to furnish such information upon request to the director.

e. Assess, determine, revise and readjust the taxes imposed by this act.

f. Enter into agreements with other states and the District of Columbia, providing for the reciprocal enforcement of similar tax laws imposed by the states entering into such an agreement. The agreement may empower the duly authorized officer of any contracting state, which extends like authority to officers or employees of this State, to sue for the collection of that state's taxes in the courts of this State.

C.54:40B-13 Penalties and interest for failure to file return, pay taxes.

13. Any person failing to file a return or to pay or pay over any tax to the director within the time required by this act shall be subject to such penalties and interest as are provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

C.54:40B-14 Appeal to tax court.

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.

15. Section 301 of P.L.1948, c.65 (C.54:40A-8) is amended to read as follows:

C.54:40A-8 Tax imposed; rate.

301. Tax imposed; rate. A tax is hereby imposed on the sale, use or possession for sale or use within this State of all cigarettes at the rate of \$0.02 for each cigarette.

16. Section 401 of P.L.1948, c.65 (C.54:40A-11) is amended to read as follows:

C.54:40A-11 Director to provide revenue stamps.

401. Director to provide revenue stamps. The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 (Consumers) of this act. The director shall secure stamps of such designs and denominations as he shall prescribe, suitable to be affixed to packages, and provide for the sale thereof to licensed distributors. Only licensed distributors shall affix and cancel stamps and no distributor shall affix or cancel any stamp except at the tax rate in effect on the date of such affixing or cancellation; except that on the effective date of a tax rate increase imposed under this act, licensed distributors and wholesale dealers must take a physical inventory of cigarettes on hand at the close of business prior to the date of the tax increase imposed under this act and must pay any additional tax for all cigarettes bearing stamps at the rate in effect prior to the tax increase. The director shall prescribe the method of collecting the additional tax. The director shall not authorize any person to sell revenue stamps except his duly constituted agents and assistants. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.80% of the face amount of any sale of 1,000 stamps or more; provided, that the distributor has complied with all the provisions of this act; and, provided, further, however, that the director shall be empowered to adjust such discount to provide equivalent compensation with respect to the face value of each 1,000 stamps or more. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

17. Each retail licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) shall, on or before the first day of the second month after the effective date of P.L.1990, c.39 (C.54:40B-1 et al.), file a return under oath or certified under the penalties of perjury, with the director on forms furnished by the director, showing the amount of cigarettes in the retail licensee's possession in the State at 12:01 a.m. on the effective date of P.L.1990, c.39 (C.54:40B-1 et al.), and shall at the time of filing that return pay the tax to the director. Failure to obtain such forms shall not be an excuse for the failure to make a return containing the information required by the director.

18. Section 5 of P.L.1982, c.40 (C.54:40A-37.1) is amended to read as follows:

C.54:40A-37.1 Cancer Research Fund.

5. The sum of \$1,000,000.00 of the tax collected pursuant to section 301 of P.L.1948, c.65 (C.54:40A-8), shall be deposited by the State Treasurer in a special account to be known as the Cancer Research Fund, except that for Fiscal Year 1983 only \$500,000.00 shall be deposited in that account. Moneys in the Cancer Research Fund shall be annually appropriated toward the funding of the New Jersey State Commission on Cancer Research established pursuant to P.L.1983, c.6 (C.52:9U-1 et seq.), or to projects authorized and approved by the commission.

Repealer.

19. Section 4 of P.L.1982, c.40 (C.54:40A-8.2) is repealed.

20. Sections 1 through 14 and section 20 of this act shall take effect immediately and shall apply to tobacco products delivered to retail dealers or consumers on and after July 1, 1990, even if rendered under a contract entered into prior to that date and sections 15 through 19 shall take effect at 12:01 a.m. on July 1, 1990.

Approved June 27, 1990.

CHAPTER 40

AN ACT concerning the sales and use tax, amending and supplementing P.L.1966, c.30, amending P.L.1980, c.105 and P.L.1983, c.303, and repealing parts of the statutory law.

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

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

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) Person. Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Purchase at retail. A purchase by any person at a retail sale.

(c) Purchaser. A person who purchases property or who receives services.

(d) Receipt. The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind that is not tangible personal property purchased for lease accepted in part payment and intended for resale, excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser, and excluding the amount of the sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L.95-113 (7 U.S.C. § 2011 et seq.).

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section

3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term retail sales includes:

Sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) For the purposes of this act, the term retail sale includes the purchase of tangible personal property for lease.

(4) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for

any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property. Use also includes the exercise of any right or power over intrastate or interstate telecommunications and the benefit of advertising space in a telecommunications user or provider directory or index.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act; and

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons.

(F) A person who purchases tangible personal property for lease, whether in this State or elsewhere. For the purposes of Title 54 of the Revised Statutes, the presence of leased tangible personal property in this State is deemed to be a place of business in this State.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel"

includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; every operator of a hotel; every lessor; and every vendor of telecommunications. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is received by or comes into possession or control of such person within the State; (3) intrastate or interstate telecommunications charged to a service address in this State; and (4) advertising space in a telecommunications user or provider directory or index distributed in this State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease" means the possession or control of tangible personal property by an agreement, not transferring sole title, as may

be evidenced by a contract, contracts, or by implication from other circumstances including course of dealing or usage of trade or course of performance, for a period of more than 28 days.

(bb)“The amount of the sales price” of tangible personal property purchased for lease means, at the election of the lessor, either (1) the amount of the lessor’s purchase price or (2) the amount of the total of the lease payments attributable to the lease of such property. Tangible personal property purchased for lease is subject to the provisions of subsection (a) of section 3 of P.L.1966, c.30 (C.54:32B-3).

(cc)“Telecommunications” means the act or privilege of originating or receiving messages or information through the use of any kind of one-way or two-way communication; including but not limited to voice, video, facsimile, teletypewriter, computer, cellular mobile or portable telephone, specialized mobile or portable pager or paging service, or any other type of communication; using electronic or electromagnetic methods, and all services and equipment provided in connection therewith or by means thereof. “Telecommunications” shall not include:

(1) one-way radio or television broadcasting transmissions available universally to the general public without a fee;

(2) purchases of telecommunications by a telecommunications provider for use as a component part of telecommunications provided to an ultimate retail consumer who originates or terminates the taxable end-to-end communications;

(3) services provided by a person, or by that person’s wholly owned subsidiary, not engaged in the business of rendering or offering telecommunications services to the public, for private and exclusive use within its organization, provided however, that “telecommunications” shall include the sale of telecommunications services attributable to the excess unused telecommunications capacity of that person to another; and

(4) charges in the nature of subscription fees paid by subscribers for cable television service.

(dd)“Interstate telecommunication” means any telecommunication that originates or terminates inside this State, including international telecommunication.

(ee)“Intrastate telecommunication” means any telecommunication that originates and terminates within this State.

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

C.54:32B-3 Imposition of Sales Tax.

3. There is imposed and there shall be paid a tax of 7% upon:

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

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

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

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

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

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services

rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

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

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

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

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

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

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

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

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared

and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods;

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

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

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

(e) (1) Any admission charge, where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

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

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

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

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

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

Amount of Sale	Amount of Tax
\$0.01 to \$0.10	No tax
0.11 to 0.21	\$0.01
0.22 to 0.35	0.02
0.36 to 0.50	0.03
0.51 to 0.64	0.04
0.65 to 0.78	0.05
0.79 to 0.92	0.06
0.93 to \$1.00	0.07

In addition to a tax of \$0.07 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the following formula:

Amount of Sale	Amount of Tax
\$0.01 to \$0.07	No additional tax
0.08 to 0.21	\$0.01
0.22 to 0.35	0.02
0.36 to 0.50	0.03
0.51 to 0.64	0.04
0.65 to 0.78	0.05
0.79 to 0.92	0.06
0.93 to \$1.07	0.07

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

C.54:32B-5 Transitional provisions.

5. Transitional provisions. a. Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after January 3, 1983 but prior to July 1, 1990, are

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

b. The tax imposed under subsection (d) of section 3 shall be paid at the rate of 7% upon any occupancy on and after July 1, 1990, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after January 3, 1983 but prior to July 1, 1990, the rent for the period of occupancy prior to July 1, 1990 shall be taxed at the rate of 6%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

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

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

ary 3, 1983 but prior to July 1, 1990, such sales shall be subject to tax at the rate of 6%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

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

f. The taxes imposed under subsections (a), (b), (c) and (f) of section 3 upon receipts received on or after July 1, 1990 shall be at the rate, if any, in effect on June 30, 1990 in the case of sales made or services rendered, if delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to July 1, 1990.

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

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

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

6. Imposition of compensating use tax. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 7%, except as

otherwise exempted under this act, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or if items of the same kind of tangible personal property are not offered for sale by him in the regular course of business and are used as such or incorporated into a structure, building or real property, (C) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of interstate or intrastate telecommunications described in subsection (f) of section 3 of P.L.1966, c.30, and (E) of advertising space in a telecommunications user or provider directory or index. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property, but excluding any credit for property of the same kind accepted in part payment and intended for resale, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill ren-

dered to the purchaser. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider. For the purposes of clause (E) of this section, the tax shall be at the applicable rate on the charge made by the advertising space provider.

6. Section 19 of P.L.1980, c.105 (C.54:32B-8.7) is amended to read as follows:

C.54:32B-8.7 Utilities.

19. Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of gas, water, steam, fuel or electricity delivered to consumers through mains, lines, pipe, or in containers or bulk.

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

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

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

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

b. Irrespective of the rate of tax imposed by such ordinance, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds 6%, except that the combined rate of taxation imposed under the ordinance and under this section shall not exceed 13%.

C.54:32B-2.1 Filing of list of persons excluded from tax on telecommunications; required.

8. A person required to collect the tax imposed by subsection (f) of section 3 of P.L.1966, c.30 (C.54:32B-3) shall within 30 days of the operative date of this section, and annually as prescribed by the director thereafter, file with the director a list of the known names and addresses of persons that the person required to collect the tax provides telecommunications excluded

from taxation pursuant to paragraph (2) of subsection (cc) of section 2 of P.L.1966, c.30 (C.54:32B-2).

9. Section 20 of P.L.1983, c.303 (C.52:27H-79) is amended to read as follows:

C.52:27H-79 Sales to enterprise zone business tax-exempt.

20. Retail sales of tangible personal property (except motor vehicles) and sales of services (except telecommunications) to a qualified business for the exclusive use or consumption of such business within an enterprise zone are exempt from the taxes imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

10. Section 21 of P.L.1983, c.303 (C.52:27H-80) is amended to read as follows:

C.52:27H-80 50% tax exemption for retail sales.

21. Receipts of retail sales, except retail sales of motor vehicles, of alcoholic beverages as defined in the "Alcoholic Beverage Tax Law," R.S.54:41-1 et seq., cigarettes as defined in the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and of manufacturing machinery, equipment or apparatus, made by a certified vendor from a place of business owned or leased and regularly operated by the vendor for the purpose of making retail sales, and located in a designated enterprise zone established pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), are exempt to the extent of 50% of the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

Any vendor, which is a qualified business having a place of business located in a designated enterprise zone, may apply to the Director of the Division of Taxation in the Department of the Treasury for certification pursuant to this section. The director shall certify a vendor if he shall find that the vendor owns or leases and regularly operates a place of business located in the designated enterprise zone for the purpose of making retail sales, that items are regularly exhibited and offered for retail sale at that location, and that the place of business is not utilized primarily for the purpose of catalogue or mail order sales. The certification under this section shall remain in effect during the time the business retains its status as a qualified business meeting the

eligibility criteria of section 27 of P.L.1983, c.303 (C.52:27H-86). However, the director may at any time revoke a certification granted pursuant to this section if he shall determine that the vendor no longer complies with the provisions of this section.

Notwithstanding the provisions of this act to the contrary, the authority may, in its discretion, determine whether or not the provisions of this section shall apply to any enterprise zone designated after the effective date of P.L.1985, c.142 (C.52:27H-66 et seq.); provided, however, that the authority may make such a determination only where the authority finds that the award of an exemption of 50 percent of the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) will not have any adverse economic impact upon any other urban enterprise zone. Notwithstanding any other provisions of law to the contrary, all revenues received from the taxation of retail sales made by certified vendors from business locations in designated enterprise zones to which this exemption shall apply, shall be deposited immediately upon collection by the Department of the Treasury, as follows:

- a. In the first five year period of the enterprise zone designation, all such revenues shall be deposited in the enterprise zone assistance fund created pursuant to section 29 of this act;
- b. In the second five year period of the enterprise zone designation, 66 2/3% of all those revenues shall be deposited in the enterprise zone assistance fund, and 33 1/3% shall be deposited in the General Fund;
- c. In the third five year period of the enterprise zone designation, 33 1/3% of all those revenues shall be deposited in the enterprise zone assistance fund, and 66 2/3% shall be deposited in the General Fund;
- d. In the final five year period of the enterprise zone designation, all those revenues shall be deposited in the General Fund.

The revenues required to be deposited in the enterprise zone assistance fund under this section shall be used for the purposes of that fund and for the uses prescribed in section 29 of this act, subject to annual appropriations being made for those purposes and uses.

Repealer.

11. Sections 35, 36 and 43 of P.L.1980, c.105 (C.54:32B-8.23, 54:32B-8.24 and 54:32B-8.31), section 3 of P.L.1980, c.107 (C.54:32B-8.34) and sections 7 and 8 of P.L.1982, c.227 (C.54:32B-8.37 and 54:32B-8.38) are repealed.

12. This act shall take effect immediately but shall remain inoperative until July 1, 1990.

Approved June 27, 1990.

CHAPTER 41

AN ACT increasing the excise tax on alcoholic beverages, reducing and thereafter repealing the tax on wholesale sales of alcoholic beverages, providing for the allocation of the receipts from such taxes, and amending R.S.54:43-1, P.L.1980, c.62, P.L.1983, c.531, supplementing Title 54 of the Revised Statutes and repealing section 2 of P.L.1983, c.531 and P.L.1980, c.62.

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

1. R.S.54:43-1 is amended to read as follows:

Tax rates.

54:43-1. Tax rates. There are hereby levied and imposed upon any sale of alcoholic beverages made within this State or upon any delivery of alcoholic beverages made within or into this State the following excise taxes:

- a. Beer--From July 1, 1990 through June 30, 1992, at the rate of \$0.10 a gallon or fraction thereof and on or after July 1, 1992, at the rate of \$0.12 a gallon or fraction thereof.
- b. Liquors--From July 1, 1990 through June 30, 1992, at the rate of \$4.20 a gallon and on or after July 1, 1992, at the rate of \$4.40 a gallon.
- c. (Deleted by amendment, P.L.1972, c.53.)
- d. (Deleted by amendment, P.L.1972, c.53.)
- e. Wines, vermouth and sparkling wines--From July 1, 1990 through June 30, 1992, at the rate of \$0.50 a gallon and on or after July 1, 1992, at the rate of \$0.70 a gallon.

C.54:43-1.1 Deposit of tax collected in Alcohol Education, Rehabilitation and Enforcement Fund.

2. Beginning on July 1, 1992, there shall annually be deposited in the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32), the sum of \$11,000,000 of the tax collected annually pursuant to the "Alcoholic Beverage Tax Law," R.S.54:41-1 et seq.

3. Section 3 of P.L.1980, c.62 (C.54:32C-3) is amended to read as follows:

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

3. From July 1, 1990 through June 30, 1991, there is imposed a tax of 2.9%; and from July 1, 1991 through June 30, 1992, there is imposed a tax of 1.5% upon the receipts from every sale of alcoholic beverages, except draught beer sold by the barrel, by any wholesaler to any retail licensee.

4. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to read as follows:

C.26:2B-32 Fund established.

3. An Alcohol Education, Rehabilitation and Enforcement Fund is established as a nonlapsing, revolving fund in a separate account in the Department of Health. The fund shall be credited from July 1, 1990 through June 30, 1991, with 27.6% of the tax revenues, and from July 1, 1991 through June 30, 1992, with 53.3% of the tax revenues, collected pursuant to section 3 of P.L.1980, c.62 (C.54:32C-3), the amount thereof to be dedicated 75% to rehabilitation, 15% to enforcement and 10% to education, and the fund thereafter shall be annually credited with the amount of tax revenues collected from the alcoholic beverage tax as is provided in section 2 of P.L.1990, c.41 (C.54:43-1.1), which amount shall be dedicated 75% to rehabilitation, 15% to enforcement and 10% to education. Interest received on moneys in the fund shall be credited to the fund. Pursuant to the formula set forth in section 5 of this act, moneys appropriated pursuant to law shall only be distributed to the counties by the Department of Health, without the assessment of administrative costs, to develop and implement an annual comprehensive plan for the treatment of alcoholics and drug abusers and for expenditures according to the dedications provided herein.

5. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to read as follows:

C.26:2B-33 Plan for community services.

4. a. The governing body of each county, in conjunction with the county agency, or individual, designated by the county with the responsibility for planning services and programs for the care or rehabilitation of alcoholics and drug abusers, shall submit to the Deputy Commissioner for the Division of Alcoholism and Drug Abuse and the Governor's Council on Alcoholism and Drug Abuse an annual comprehensive plan for the provision of community services to meet the needs of alcoholics and drug abusers.

b. The annual comprehensive plan shall address the needs of urban areas with a population of 100,000 or over and shall demonstrate linkage with existing resources which serve alcoholics and drug abusers and their families. Special attention in the plan shall be given to alcoholism and drug abuse and youth; drinking and drug abusing drivers; women and alcoholism and drug abuse; the disabled and alcoholism and drug abuse; alcoholism and drug abuse on the job; alcoholism and drug abuse and crime; public information; and educational programs as defined in subsection c. of this section. Each county shall identify, within its annual comprehensive plan, the Intoxicated Driver Resource Center which shall service its population, as is required under subsection (f) of R.S.39:4-50. The plan may involve the provision of programs and services by the county, by an agreement with a State agency, by private organizations, including volunteer groups, or by some specified combination of the above.

If the State in any year fails to deposit the amount of tax receipts as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a county may reduce or eliminate, or both, the operation of existing programs currently being funded from the proceeds deposited in the Alcohol Education, Rehabilitation and Enforcement Fund.

c. Programs established with the funding for education from the fund shall include all courses in the public schools required pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for students included in the annual comprehensive plan for each county, and in-service training programs for teachers and administrative support staff including nurses, guidance counselors, child study team members, and librarians. All moneys dedicated to education from the fund shall be allocated through the desig-

nated county alcoholism and drug abuse agency and all programs shall be consistent with the annual comprehensive county plan submitted to the Deputy Commissioner for the Division of Alcoholism and Drug Abuse and the Governor's Council on Alcoholism and Drug Abuse pursuant to this section. Moneys dedicated to education from the fund shall be first allocated in an amount not to exceed 20% of the annual education allotment for the in-service training programs, which shall be conducted in each county through the office of the county alcoholism and drug abuse coordinator in consultation with the county superintendent of schools, local boards of education, local councils on alcoholism and drug abuse and institutions of higher learning, including the Rutgers University Center of Alcohol Studies. The remaining money in the education allotment shall be assigned to offset the costs of programs such as those which assist employees, provide intervention for staff members, assist and provide intervention for students and focus on research and educate about youth and drinking and using drugs. These funds shall not replace any funds being currently spent on education and training by the county.

d. The governing body of each county, in conjunction with the county agency, or individual, designated by the county with responsibility for services and programs for the care or rehabilitation of alcoholics and drug abusers, shall establish a Local Advisory Committee on Alcoholism and Drug Abuse to assist the governing body in development of the annual comprehensive plan. The advisory committee shall consist of no less than 10 nor more than 16 members and shall be appointed by the governing body. At least two of the members shall be recovering alcoholics and at least two of the members shall be recovering drug abusers. The committee shall include the county prosecutor or his designee, a wide range of public and private organizations involved in the treatment of alcohol and drug-related problems and other individuals with interest or experience in issues concerning alcohol and drug abuse. Each committee shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves.

Within 60 days of the effective date of P.L.1989, c.51 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcoholism and Drug Abuse shall organize and elect a chairman from among its members.

e. The Deputy Commissioner for the Division of Alcoholism and Drug Abuse shall review the county plan pursuant to a proce-

ture developed by the deputy commissioner. In determining whether to approve an annual comprehensive plan under this act, the deputy commissioner shall consider whether the plan is designed to meet the goals and objectives of the "Alcoholism Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of the plan is feasible. Each county plan submitted to the deputy commissioner shall be presumed valid; provided it is in substantial compliance with the provisions of this act. Where the department fails to approve a county plan, the county may request a court hearing on that determination.

6. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to read as follows:

C.26:2B-34 Allotment formula.

5. a. Allotments to each county whose annual comprehensive plan is approved pursuant to the provisions of section 4 of this act shall be made on the basis of the following formula:

$$\begin{aligned} \text{County Allotment} = & \text{Population of County} \times \frac{\text{Total Funds Appropriated}}{\text{Population of State}} \\ & \times .5 \times \frac{\text{Per Capita Income of State (3 yr. average)}}{\text{Per Capita Income of County (3 yr. average)}} \\ & + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \end{aligned}$$

in which Need in County and Need in State are estimates of the prevalence of alcoholism according to the current New Jersey Behavioral Health Services Plan. The funds dedicated for the provision of educational programs from the Alcohol Education, Rehabilitation and Enforcement Fund shall be allocated to the counties on the basis of this formula.

b. As a condition for receiving the allotment calculated in subsection a. of this section, a county shall contribute a sum not less than 25% of that county's allotment to fund community services for alcoholics pursuant to the county's annual comprehensive plan. Those alcoholism education, prevention and treatment pro-

grams already existing in a county may be combined under the county plan which establishes the annual comprehensive plan to be approved by the Deputy Commissioner for the Division of Alcoholism and Drug Abuse in the Department of Health. In determining the sum of money to be contributed by each county, the required 25% minimum county contribution may include any moneys currently appropriated by the county to meet the needs of the alcoholism programs.

7. Section 6 of P.L.1983, c.531 (C.26:2B-35) is amended to read as follows:

C.26:2B-35 Distribution of enforcement moneys.

6. a. Moneys dedicated for enforcement from the Alcohol Education, Rehabilitation and Enforcement Fund shall be distributed as follows:

(1) One-third shall be distributed to the "Municipal Court Administration Reimbursement Fund" pursuant to subsection b. of this section.

(2) Two-thirds shall be distributed in the "Drunk Driving Enforcement Fund" established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8).

b. (1) Each municipality in this State shall present to the Administrative Office of the Courts, before December 31, 1983, the number of drunk driving arrests in the municipality during calendar year 1980. This number shall be the base year number of arrests. In any municipality in which the number of drunk driving arrests for calendar year 1980 exceeds the average of the number of drunk driving arrests for calendar years 1979 and 1981, that municipality may substitute the lower average figure as the base figure for the calculation in this subsection. The municipality shall certify this substitution in writing to the Administrative Office of the Courts within 90 days of the effective date of this 1986 amendatory act. Once a substituted base year figure is used, it may not thereafter be changed. Beginning January 15, 1984, and each year thereafter the municipality shall report to the Administrative Office of the Courts the number of drunk driving arrests made in its municipality during the preceding calendar year.

(2) The Administrative Office of the Courts shall certify the amounts submitted by each municipality and shall calculate for each municipality any increase in the number of arrests between the base year and the number of arrests reported for the preceding

calendar year. The Administrative Office of the Courts shall then calculate the sum of all increases for all municipalities reporting.

(3) Beginning for calendar year 1983, the following fraction shall be calculated for each municipality:

The increase in drunk driving arrests in the municipality between the base year and the preceding year over the total of increases in drunk driving arrests between the base year and the preceding year in all reporting municipalities in the State.

This fraction shall be multiplied by the total amount of the money available in the "Municipal Court Administration Reimbursement Fund" in the preceding calendar year. This amount shall be allocated to the municipality for the purpose of maintaining its municipal court, which may include payments to municipal court judges, municipal prosecutors and other municipal court personnel for work performed in addition to regular employment hours.

Repealer.

8. a. Section 2 of P.L.1983, c.531 (C.54:32C-3.1) is repealed.

b. Sections 1 through 14 of P.L.1980, c.62 (C.54:32C-1 through 54:32C-14) are repealed effective July 1, 1992 and shall be inoperative with respect to receipts from sales made on and after that date. Such repeal shall not affect the obligation, lien or duty to pay any taxes, interest or penalties which have accrued or may accrue by virtue of any assessment made or which may be made with respect to taxes due on sales made prior to that date, nor shall this act affect the legal authority to assess and collect the taxes which may be or have been due and payable under P.L.1980, c.62, together with such interest and penalties as would have accrued thereon under any provision of law; nor shall this act invalidate any assessments or affect any proceeding for the enforcement thereof.

C.54:43-1.2 Rules, regulations.

9. The Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety in conjunction with the Director of the Division of Taxation, is authorized to make, enforce, repeal or amend any administrative rule or regulation necessary to effectuate the purposes of this act, including any temporary transition provisions.

10. This act shall take effect July 1, 1990, except that section 9 shall take effect immediately and the repeal of the "Alcoholic

Beverage Wholesale Tax Act,” P.L.1980, c.62 (C.54:32C-1 et seq.) as provided for in subsection b. of section 8 of this act shall take effect July 1, 1992.

Approved June 27, 1990.

CHAPTER 42

AN ACT imposing a tax on the sale and use of petroleum products, supplementing Title 54 of the Revised Statutes.

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

C.54:15B-1 Short title.

1. This act shall be known and may be cited as the “Petroleum Products Gross Receipts Tax Act.”

C.54:15B-2 Definitions.

2. For the purposes of this act:

“Company” includes a corporation, partnership, limited partnership, association, individual, or any fiduciary thereof.

“Director” means the Director of the Division of Taxation in the Department of the Treasury.

“First sale of petroleum products within this State” means the initial sale of a petroleum product delivered to a location in this State. A sale of petroleum products is presumed to be a “first sale of petroleum products within this State” unless the seller is in receipt of a certification, in such form as the director may prescribe, indicating a prior “first sale of petroleum products within this State.” A “first sale of petroleum products within this State” does not include a book or exchange transfer of petroleum products if such products are intended to be sold in the ordinary course of business.

“Gross receipts” means all consideration derived from the first sale of petroleum products within this State.

“Petroleum products” means refined products made from crude petroleum and its fractionation products, through straight distillation of crude oil or through redistillation of unfinished

derivatives, but shall not mean the products commonly known as number 2 heating oil and propane gas to be used exclusively for residential heating.

“Quarterly period” means a period of three calendar months commencing on the first day of January, April, July or October and ending on the last day of March, June, September or December, respectively.

C.54:15B-3 Petroleum products tax.

3. a. There is imposed on each company which is engaged in the refining or distribution, or both, of petroleum products and which distributes such products in this State a tax at the rate of two and three quarters percent (2 3/4%) of its gross receipts derived from the first sale of petroleum products within this State; and

b. There is imposed on each company that imports or causes to be imported, other than by a company subject to and having paid the tax on those imported petroleum products that have generated gross receipts taxable under subsection a. of this section, petroleum products for use or consumption by it within this State a tax at the rate of two and three quarters percent (2 3/4%) of the consideration given or contracted to be given for such petroleum products if the consideration given or contracted to be given for all such deliveries made during a quarterly period exceeds \$100,000.

C.54:15B-4 Additional tax.

4. The taxes imposed under the provisions of section 3 of this act shall be in addition to any other tax imposed by this State on such company.

C.54:15B-5 Gross receipts; credit against petroleum products tax.

5. a. Gross receipts of a company making first sales of petroleum products within this State shall not include consideration derived from the first sale of petroleum products within this State sold for exportation from this State for use outside this State; and

b. A company shall be allowed a credit against the tax imposed by subsection a. of section 3 of this act if a purchaser of petroleum products first sold within this State subsequently sells the petroleum products for exportation from this State for use outside this State; provided:

(1) the purchaser who makes the sale for exportation from this State for use outside this State issues a certification, on such form as the director may prescribe, evidencing a sale outside this State, and

(2) the company liable for the tax imposed under the provisions of this act has paid to the purchaser making the sale outside this State an amount equal to the tax imposed on the gross receipts derived from the first sale of petroleum products within this State to such purchaser.

C.54:15B-6 Registration with director.

6. A company subject to tax under the provisions of this act shall, within 20 days after the first transaction subjecting such company to the provisions of this act, register with the director on such forms as the director shall prescribe. The failure to register with the director shall not absolve a company from filing a return and paying the tax imposed under the provisions of this act.

C.54:15B-7 Filing of return; payment of tax.

7. A company subject to tax under this act shall, on or before the 20th day following the end of each quarterly period, file a return under oath to the director on such forms as may be prescribed by the director and pay the full amount of the tax due on gross receipts derived from the first sale of petroleum products within this State and the consideration given or contracted to be given for all deliveries of petroleum products for use or consumption by it within this State for that preceding quarterly period ended.

C.54:15B-8 Determination of tax due; powers of director.

8. a. (1) If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from the information available.

(2) If because of an affiliation of interests between a company subject to tax under this act and any purchaser the gross receipts from sale transactions are not indicative of or representative of market price, the director may at the director's discretion, utilize external indices to establish gross receipts.

Notice of a determination pursuant to this subsection shall be given to the company liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the company against which it is assessed, within 30 days after receiving notice of the determination, shall apply to the director for a hearing, or unless the director on the director's own motion shall redetermine the same.

After such hearing the director shall give notice of the determination to the company to which the tax is assessed.

b. The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that a prescribed certificate has not been issued, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this act or rules or regulations adopted hereunder shall be prima facie evidence thereof.

c. In addition to the other powers granted to the director in this section, the director is hereby authorized and empowered:

(1) To delegate to any officer or employee of the division such powers and duties as the director may deem necessary to carry out the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this act.

d. The tax 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.

9. This act shall take effect immediately but remain inoperative until July 1, 1990, and shall apply to first sales of petroleum products within this State and to deliveries of petroleum products for use or consumption within this State made on and after that date.

Approved June 27, 1990.

CHAPTER 43

Note: In approving the following act certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 2750, dated June 27, 1990.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1991 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1990-91
GENERAL FUND

Undesignated fund balance, July 1, 1990	<u>\$1,000,000</u>

Major Taxes

Sales	\$3,300,000,000
Corporation business	1,085,000,000
Motor fuels	403,000,000
Motor vehicle fees	355,000,000
Cigarette	195,000,000
Transfer inheritance	195,000,000
Public utility excise	135,000,000
Insurance premiums	184,000,000
Alcoholic beverage wholesale sales	91,000,000
Alcoholic beverage excise	52,000,000
Corporation business—	
Banks and financial institutions	90,000,000
Business personal property	11,000,000
Realty transfer	43,000,000
Motor fuel use—Motor carrier	9,000,000
Pari-mutuel	8,000,000
Savings institutions	6,000,000
New taxes—Operating use	1,383,000,000
New taxes—Capital use	<u>150,000,000</u>
Total—Major Taxes	<u>\$7,695,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal health—laboratory test fees.....	\$50,000

Other animal, plant disease and pest control fees	7,000
Seed certification programs	5,000
Milk control licenses and fees	375,000
Fertilizer inspection fees	161,000
Department of Banking:	
Bank assessments	2,777,000
Examination fees	4,457,000
Licenses and other fees	1,476,000
New Jersey Cemetery Board	90,000
Department of Community Affairs:	
Affordable housing and neighborhood preservation—Fair housing	20,800,000
Boarding home fees	500,000
Construction fees	3,096,000
Fire safety	10,400,000
Housing inspection fees	2,400,000
Planned real estate development fees	1,000,000
Truth in renting	33,000
Department of Education:	
Academy for the advancement of teaching and administration	575,000
Katzenbach School for the Deaf—Tuition	2,630,000
Licensing fees—Miscellaneous	772,000
Non-public schools textbook recoveries	290,000
State Board of Examiners	1,450,000
Department of Environmental Protection:	
Air pollution fees	4,125,000
Environmental Cleanup Responsibility Act	3,500,000
Environmental Services Fund	4,732,000
Examination licensing fees	170,000
Hazardous waste facilities inspection	1,625,000
Hunters' and Anglers' License Fund	9,300,000
Marina rentals	447,000
Marine lands management-Delineation and title determination	1,278,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
Nuclear emergency response	1,500,000
Parks management	3,369,000
Radiation protection	633,000
Pesticide fines	210,000

New Jersey Pollutant Discharge Elimination System.....	10,000,000
New Jersey Water Supply Authority debt service repayments	770,000
Shellfish and marine fisheries management	143,000
Solid waste management fees	1,065,000
Toxic catastrophe prevention—fines	300,000
Water pollution judgments.....	2,500,000
Miscellaneous receipts	41,000
Department of Health:	
Animal control act	600,000
Consumer health penalties	1,000,000
Hospital rate setting	2,387,000
Medicare health facility inspection fees.....	2,085,000
Rabies control	503,000
Narcotic fees	720,000
Vital statistics registration	150,000
Department of Higher Education:	
Bond interest recoveries.....	358,000
Higher Education Assistance Authority	910,000
Department of Human Services:	
Adoption law fees	150,000
Marriage license fees	300,000
Title XIX health facility rate setting and inspection	1,000,000
Patients' and residents' cost recoveries:	
Developmental centers	72,250,000
Psychiatric hospitals.....	80,500,000
Special residential services	17,700,000
Department of Insurance:	
Actuarial services.....	1,500,000
Licensing and enforcement	9,400,000
Real Estate Commission	4,335,000
Department of Labor:	
Licenses, permits and fines	1,085,000
Special Compensation Fund.....	1,513,000
Department of Law and Public Safety:	
Amusement games control fees	267,000
Athletic control board fees.....	400,000
Beverage licenses.....	3,852,000
Drunk driving fines	1,743,000
Violent crime compensation	3,000,000

Division of Consumer Affairs:

General revenues:	
Bureau of Securities	110,000
Charities registration section.	19,000
Legalized games of chance control.....	370,000
Private employment agencies	302,000
Ticket agencies.....	1,000
Weights and measures-General	134,000
Professional examining boards:	
State Board of Architects	232,000
State Board of Audiology and Speech- Language Pathology Advisory.....	50,000
State Board of Certified Public Accountants	470,000
State Board of Cosmetology and Hairstyling	952,000
State Board of Dentistry	355,000
State Board of Electrical Contractors	246,000
State Board of Marriage Counselor Examiners	63,000
State Board of Master Plumbers	127,000
State Board of Medical Examiners	1,960,000
State Board of Mortuary Science.....	142,000
State Board of Nursing	1,266,000
State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	105,000
State Board of Optometrists	109,000
State Board of Pharmacy	581,000
State Board of Physical Therapy	127,000
State Board of Professional Engineers and Land Surveyors	317,000
State Board of Professional Planners.....	107,000
State Board of Psychological Examiners	103,000
State Board of Public Movers and Warehousemen	195,000
State Board of Shorthand Reporting.....	27,000
State Board of Veterinary Medical Examiners	120,000
Securities Enforcement Fund	5,000,000

Division of State Police:	
Fingerprint fees	1,114,000
Private detective licenses	550,000
Other licenses	360,000
Motor Vehicle Security—Responsibility Law	
administration	5,226,000
Auto body licensing and enforcement	492,000
Motor vehicle surcharge program	15,000,000
Pleasure boat licenses	1,099,000
Other boating fees	3,000
Moped enforcement	46,000
Salvage title program	573,000
Uninsured motorists program	1,000,000
Reimbursement for Division of Law	
Services	4,000,000
Department of Military and Veterans' Affairs:	
Soldiers' Home-Menlo Park	4,797,000
Soldiers' Home-Paramus	2,407,000
Soldiers' Home-Vineland	3,567,000
Department of the Public Advocate:	
Rate counsel	4,106,000
Department of State:	
Office of Administrative Law—Fees	1,642,000
Commissions	904,000
General revenue—Fees	13,729,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	3,100,000
Outdoor advertising	240,000
Autonomous transportation authorities	24,500,000
Petitions and motor carrier inspections	145,000
Department of the Treasury:	
Assessments—Cable TV	2,131,000
Assessments—Public Utility	19,870,000
Board of Public Utilities	200,000
Coin-operated telephones	300,000
Escrow interest-construction accounts	300,000
Interest on deposits	800,000
Municipal Purposes Tax Assistance Fund	60,000,000
Nuclear emergency response assessment	3,500,000
Public Utility Gross Receipts and Franchise	
Taxes (combined)	227,000,000

Public Utility Tax—Administration	250,000
Railroad Tax:	
Class II	2,182,000
Franchise	2,000,000
Vending machine commissions	30,000
Surplus property	100,000
Reimbursement for Division of Building and Construction services	250,000
Other Sources:	
Miscellaneous revenue	2,000,000
Inter-Departmental Accounts:	
Administration and investment of pension funds recoveries from local government	23,000,000
Employee maintenance deductions	1,000,000
Fringe benefit recoveries from school districts	21,000,000
Fringe benefit recoveries from colleges and universities	26,295,000
Health benefits recoveries for federal and other funds	23,900,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit recoveries from federal and other funds	930,000
Pension recoveries from federal and other funds	24,600,000
Social Security recoveries from federal and other funds	21,650,000
Rent of State building space	1,300,000
Judicial Branch—	
Court fees	<u>20,788,000</u>
Total—Miscellaneous Taxes, Fees, Revenues	<u>\$903,447,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$453,000
Clean Communities Account Fund	400,000
Clean Waters Fund	1,000,000
Community Development Bond Fund	80,000
Correctional Facilities Construction Fund	338,000

Correctional Facilities Construction Fund	
(Act of 1987)	3,137,000
Emergency Flood Control Fund	335,000
Energy Conservation Fund	801,000
Farmland Preservation Fund	302,000
Fund for Support of Free Public Schools	5,000,000
General Trust Fund	1,000
Cultural Centers and Historic Preservation	
Fund (1987)	651,000
Hazardous Discharge Site Cleanup Fund	48,000
Higher Education Buildings Construction Fund	
(Act of 1971)	13,000
Housing Assistance Fund	173,000
Human Services Facilities Construction Fund	493,000
Institutional Construction Fund	32,000
Institutions Construction Fund	10,000
Jobs, Education and Competitiveness	490,000
Jobs, Science and Technology Fund	591,000
Medical Education Facilities Fund	44,000
Mortgage Assistance Fund	410,000
Motor Vehicle Security—Responsibility Fund	14,000
Natural Resources Fund	2,008,000
New Jersey Bridge Rehabilitation and	
Improvement Fund	1,259,000
1983 New Jersey Green Acres Fund	1,052,000
New Jersey Spill Compensation Security Fund	
Administrative costs	2,579,000
Outstanding Checks Account	1,100,000
Outstanding Checks (6 years and over)	1,300,000
Public Buildings Construction Fund	83,000
Public Purpose Buildings Construction Fund	179,000
Resource Recovery Investment Tax Fund	540,000
Sanitary Landfill Facility Contingency Fund	210,000
Shore Protection Fund	1,893,000
Solid Waste Services Tax Fund	90,000
State Disability Benefits Fund	20,270,000
State Land Acquisition and Development Fund	1,058,000
State Lottery Fund	510,000,000
State Lottery Fund Administration	20,763,000
State of New Jersey Cash Management Fund	581,000
State Recreation and Conservation Land Acquisition	
and Development Fund (Act of 1974)	322,000

State Recreation and Conservation	
Land Acquisition Fund	
(Act of 1971)	37,000
State Recycling Fund.....	848,000
State Water Development Fund	7,000
State Transportation Fund	20,000
Transportation Rehabilitation	
and Improvement	
Fund of 1979.....	1,076,000
Unclaimed Personal Property	
Trust Fund	20,650,000
Unemployment Compensation	
Auxiliary Fund.....	21,000,000
Unsatisfied Claim and	
Judgment Fund	1,128,000
Wage and Hour Trust Fund	45,000
Water Conservation Fund	683,000
Water Supply Fund.....	5,992,000
Worker and Community	
Right to Know Fund	<u>3,592,000</u>
Total—Interfund Transfers	<u>\$635,181,000</u>
Total Revenues, General Fund....	<u>\$9,233,628,000</u>
Less: Replacement Revenue	(\$150,000,000)
Total Resources, General Fund..	<u>\$9,084,628,000</u>

Property Tax Relief Fund

Gross Income Tax	\$3,162,000,000
Total Resources,	
Property Tax Relief Fund	<u>\$3,162,000,000</u>

Gubernatorial Elections Fund

Undesignated fund balance,	
July 1, 1990	(\$12,000,000)
Taxpayers' Designations	<u>1,700,000</u>
Total Resources,	
Gubernatorial Elections Fund	<u>(\$10,300,000)</u>

Casino Control Fund

License Fees	<u>\$60,660,000</u>
Total Resources,	
Casino Control Fund	<u>\$60,660,000</u>

Casino Revenue Fund

Undesignated fund balance,	
July 1, 1990	\$199,000,000
Gross Revenue Tax.	235,000,000
Investment Income	<u>15,000,000</u>
Total Resources, Casino	
Revenue Fund	<u>\$449,000,000</u>
Grand Total, Resources,	
All Funds	<u>\$12,745,988,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1991. 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, 1991 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1991 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by July 31, 1991. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years. On or before December 1, 1990, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1990, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1990.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

*01 Legislature**70 Government Direction, Management and Control**71 Legislative Activities**0001 Senate*

01-0001 Senate	<u>\$6,769,000</u>
Total Appropriation, Senate	<u>\$6,769,000</u>
Personal Services:	
Senators (40)	(\$1,412,000)
Salaries and wages	(2,313,000)
Members' staff services	(2,400,000)
Materials and Supplies	(198,000)
Services Other Than Personal	(391,000)
Maintenance and Fixed Charges	(45,000)
Additions, Improvements and	
Equipment	(10,000)

The unexpended balance as of June 30, 1990 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	<u>\$15,494,000</u>
Total Appropriation,	
General Assembly	<u>\$15,494,000</u>
Personal Services:	
Members (80)	(\$2,812,000)
Salaries and wages	(4,200,000)
Members' staff services	(5,600,000)
Compensation awards	(82,000)
Materials and Supplies	(458,000)
Services Other Than Personal	(1,497,000)
Maintenance and Fixed Charges	(95,000)
Special Purpose:	
FY 90 Incurred obligations	(750,000)

The unexpended balance as of June 30, 1990 in this account is appropriated.

Total Appropriation,	
Legislature	<u>\$22,263,000</u>

0003 Office of Legislative Services

03-0003 Legislative Support

Services	<u>\$20,882,000</u>

Total Appropriation, Office of Legislative Services	<u>\$20,882,000</u>

Personal Services:

State Auditor.....	(\$65,000)

Salaries and wages	(13,209,000)

Materials and Supplies	(1,112,000)

Services Other Than Personal.....	(3,441,000)

Maintenance and Fixed Charges....	(1,771,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(23,000)

Annex relocation.	(877,000)

Additions, Improvements and

Equipment.	(384,000)

The unexpended balance as of June 30, 1990 in this account is appropriated.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

Receipts derived from fees and charges for public access to legislative information systems shall be credited to a non-lapsing revolving fund which is established in and shall be administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain and expand the dissemination and availability of legislative information. Receipts credited to the fund are appropriated for those purposes.

*09 Legislative Commissions**0010 Intergovernmental Relations Commission*

09-0010 Intergovernmental	
Relations Commission	<u>\$583,000</u>
Total Appropriation,	
Intergovernmental Relations	
Commission	<u>\$583,000</u>
Special Purpose:	
The Council of State	
Governments	(\$99,000)
Atlantic States Marine	
Fisheries Commission	(22,000)
National Conference of	
Commissioners on Uniform	
State Laws	(18,000)
Education Commission of	
the States	(70,000)
National Governors'	
Association	(140,000)
Advisory Commission on	
Intergovernmental Relations ..	(7,000)
National Conference of State	
Legislatures	(109,000)
Governmental Accounting	
Standards Board	(30,000)
Northeast-Midwest Research	
Institute	(39,000)
Coalition of Northeastern	
Governors	(49,000)

The unexpended balance as of June 30, 1990 in this account is appropriated.

0014 Joint Committee on the Public Schools

09-0014 Joint Committee on the	
Public Schools	<u>\$250,000</u>
Total Appropriation,	
Joint Committee on the	
Public Schools	<u>\$250,000</u>
Special Purpose:	
Expenses of Commission	(\$250,000)

0018 State Commission of Investigation

09-0018 State Commission of
Investigation \$2,628,000
Total Appropriation,
State Commission of
Investigation \$2,628,000
Special Purpose:
Expenses of Commission..... (\$2,628,000)
The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study
Sex Discrimination in
the Statutes \$210,000
Total Appropriation,
Commission to Study Sex
Discrimination in the
Statutes \$210,000
Special Purpose:
Expenses of Commission..... (\$210,000)
The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business
Efficiency in the
Public Schools \$55,000
Total Appropriation,
Commission on Business
Efficiency in the
Public Schools \$55,000
Special Purpose:
Expenses of Commission..... (\$55,000)

0037 Emergency Response System Study Commission

The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal
Government Study
Commission \$235,000
Total Appropriation, County and
Municipal Government
Study Commission..... \$235,000
Special Purpose:
Expenses of Commission..... (\$235,000)
The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

0040 Apportionment Commission

09-0040 Apportionment
Commission \$250,000
Total Appropriation,
Apportionment Commission .. \$250,000
Special Purpose:
Expenses of Commission..... (\$250,000)

0042 New Jersey Monorail Legislative Commission

The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

*0049 Christopher Columbus
Quincentennial Observance Commission*

The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

*0052 Commission on Legal and Ethical Problems in the
Delivery of Health Care*

09-0052 Commission on Legal
and Ethical Problems in the
Delivery of Health Care \$95,000
Total Appropriation,
Commission on Legal and
Ethical Problems in the
Delivery of Health Care \$95,000
Special Purpose:
Expenses of Commission..... (\$95,000)
The unexpended balance as of June 30, 1990 in this account is ap-
propriated.

0053 New Jersey Law Revision Commission

The unexpended balance as of June 30, 1990 in this account is appropriated.

Total Appropriation, Legislative Commissions	<u>\$4,306,000</u>
Total Appropriation, Legislative Branch	<u>\$47,451,000</u>

EXECUTIVE BRANCH**06 OFFICE OF THE CHIEF EXECUTIVE***07 Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*

01-0300 Executive Management ..	<u>\$5,096,000</u>
Total Appropriation, Chief Executive's Office	<u>\$5,096,000</u>

Personal Services:

Salaries and wages	(\$3,991,000)
Materials and Supplies	(122,000)
Services Other Than Personal	(728,000)
Maintenance and Fixed Charges	(130,000)

Special Purpose:

Brian Stack intern program	(10,000)
Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official residence and other expenses .	(75,000)

Additions, Improvements and

Equipment	(40,000)

The unexpended balance as of June 30, 1990 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE*40 Community Development and Environmental Management**42 Natural Resource Management*

01-3310 Animal Disease Control .	\$768,000
02-3320 Plant Pest and Disease Control	1,750,000

03-3330 Resource Development	
Services	<u>948,000</u>
Total Appropriation, Natural Resource Management	<u>\$3,466,000</u>
Personal Services:	
Salaries and wages	(\$2,020,000)
Materials and Supplies	(117,000)
Services Other Than Personal	(143,000)
Maintenance and Fixed Charges	(105,000)
Special Purpose:	
Agricultural water use certification	(31,000)
Fish and seafood development and promotion.	(100,000)
Gypsy moth control	(50,000)
Future farmers' youth development	(20,000)
Beneficial insect laboratory	(575,000)
State soil conservation program.	(275,000)
Additions, Improvements and Equipment	(30,000)
Receipts from laboratory test fees in excess of \$50,000 are appro- priated to support the animal health laboratory program.	
Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.	
Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.	

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

06-3360 Marketing Services	<u>\$887,000</u>
Total Appropriation, Economic Planning and Development	<u>\$887,000</u>
Personal Services:	
Salaries and wages	(\$541,000)
Material and Supplies	(7,000)
Services Other Than Personal	(51,000)
Maintenance and Fixed Charges	(31,000)
Special Purpose:	
Promotion/market development.	(125,000)
Wine promotion program	(30,000)

Temporary emergency food assistance program.....	(100,000)
Additions, Improvements and Equipment	(2,000)
Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1990 are appropriated for expenses of Commodity Distribution.	

52 Economic Regulation

04-3340 Dairy Industry	
Regulation	\$443,000
05-3350 Other Commodity	
Regulation	<u>665,000</u>
Total Appropriation, Economic Regulation.....	<u>\$1,108,000</u>
Personal Services:	
Salaries and wages.....	(\$963,000)
Materials and Supplies	(20,000)
Services Other Than Personal.....	(72,000)
Maintenance and Fixed Charges....	(52,000)
Additions, Improvements and Equipment	(1,000)

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Management and Administrative Services.....	<u>\$1,767,000</u>
Total Appropriation, Management and Administration	<u>\$1,767,000</u>
Personal Services:	
Salaries and wages.....	(\$1,258,000)
Materials and Supplies	(24,000)
Services Other Than Personal.....	(140,000)
Maintenance and Fixed Charges....	(49,000)
Special Purpose:	
Expenses of State Board of Agriculture.....	(18,000)

Affirmative action and equal employment opportunity programs	(28,000)	
Additions, Improvements and Equipment.....	(250,000)	
Total Appropriation, Department of Agriculture		<u>\$7,228,000</u>

14 DEPARTMENT OF BANKING

*50 Economic Planning, Development and Security**52 Economic Regulation*

01-3010 Supervision and Enforcement of Financial Institutions		\$1,332,000
02-3020 Examination and Analysis of Financial Institutions		3,259,000
03-3030 Consumer Complaints, Legal and Economic Research...		867,000
99-3040 Management and Administrative Services.....		<u>623,000</u>
Total Appropriation, Economic Regulation.....		<u>\$6,081,000</u>
Personal Services:		
Salaries and wages.....	(\$5,382,000)	
Materials and Supplies	(48,000)	
Services Other Than Personal	(537,000)	
Maintenance and Fixed Charges....	(11,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(10,000)	
Additions, Improvements and Equipment	(93,000)	
Total Appropriation, Department of Banking.....		<u>\$6,081,000</u>

The unexpended balances as of June 30, 1990 in the accounts hereinabove are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from examination and licensing fees and bank assessments are appropriated,

subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting

Services \$8,635,000

Total Appropriation, Cultural
and Intellectual

Development Services \$8,635,000

Personal Services:

Salaries and wages..... (\$6,095,000)

Materials and Supplies (509,000)

Services Other Than Personal..... (1,043,000)

Maintenance and Fixed Charges.... (500,000)

Special Purpose:

Affirmative action and equal
employment opportunity
program..... (20,000)

Grant from the State to produce
the daily lottery drawing
program..... (150,000)

Grant to WBGO..... (50,000)

Program Development Fund (75,000)

Additions, Improvements and
Equipment. (193,000)

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development . \$2,871,000

21-2850 International Trade 2,284,000

22-2860 Travel and Tourism 7,418,000

23-2870 Economic Planning and
Research 259,000

25-2830 Urban Programs 330,000

26-2810 Development for Small Businesses and Women and Minority Businesses	1,486,000
99-2910 Management and Administrative Services	<u>1,767,000</u>
Total Appropriation, Economic Planning and Development ..	<u>\$16,415,000</u>
Personal Services:	
Salaries and wages	(\$5,583,000)
Materials and Supplies	(154,000)
Services Other Than Personal	(894,000)
Maintenance and Fixed Charges	(212,000)
Special Purpose:	
Economic development, advertising and promotion	(1,108,000)
Small Business Development Center	(250,000)
Advertising and promotion	(50,000)
Expand procurement opportunities for minority and women owned businesses	(150,000)
Trade shows, missions and promotions	(200,000)
International trade advertising and promotion	(775,000)
Governor's Commission on Business Tourism Development	(135,000)
International Education Center ..	(150,000)
Tourist welcome centers	(300,000)
Travel and tourism, advertising and promotion	(6,261,000)
Historical site and cultural promotion	(50,000)
Affirmative action and equal employment opportunity	(30,000)
Urban Enterprise Zones administration	(58,000)
Additions, Improvements and Equipment	(55,000)

The unexpended balance as of June 30, 1990 in the Employee stock option plan account is appropriated.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology	<u>\$422,000</u>
Total Appropriation, New Jersey Commission on Science and Technology ...	<u>\$422,000</u>
Personal Services:	
Salaries and wages.....	(\$335,000)
Materials and Supplies	(16,000)
Services Other Than Personal.....	(56,000)
Maintenance and Fixed Charges....	(10,000)
Additions, Improvements and Equipment.....	(5,000)
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$25,472,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code	
Enforcement	\$3,331,000
02-8020 Housing Services.....	4,664,000
04-8030 Local Government Services	3,365,000
06-8015 Uniform Construction Code	1,517,000
12-8025 Boarding Home Regulation and Assistance	1,350,000

17-8017 Fire Safety Program	1,479,000
18-8017 Fire Safety Inspection Program	<u>1,738,000</u>
Total Appropriation, Community Development Management	<u>\$17,444,000</u>

Personal Services:

Board members (7@ \$12,000)...	(\$84,000)
Salaries and wages	(11,277,000)
Materials and Supplies	(175,000)
Services Other Than Personal.....	(1,466,000)
Maintenance and Fixed Charges....	(492,000)

Special Purpose:

Cooperative housing inspection.	(800,000)
Prevention of Homelessness, P.L.1984, c.180 (C.52:27D-280 et seq.).....	(340,000)
Truth in Renting	(40,000)
Neighborhood preservation-fair housing, P.L.1985, c.222 (C.52:27D-301 et seq.).....	(1,050,000)
Council on Affordable Housing.	(1,350,000)
Local fire fighters training	(300,000)
Additions, Improvements and Equipment	(70,000)

Receipts in excess of the amount anticipated for Housing Code Enforcement, not to exceed \$450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of Truth in Renting statements, including fees, fines, and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Truth in Renting account together with any receipts in excess of the amount anticipated are appropriated.

The unexpended balance as of June 30, 1990 in the Planned Real Estate Development Full Disclosure Act account together with any receipts in excess of the amount anticipated are ap-

appropriated, 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.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the new home warranty security fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance of such receipts as of June 30, 1990 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

The unexpended balance as of June 30, 1990 in the Uniform Construction Code fees account, together with any receipts in excess of the amount anticipated, are appropriated for expenses of code enforcement activities subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts and unexpended balances as of June 30, 1990 in excess of \$1,000,000 in the Uniform Construction Code Revolving Fund shall lapse.

The amounts received by the Uniform Construction Code Revolving Fund attributable to \$0.0008 of the \$0.0014 surcharge fee are dedicated to the general support of the Uniform Construction Code Program, and notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), are available for training and non-training purposes.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the "Boarding House Rental Assistance Fund" created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or

otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1990 in the Fire Safety Inspection Program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Fire Safety Inspection Program classification is payable out of the fees and penalties derived from bureau activities. If those receipts are less than anticipated, the appropriation shall be reduced proportionately.

Additional sums, not to exceed \$250,000, required to allow the Local Finance Board to exercise supervisory responsibility over municipalities subject to section 21 of P.L.1981, c.211 (C.52:27BB-95.1), in the fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Council on Affordable Housing and Neighborhood preservation-fair housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources....	\$385,000
07-8052 Sports and Recreation.....	160,000
08-8060 Programs for the Aging ..	974,000
14-8061 Ombudsman's Office	1,182,000
15-8051 Women's Programs	1,036,000
16-8062 Office of the Public	
Guardian	<u>956,000</u>
Total Appropriation,	
Social Services Programs	<u>\$4,693,000</u>

Personal Services:

Salaries and wages.....	(\$2,578,000)
Positions established from lump sum appropriation	(33,000)
Positions converted.....	(313,000)
Materials and Supplies	(123,000)
Services Other Than Personal.....	(650,000)
Maintenance and Fixed Charges....	(130,000)

Special Purpose:

Federal programs for the aging (State share)	(331,000)
Expenses of the Commission on Aging	(3,000)
Conference on Aging	(15,000)
New program initiatives for women.....	(15,000)
Expenses of the New Jersey Commission on Women.....	(2,000)
Job Training Center for Urban Women Act.....	(315,000)
Sports and recreation	(160,000)
Additions, Improvements and Equipment	(25,000)

Receipts from the Office of the Public Guardian are appropriated.

*70 Government Direction, Management and Control**76 Management and Administration***99-8070 Management and**

Administrative Services.....	<u>\$3,019,000</u>

Total Appropriation,

Management and

Administration	<u>\$3,019,000</u>

Personal Services:

Salaries and wages.....	(\$2,380,000)
Materials and Supplies	(25,000)
Services Other Than Personal.....	(489,000)
Maintenance and Fixed Charges....	(63,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(60,000)

Additions, Improvements and		
Equipment	(2,000)	
Total Appropriation, Department		
of Community Affairs.....		<u>\$25,156,000</u>

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support

07-7025 Institutional Control		
and Supervision		\$7,829,000
13-7025 Institutional Program		
Support		<u>24,744,000</u>
Total Appropriation, System-		
Wide Program Support		<u>\$32,573,000</u>
Personal Services:		
Salaries and wages.....	(\$10,643,000)	
Positions established from lump		
sum appropriation	(1,242,000)	
Materials and Supplies	(3,000)	
Services Other Than Personal	(6,886,000)	
Special Purpose:		
Central Office		
Transportation Unit.....	(186,000)	
Integrated information		
systems development	(584,000)	
Augment medical care at		
institutions	(619,000)	
Farm operations subsidy	(650,000)	
Expanded State and county		
correction and juvenile		
detention officer training	(600,000)	
Adult post-secondary and		
college programs.....	(200,000)	
Social services block		
grant support.	(83,000)	
Computerized menu planning	(16,000)	
Institutional law libraries.....	(16,000)	
Radio conversion program.....	(684,000)	
Emergency facility repairs.....	(100,000)	
Mutual agreement program.....	(350,000)	

Recruit screening program.....	(316,000)
Radio maintenance	(160,000)
Contract settlement-Salaries and clothing allowance	(8,225,000)
Contract settlement-Overtime hourly rate increase	(1,000,000)
Additions, Improvements and Equipment.....	(10,000)
The unexpended balance as of June 30, 1990 in the Commission on Vocational and Technical Training account is appropriat- ed for the same purpose.	
The unexpended balance as of June 30, 1990 in the Additional trunk lines account is appropriated for the same purpose.	

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$37,230,000
08-7040 Institutional Care Program	13,456,000
09-7040 Institutional Treatment Program	2,522,000
10-7040 Education Program	1,334,000
19-7040 Physical Plant and Support Services	4,421,000
99-7040 Management and Administrative Services	<u>1,452,000</u>
Total Appropriation, New Jersey State Prison.....	<u>\$60,415,000</u>
Personal Services:	
Salaries and wages	(\$43,106,000)
Food in lieu of cash	(264,000)
Materials and Supplies	(7,074,000)
Services Other Than Personal.....	(7,352,000)
Maintenance and Fixed Charges....	(643,000)
Special Purpose:	
Expanded capacity	(1,473,000)
Claims.....	(3,000)
Additions, Improvements and Equipment	(500,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$28,082,000
08-7050 Institutional Care Program	8,895,000
09-7050 Institutional Treatment Program	2,565,000
10-7050 Education Program	852,000
19-7050 Physical Plant and Support Services	3,221,000
99-7050 Management and Administrative Services	<u>1,035,000</u>
Total Appropriation, East Jersey State Prison	<u>\$44,650,000</u>
Personal Services:	
Salaries and wages	(\$31,379,000)
Positions established from lump sum appropriation	(125,000)
Food in lieu of cash	(197,000)
Materials and Supplies	(5,842,000)
Services Other Than Personal	(3,986,000)
Maintenance and Fixed Charges	(501,000)
Special Purpose:	
Expanded capacity	(2,271,000)
Other special purpose	(4,000)
Additions, Improvements and Equipment	(345,000)

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$21,538,000
08-7060 Institutional Care Program	7,460,000
09-7060 Institutional Treatment Program	1,924,000
10-7060 Education Program	826,000
19-7060 Physical Plant and Support Services	3,096,000
99-7060 Management and Administrative Services	<u>950,000</u>

Total Appropriation,		
Bayside State Prison		<u>\$35,794,000</u>
Personal Services:		
Salaries and wages	(\$22,853,000)	
Food in lieu of cash	(155,000)	
Materials and Supplies	(4,469,000)	
Services Other Than Personal.....	(3,180,000)	
Maintenance and Fixed Charges....	(502,000)	
Special Purpose:		
Expanded capacity	(3,854,000)	
Sewage hauling and disposal		
costs	(566,000)	
Other special purpose	(3,000)	
Additions, Improvements and		
Equipment.	(212,000)	

7065 Southern State Correctional Facility

07-7065 Institutional Control		
and Supervision.		\$20,013,000
08-7065 Institutional Care		
Program		6,241,000
09-7065 Institutional Treatment		
Program		1,780,000
10-7065 Education		
Program		1,094,000
19-7065 Physical Plant and		
Support Services		2,264,000
99-7065 Management and		
Administrative Services		<u>1,209,000</u>
Total Appropriation,		
Southern State		
Correctional Facility		<u>\$32,601,000</u>
Personal Services:		
Salaries and wages	(\$23,739,000)	
Positions established from		
lump sum appropriation	(1,131,000)	
Food in lieu of cash	(157,000)	
Materials and Supplies	(3,563,000)	
Services Other Than Personal.....	(3,137,000)	
Maintenance and Fixed Charges....	(643,000)	

Special Purpose:

Sewage hauling and disposal costs	(141,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(89,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$8,459,000
08-7070 Institutional Care Program	3,146,000
09-7070 Institutional Treatment Program	962,000
10-7070 Education Program	473,000
19-7070 Physical Plant and Support Services	1,098,000
99-7070 Management and Administrative Services	<u>766,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$14,904,000</u>

Personal Services:

Salaries and wages	(\$10,594,000)
Food in lieu of cash	(79,000)
Materials and Supplies	(1,638,000)
Services Other Than Personal	(1,456,000)
Maintenance and Fixed Charges	(223,000)
Special Purpose:	
Expanded capacity	(750,000)
Additions, Improvements and Equipment	(164,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$15,684,000
08-7075 Institutional Care Program	3,449,000
09-7075 Institutional Treatment Program	875,000
10-7075 Education Program	491,000

19-7075 Physical Plant and Support Services	1,299,000
99-7075 Management and Administrative Services	<u>720,000</u>
Total Appropriation, Riverfront State Prison	<u>\$22,518,000</u>
Personal Services:	
Salaries and wages	(\$12,070,000)
Food in lieu of cash	(81,000)
Materials and Supplies	(1,813,000)
Services Other Than Personal	(1,596,000)
Maintenance and Fixed Charges	(219,000)
Special Purpose:	
Expanded capacity	(6,669,000)
Additions, Improvements and Equipment	(70,000)

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision	\$11,177,000
08-7080 Institutional Care Program	5,619,000
09-7080 Institutional Treatment Program	1,324,000
10-7080 Education Program	657,000
19-7080 Physical Plant and Support Services	1,671,000
99-7080 Management and Administrative Services	<u>696,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women	<u>\$21,144,000</u>
Personal Services:	
Salaries and wages	(\$13,876,000)
Positions established from lump sum appropriation	(1,735,000)
Food in lieu of cash	(127,000)
Materials and Supplies	(2,091,000)
Services Other Than Personal	(2,449,000)
Maintenance and Fixed Charges	(264,000)

Special Purpose:

Other additional bedspaces	(479,000)
Additions, Improvements and Equipment..	(123,000)

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$22,859,000
08-7085 Institutional Care Program	6,309,000
09-7085 Institutional Treatment Program	1,816,000
10-7085 Education Program	1,023,000
19-7085 Physical Plant and Support Services	2,537,000
99-7085 Management and Administrative Services	<u>1,122,000</u>
Total Appropriation, Northern State Prison	<u>\$35,666,000</u>
Personal Services:	
Salaries and wages	(\$19,585,000)
Positions established from lump sum appropriation	(712,000)
Food in lieu of cash	(151,000)
Materials and Supplies	(3,848,000)
Services Other Than Personal	(3,127,000)
Maintenance and Fixed Charges	(227,000)
Special Purpose:	
Expanded capacity	(7,330,000)
Other additional bedspaces	(594,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(90,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision	\$9,324,000
08-7090 Institutional Care Program	3,524,000
09-7090 Institutional Treatment Program	1,881,000

10-7090 Education Program	289,000
11-7090 Outpatient Diagnostic and Treatment Services	239,000
19-7090 Physical Plant and Support Services	1,001,000
99-7090 Management and Administrative Services	<u>819,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	<u>\$17,077,000</u>
Personal Services:	
Salaries and wages	(\$10,058,000)
Positions established from lump sum appropriation	(3,383,000)
Food in lieu of cash	(99,000)
Materials and Supplies	(1,739,000)
Services Other Than Personal	(1,489,000)
Maintenance and Fixed Charges	(207,000)
Additions, Improvements and Equipment	(102,000)

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$16,651,000
08-7110 Institutional Care Program	6,371,000
09-7110 Institutional Treatment Program	2,683,000
10-7110 Education Program	824,000
19-7110 Physical Plant and Support Services	1,808,000
99-7110 Management and Administrative Services	<u>1,099,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility ...	<u>\$29,436,000</u>
Personal Services:	
Salaries and wages	(\$18,593,000)
Positions established from lump sum appropriation	(4,437,000)

Food in lieu of cash	(159,000)
Materials and Supplies	(3,586,000)
Services Other Than Personal.....	(2,195,000)
Maintenance and Fixed Charges....	(295,000)
Additions, Improvements and Equipment	(171,000)

Receipts derived from the sales of meals and other food items at the Garden State Reception and Youth Correctional Facility Culinary Arts Training Program, located on the grounds of the Department's Administrative Offices Complex, and the unexpended balance of such receipts as of June 30, 1990 are appropriated.

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$15,526,000
08-7120 Institutional Care Program	5,588,000
09-7120 Institutional Treatment Program	1,823,000
10-7120 Education Program	851,000
19-7120 Physical Plant and Support Services	3,324,000
99-7120 Management and Administrative Services.....	<u>1,156,000</u>
Total Appropriation, Albert C.Wagner Youth Correctional Facility ...	<u>\$28,268,000</u>
Personal Services:	
Salaries and wages.....	(\$20,117,000)
Positions established from lump sum appropriation	(1,180,000)
Food in lieu of cash	(155,000)
Materials and Supplies	(4,094,000)
Services Other Than Personal.....	(1,791,000)
Maintenance and Fixed Charges....	(323,000)
Special Purpose:	
Sewage hauling and disposal costs	(461,000)
Additions, Improvements and Equipment	(147,000)

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$16,160,000
08-7130 Institutional Care Program	5,492,000
09-7130 Institutional Treatment Program	2,103,000
10-7130 Education Program	399,000
19-7130 Physical Plant and Support Services	5,915,000
99-7130 Management and Administrative Services	<u>858,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$30,927,000</u>
Personal Services:	
Salaries and wages	(\$15,608,000)
Positions established from lump sum appropriation	(3,446,000)
Food in lieu of cash	(138,000)
Materials and Supplies	(3,755,000)
Services Other Than Personal	(2,137,000)
Maintenance and Fixed Charges	(327,000)
Special Purpose:	
Expanded capacity	(1,772,000)
Sewage hauling and disposal costs	(3,630,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(112,000)

*18 Juvenile Correctional Services**7210 Lloyd McCorkle Training School for Boys and Girls*

07-7210 Institutional Control and Supervision	\$4,225,000
08-7210 Institutional Care Program	970,000
09-7210 Institutional Treatment Program	574,000
19-7210 Physical Plant and Support Services	922,000

99-7210 Management and Administrative Services.....		<u>569,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls.....		<u>\$7,260,000</u>
Personal Services:		
Salaries and wages.....	(\$6,006,000)	
Food in lieu of cash	(42,000)	
Materials and Supplies	(641,000)	
Services Other Than Personal.....	(376,000)	
Maintenance and Fixed Charges....	(165,000)	
Additions, Improvements and Equipment.....	(30,000)	

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision		\$7,273,000
08-7220 Institutional Care Program		1,794,000
09-7220 Institutional Treatment Program		1,212,000
19-7220 Physical Plant and Support Services		1,905,000
99-7220 Management and Administrative Services.....		<u>660,000</u>
Total Appropriation, New Jersey Training School for Boys		<u>\$12,844,000</u>
Personal Services:		
Salaries and wages.....	(\$10,253,000)	
Positions established from lump sum appropriation	(342,000)	
Food in lieu of cash	(70,000)	
Materials and Supplies	(1,236,000)	
Services Other Than Personal.....	(640,000)	
Maintenance and Fixed Charges....	(198,000)	
Additions, Improvements and Equipment	(105,000)	

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$3,318,000
08-7225 Institutional Care Program	655,000
09-7225 Institutional Treatment Program	326,000
19-7225 Physical Plant and Support Services	468,000
99-7225 Management and Administrative Services	<u>310,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$5,077,000</u>
Personal Services:	
Salaries and wages	(\$4,429,000)
Food in lieu of cash	(30,000)
Materials and Supplies	(342,000)
Services Other Than Personal	(155,000)
Maintenance and Fixed Charges	(80,000)
Additions, Improvements and Equipment	(41,000)

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation...	<u>\$11,936,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$11,936,000</u>
Personal Services:	
Salaries and wages	(\$7,046,000)
Positions established from lump sum appropriation	(1,227,000)
Food in lieu of cash	(14,000)
Special Purpose:	
Community centers	(2,922,000)
Waterloo juvenile residential treatment center	(362,000)
Cumberland day treatment program	(85,000)
Hudson day and Liberty Park programs	(158,000)
Atlantic day program	(100,000)

Additions, Improvements and

Equipment (22,000)

The unexpended balance as of June 30, 1990 in the Alternatives to Juvenile Incarceration Programs account are appropriated for the same purpose.

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole \$14,464,000

04-7010 Community Programs..... 1,374,000

Total Appropriation,

Office of Parole and

Community Programs

\$15,838,000

Personal Services:

Salaries and wages..... (\$12,577,000)

Positions established from

lump sum appropriation (991,000)

Food in lieu of cash (10,000)

Materials and Supplies (149,000)

Services Other Than Personal..... (577,000)

Maintenance and Fixed Charges.... (706,000)

Special Purpose:

Payments to inmates discharged
from facilities..... (246,000)Parolee electronic monitoring
program..... (262,000)Community Service Center,
Newark..... (191,000)Community Service Center,
Essex..... (89,000)

Additions, Improvements and

Equipment (40,000)

*7280 State Parole Board*05-7280 State Parole Board \$6,301,000

Total Appropriation,

State Parole Board

\$6,301,000

Personal Services:

Salaries and wages..... (\$5,545,000)

Materials and Supplies (134,000)

Services Other Than Personal..... (377,000)

Maintenance and Fixed Charges....	(105,000)
Additions, Improvements and Equipment	(140,000)

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management

01-7000 Planning, Management and General Support	\$1,781,000
02-7000 Program Operations Support	2,783,000
19-7000 Physical Plant and Support Services	1,001,000
99-7000 Management and Administrative Services.....	<u>10,151,000</u>
· Total Appropriation, Central Planning, Direction and Management	<u>\$15,716,000</u>
Personal Services:	
Salaries and wages.....	(\$12,874,000)
Positions established from lump sum appropriation	(47,000)
Materials and Supplies	(499,000)
Services Other Than Personal.....	(1,403,000)
Maintenance and Fixed Charges....	(314,000)
Special Purpose:	
Return of escapees and absconders	(196,000)
Expanded audit capabilities	(50,000)
Affirmative action and equal employment opportunity program.....	(125,000)
Additions, Improvements and Equipment	(208,000)
Total Appropriation, Department of Corrections.....	<u>\$480,945,000</u>

Balances on hand as of June 30, 1990 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5064 Adult and Continuing Education.....	\$764,000
05-5066 Bilingual Education.....	214,000
06-5066 Compensatory Education.....	293,000
07-5065 Special Education.....	<u>1,446,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,717,000</u>
Personal Services:	
Salaries and wages.....	(\$2,475,000)
Materials and Supplies	(45,000)
Services Other Than Personal.....	(189,000)
Maintenance and Fixed Charges....	(8,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf.....	\$7,431,000
15-5010 Project COED.....	<u>2,181,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$9,612,000</u>
Personal Services:	
Salaries and wages.....	(\$7,768,000)
Materials and Supplies	(1,117,000)
Services Other Than Personal.....	(224,000)
Maintenance and Fixed Charges....	(275,000)
Special Purpose:	
Transportation expenses for students	(140,000)
Additions, Improvements and Equipment	(88,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, \$2,630,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1990, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1990 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062 General Vocational	
Education	<u>\$1,561,000</u>
Total Appropriation,	
Supplemental Education and	
Training Programs	<u>\$1,561,000</u>
Personal Services:	
Salaries and wages	(\$1,446,000)
Materials and Supplies	(32,000)
Services Other Than Personal	(81,000)
Additions, Improvements and	
Equipment	(2,000)

34 Educational Support Services

30-5063 General Academic	
Education	\$6,227,000
31-5091 Academy for the	
Advancement of Teaching	
and Management	873,000
32-5061 Certification Programs ...	1,392,000

33-5067 Service to Local Districts	6,381,000
33-5068 Service to Local Districts	1,082,000
34-5067 Equal Educational Opportunity	168,000
36-5120 Pupil Transportation	354,000
37-5120 School Nutrition	153,000
38-5120 Facilities Planning and School Building Aid.	<u>522,000</u>
Total Appropriation, Educational Support Services	<u>\$17,152,000</u>
Personal Services:	
Salaries and wages	(\$11,061,000)
Materials and Supplies	(329,000)
Services Other Than Personal.....	(783,000)
Maintenance and Fixed Charges....	(95,000)
Special Purpose:	
Improved basic skills instruction (HSPT)	(95,000)
Pre-kindergarten for urban students	(70,000)
Blueprint for a drug-free New Jersey	(250,000)
11th grade test	(1,748,000)
High school proficiencies	(100,000)
School improvement/effective schools	(265,000)
Statewide testing.....	(1,732,000)
Partners in learning	(450,000)
Advisory Council on Holocaust Education	(125,000)
Additions, Improvements and Equipment	(49,000)

The unexpended balance as of June 30, 1990 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1990 are appropriated for the operation of Certification programs.

Receipts derived from charges at the Academy for the Advancement of Teaching and Management in excess of those anticipated and the unexpended balance as of June 30, 1990 of such receipts are appropriated for the costs of operation.

35 Education Administration and Management

42-5120 School Finance	\$1,164,000
43-5092 Compliance and Auditing	1,617,000
99-5090 Management and Administrative Services	1,531,000
99-5095 Management and Administrative Services	<u>4,519,000</u>
Total Appropriation, Education Administration and Management	<u>\$8,831,000</u>
Personal Services:	
Salaries and wages	(\$6,645,000)
Materials and Supplies	(277,000)
Services Other Than Personal	(748,000)
Maintenance and Fixed Charges	(214,000)
Special Purpose:	
Comprehensive compliance audits	(360,000)
State Board of Education expenses	(57,000)
Microfilm service charges	(37,000)
Affirmative action and equal employment opportunity program	(48,000)
Additions, Improvements and Equipment	(445,000)

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1990 of such receipts are appropriated for the cost of operation.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,665,000
54-5010 Support of the Arts	<u>140,000</u>

Total Appropriation, Cultural and Intellectual Development Services.....	<u>\$3,805,000</u>

Personal Services:

Salaries and wages.....	(\$2,684,000)
Positions established from lump sum appropriation	(111,000)
Materials and Supplies	(563,000)
Services Other Than Personal.....	(425,000)
Maintenance and Fixed Charges....	(22,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1990 of such receipts are appropriated for the costs of operation.

Total Appropriation, Department of Education	<u>\$43,678,000</u>

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-4840 Water Supply and Watershed Management	\$3,138,000
11-4870 Forest Resource Management	5,124,000
13-4880 Hunters' and Anglers' License Fund	9,300,000
14-4885 Shellfish and Marine Fisheries Management	1,230,000
15-4890 Marine Lands Management	5,763,000
20-4880 Wildlife Management.....	<u>94,000</u>
Total Appropriation, Natural Resource Management.....	<u>\$24,649,000</u>

Personal Services:

Salaries and wages.....	(\$13,470,000)
Materials and Supplies	(1,975,000)
Services Other Than Personal.....	(1,088,000)
Maintenance and Fixed Charges....	(814,000)
Special Purpose:	
Well permits	(207,000)
Well drillers'/pump installers'	
licenses	(15,000)
Excess diversion fees.....	(225,000)
Water allocation fees	(1,085,000)
Water/Wastewater operators'	
licenses	(119,000)
Office of the Rivermaster	(58,000)
Microfilm service charges	(47,000)
Fire fighting costs	(525,000)
Woodland assessment	(75,000)
Sea clam enforcement.....	(63,000)
Oyster propagation and disease	
control, section 8 of P.L.1945,	
c.39 (C.50:3-20.17).....	(15,000)
Surf clam research and	
inventory	(30,000)
Shellfish research and	
inventory	(22,000)
Bayshore flood control	(250,000)
Dam safety expansion.....	(375,000)
Waterfront development	
program.....	(383,000)
Wetlands	(10,000)
CAFRA program	(225,000)
Stream encroachment	(1,613,000)
Regulation of freshwater	
wetlands	(450,000)
Delineation and determination	
of State riparian land.....	(200,000)
Tidelands Resource Council	(25,000)
Pequest Resource Center	(94,000)
Additions, Improvements and	
Equipment	(1,191,000)

- The amounts hereinabove for the Waterfront development program, Wetlands program, CAFRA program, and Stream encroachment accounts are payable out of receipts received through the "Environmental Services Fund," established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1990, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.
- The amounts hereinabove for the Well permits, Well drillers'/ pump installers' licenses, Excess diversion fees, Water allocation fees, and Water/Wastewater operators' licenses accounts are payable out of receipts received through the "Environmental Services Fund," established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1990, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.
- Notwithstanding the provisions of P.L.1975, c.232 (C.13:1D-29 et seq.), of the amounts hereinabove for the Water Supply and Watershed Management and Marine Lands Management program classifications, an amount not to exceed \$750,000 is appropriated from the "Environmental Services Fund."
- The unexpended balance as of June 30, 1990 in the "Hunters' and Anglers' License Fund" together with any receipts in excess of the amount anticipated are appropriated.
- The amount hereinabove for the "Hunters' and Anglers' License Fund" is payable out of said fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
- 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; provided however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to

the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$541,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided however, that there is appropriated from any receipts in excess of the amount anticipated, \$1,100,000 to meet peak demands of the marine lands management program.

Receipts received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.) and the unexpended balances as of June 30, 1990 in the Regulation of freshwater wetlands account are appropriated for the same purposes.

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," established pursuant to section 1 of P.L.1981, c.170 (C.54A:9-25.2), and the unexpended balance as of June 30, 1990 of such receipts are appropriated for protection of endangered and nongame wildlife species.

The unexpended balance as of June 30, 1990 in the Watershed Property Review Board account is appropriated.

43 Environmental Quality

02-4825 Air Pollution Control.....	\$7,604,000
03-4830 Noise Control	89,000
07-4850 Water Monitoring and Planning.....	1,383,000
08-4855 Water Enforcement	1,537,000
09-4860 Public Wastewater Facilities	700,000
17-4900 Solid Waste Resource Management	4,058,000
22-4861 Geological Survey	<u>11,446,000</u>
Total Appropriation, Environmental Quality	<u>\$26,817,000</u>

Personal Services:	
Salaries and wages	(\$6,638,000)
Materials and Supplies	(360,000)
Services Other Than Personal	(860,000)
Maintenance and Fixed Charges	(388,000)
Special Purpose:	
Ozone attainment	(475,000)
Worker and Community	
Right to Know Act	(922,000)
Air pollution monitoring and	
control programs	(3,600,000)
Noise control education	
program	(30,000)
Laboratory services	
(Department of Health)	(330,000)
Expansion of coastal sewage	
treatment enforcement	(325,000)
Administration of Wastewater	
Treatment Fund	(700,000)
Sanitary Landfill Facility	
Contingency Fund, Non-site	
specific administration	(210,000)
Administration of Resource	
Recovery and Solid Waste	
Disposal Facility Fund	(235,000)
Recycling of solid waste	(848,000)
Clean communities—	
administration	(400,000)
Industrial pretreatment program	(850,000)
Ground water discharge permits	(3,200,000)
Surface water discharge permits	(6,264,000)
Additions, Improvements and	
Equipment	(182,000)

The amount hereinabove for the Air pollution monitoring and control programs account is payable out of the receipts generated through licensing fees and penalties. Receipts in excess of the amount anticipated from the Air pollution monitoring and control programs are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Ground water discharge permits and the Surface water discharge permits accounts are pay-

able out of receipts received pursuant to the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1990 in the Ground water discharge permits and the Surface water discharge permits accounts, as well as any receipts received in excess of the respective anticipated amounts, are appropriated for such purposes.

Receipts received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balance of such receipts as of June 30, 1990 are appropriated.

There is allocated from funds previously appropriated from the "Water Conservation Fund" the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Recycling of solid waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the "Worker and Community Right to Know Trust Fund." " If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1990 in the Worker and Community Right to Know Act account together with any receipts in excess of the amount anticipated, not to exceed \$178,000, are appropriated.

The amount hereinabove for the Clean communities-administration account is payable out of receipts received pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean communities-administration account are appropriated for Clean communities program administration.

The unexpended balance as of June 30, 1990 in the Industrial pre-treatment program account is appropriated.

The unexpended balance as of June 30, 1990 in the Mapping of aquifer recharge areas account is appropriated.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the trust's annual operating expenses are appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278 (C.13:1E-92 et seq.).

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account is payable out of the Sanitary Landfill Facility Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account, not to exceed \$40,000, are appropriated.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

Receipts in excess of the amount anticipated from solid waste fees and the unexpended balance of such receipts as of June 30, 1990 in the Solid Waste Resource Management program classification are appropriated.

The unexpended balances as of June 30, 1990 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Environmental Protection pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$4,450,000
04-4835 Pesticide Control	890,000
18-4810 Environmental Cancer and Toxic Substances	3,469,000
19-4815 Spill Prevention, Response and Site Cleanup	7,982,000

23-4910 Waste Management		<u>2,415,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control		<u>\$19,206,000</u>
Personal Services:		
Salaries and wages.....	(\$5,502,000)	
Materials and Supplies	(481,000)	
Services Other Than Personal.....	(1,748,000)	
Maintenance and Fixed Charges....	(599,000)	
Special Purpose:		
Nuclear emergency response	(1,500,000)	
Radon program	(1,150,000)	
Low Level Radioactive Waste		
Disposal Facility Siting Act...	(450,000)	
Quality assurance program	(150,000)	
Environmental laboratory	(200,000)	
Hazardous waste research.....	(500,000)	
Risk assessment	(150,000)	
Geographical Information		
System data base		
development.....	(96,000)	
Environmental health assessment	(610,000)	
Spill prevention, response and		
site cleanup, Non-site		
specific costs.....	(1,729,000)	
Environmental Cleanup		
Responsibility Act	(3,500,000)	
Major Hazardous Waste		
Facilities Siting Act—		
Siting Commission.....	(447,000)	
Major Hazardous Waste		
Facilities Siting Act—		
Hazardous Waste		
Advisory Council.....	(15,000)	
Additions, Improvements and		
Equipment	(379,000)	

The amount hereinabove for the Nuclear emergency response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.).

The unexpended balances as of June 30, 1990 in the Nuclear emergency response account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Radiation Protection are appropriated.

The unexpended balance as of June 30, 1990 in the Low-Level Radioactive Waste Disposal Facility Siting Act account is appropriated.

Receipts in excess of the amount anticipated from laboratory certification services are appropriated.

The amount hereinabove for the Spill prevention, response and site cleanup, Non-site specific costs account is payable out of the New Jersey Spill Compensation Fund.

Receipts in excess of those anticipated for the Spill prevention, response and site cleanup, Non-site specific costs account, not to exceed \$546,000, are appropriated, of which an amount not to exceed \$325,000 shall be available for the purchase of protective clothing and safety equipment and the training required for its use.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$1,900,000 is appropriated from the New Jersey Spill Compensation Fund for emergency response to toxic releases, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Cleanup Responsibility Act account is payable out of receipts received pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Environmental Cleanup Responsibility Act account, as well as any receipts received in excess of the anticipated amount, are appropriated.

The amount hereinabove for the Hazardous waste research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects, and improved cleanup criteria and removal operation methods of spills of hazardous substances, as well as methods of hazardous waste source reduction, recycling and detoxification, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances as of June 30, 1990 in the Major Hazardous Waste Facilities Siting Act—Siting Commission, the Hazardous Waste Facilities Siting Commission—Review, the Site Review and Evaluation, and the Land Emplacement Facility Site Search accounts are appropriated.

All receipts, including receipts from recoveries for hazardous waste cleanup activities, except for the Spill Compensation Fund, and receipts from consent orders for past and future hazardous waste cleanups shall be deposited in the "Hazardous Discharge Site Cleanup Fund," established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34) and are appropriated for hazardous waste cleanup activities, including administrative costs.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such receipts as of June 30, 1990 are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for the Hazardous waste research account from interest earned by the New Jersey Spill Compensation Fund, not to exceed \$250,000, are appropriated to coordinate and implement hazardous waste minimization efforts.

In addition to site specific charges, there is appropriated \$8,100,000 for the Spill Prevention, Response and Site Cleanup and Waste Management programs from the New Jersey Spill Compensation Fund, in accordance with the pro-

visions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting; provided that any amounts appropriated in excess of \$6,840,000 are subject to the approval of the Joint Budget Oversight Committee, or its successor.

45 Recreational Resource Management

10-4865 Marina Operations	\$447,000
12-4875 Parks Management	22,117,000
21-4895 Navigational Aids.....	<u>698,000</u>
Total Appropriation, Recreational Resource Management	<u>\$23,262,000</u>
Personal Services:	
Salaries and wages.....	(\$16,153,000)
Materials and Supplies	(2,227,000)
Services Other Than Personal.....	(1,344,000)
Maintenance and Fixed Charges....	(1,375,000)
Special Purpose:	
Liberty State Park Commission .	(22,000)
Expenses of the Delaware and Raritan Canal Commission	(149,000)
Day trip and camping opportunities for youngsters from lower and moderate income families	(450,000)
Natural Lands Trust	(90,000)
Natural Areas Council	(5,000)
Open Lands management program.....	(200,000)
Historic Sites Trust	(20,000)
Morven maintenance	(50,000)
Expansion of Natural Heritage program.....	(120,000)
Expansion of historic sites and planning	(230,000)
Dredging of inland waterways, State marinas and State- controlled lakes	(100,000)
Additions, Improvements and Equipment	(727,000)

Receipts in excess of the amount anticipated from Marina operations are appropriated for maintenance and security of marina facilities.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Expenses of the Delaware and Raritan Canal Commission account is appropriated.

There are appropriated from the "Cultural Centers and Historic Preservation Fund" established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the bond act, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and permit receipts in excess of \$3,200,000, not to exceed \$700,000, from the use of State park facilities are appropriated for Parks Management.

4876 Palisades Interstate Park Commission

24-4876 Parks Management	\$1,720,000
25-4876 Patrol Activities and Crime Control	<u>1,169,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$2,889,000</u>
Personal Services:	
Salaries and wages	(\$2,191,000)
Materials and Supplies	(278,000)
Services Other Than Personal	(173,000)
Maintenance and Fixed Charges	(165,000)
Additions, Improvements and Equipment	(82,000)

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, 1990 of such receipts, are appropriated.

46 Environmental Planning and Administration

26-4805 Regulatory and	
Governmental Affairs	\$2,181,000
99-4800 Management and	
Administrative Services	<u>7,341,000</u>
Total Appropriation,	
Environmental Planning	
and Administration	<u>\$9,522,000</u>
Personal Services:	
Salaries and wages	(\$7,837,000)
Materials and Supplies	(81,000)
Services Other Than Personal	(1,238,000)
Maintenance and Fixed Charges	(58,000)
Special Purpose:	
Regulatory services expansion...	(82,000)
Board of New Jersey Pilot	
Commissioners	(73,000)
Affirmative action and equal	
employment opportunity	
program	(50,000)
Office automation	(75,000)
Additions, Improvements and	
Equipment	(28,000)
The amount in the Board of New Jersey Pilot Commissioners account is payable out of receipts, and any receipts in excess of the amounts specifically set forth above, are appropriated.	
Total Appropriation, Department	
of Environmental Protection .	<u>\$106,345,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

01-4215 Vital Statistics	\$1,093,000
02-4220 Community Health	
Services	5,715,000
03-4230 Epidemiology and	
Disease Control	4,620,000

04-4240 Narcotic and Drug Abuse Control.....	2,262,000
05-4250 Alcoholism Control	60,000
08-4280 Diagnostic Services	6,209,000
09-4290 Clinical Laboratory Services	508,000
11-4235 Occupational and Environmental Health Control...	6,737,000
12-4245 AIDS Services	<u>3,966,000</u>
Total Appropriation, Health Services	<u>\$31,170,000</u>
Personal Services:	
Salaries and wages	(\$21,470,000)
Materials and Supplies	(3,478,000)
Services Other Than Personal.....	(2,969,000)
Maintenance and Fixed Charges....	(526,000)
Special Purpose:	
Rabies control program	(503,000)
Animal population control program.....	(600,000)
Worker and Community Right to Know	(1,624,000)

The unexpended balance as of June 30, 1990 in the Rabies control program account, together with any receipts in excess of the amount anticipated, not to exceed \$125,000, are appropriated.

Notwithstanding the provisions of any law to the contrary, there is appropriated from the Animal population control program account the sum of \$300,000 for the rabies control program.

The unexpended balance as of June 30, 1990 in the Animal population control program account, together with any receipts in excess of the amount anticipated, are appropriated.

The amount hereinabove for the Animal population control program account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and the unexpended balance as of June 30, 1990 of the fees are appropriated.

The Division of Alcoholism and Drug Abuse is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1990 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism and Drug Abuse, for the support of the alcohol and drug abuse programs.

Any receipts in the Worker and Community Right to Know account in excess of the amount anticipated, not to exceed \$207,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the "Worker and Community Right to Know Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

The unexpended balance as of June 30, 1990 in the Supplemental Nutrition Assistance Contingency Fund account is appropriated

The unexpended balances as of June 30, 1990 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

The unexpended balance as of June 30, 1990, in the Cystic Fibrosis program account is appropriated.

22 Health Planning and Evaluation

06-4260 Health Facilities	
Evaluation.....	\$6,630,000
07-4270 Health Planning and	
Resource Development.....	<u>5,457,000</u>
Total Appropriation, Health	
Planning and Evaluation	<u>\$12,087,000</u>

Personal Services:

Salaries and wages.....	(\$9,329,000)
Positions converted.....	(251,000)
Materials and Supplies	(139,000)
Services Other Than Personal.....	(1,242,000)
Maintenance and Fixed Charges....	(168,000)

Special Purpose:

Expansion of health facilities	
inspection services.....	(958,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities, and the unexpended balances of such receipts as of June 30, 1990, are appropriated for the costs of this program.

The unexpended balance as of June 30, 1990 in the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to this fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts from Medicare (Title XVIII) and Medicaid (Title XIX) for health facilities inspections, in excess of those anticipated, are appropriated.

The unexpended balance as of June 30, 1990, in the Hospital rate setting account together with any receipts in excess of the amount anticipated are appropriated.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1990 are appropriated for the cost of this program.

25 Health Administration

99-4210 Management and	
Administrative Services.....	<u>\$7,213,000</u>
Total Appropriation,	
Health Administration.....	<u>\$7,213,000</u>

Personal Services:	
Salaries and wages	(\$5,671,000)
Materials and Supplies	(195,000)
Services Other Than Personal.....	(469,000)
Maintenance and Fixed Charges....	(387,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(77,000)
Office automation	(207,000)
Additions, Improvements and Equipment	(207,000)
Total Appropriation, Department of Health.....	<u>\$50,470,000</u>
Receipts from licenses, permits and fees collected by the Department of Health, in excess of those anticipated, are appropriated.	

50 DEPARTMENT OF HIGHER EDUCATION
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
5400 Office of the Chancellor

03-5400 New Jersey Educational Opportunity Fund	\$754,000
05-5400 Student Financial Assistance Administration	3,657,000
99-5400 Management and Administrative Services	<u>6,187,000</u>
Total Appropriation, Office of the Chancellor.....	<u>\$10,598,000</u>
Personal Services:	
Salaries and wages	(\$5,681,000)
Materials and Supplies	(284,000)
Services Other Than Personal.....	(1,429,000)
Maintenance and Fixed Charges....	(213,000)
Special Purpose:	
Educational Opportunity Fund board expenses	(4,000)
Management systems development.....	(200,000)
Student aid administration	(219,000)

Board of Higher Education expenses.....	(15,000)
Basic skills assessment program	(850,000)
Affirmative action and equal employment opportunity program.....	(29,000)
College outcomes evaluation program.....	(560,000)
Drug and alcohol abuse information clearinghouse	(355,000)
Going to college in New Jersey .	(218,000)
Additions, Improvements and Equipment	(541,000)
The unexpended balances as of June 30, 1990 and other income from the federal loan collection and reimbursement program are appropriated.	
The expenditure of the amounts appropriated to each institution of higher education for the implementation of the Board of Higher Education's outcomes assessment programs is subject to the approval of the Chancellor of Higher Education.	
Public colleges and universities shall be authorized to provide for the early retirement of tenured faculty, consistent with State law, upon terms and conditions to be set forth by regulations of the Board of Higher Education and approved by the Director of the Division of Budget and Accounting.	

5450 Thomas A. Edison State College

17-5450 Institutional Support.....	<u>\$5,579,000</u>
Sub-Total General Operations ...	<u>\$5,579,000</u>
Special Funds Expense	<u>\$70,000</u>
Total All Operations	<u>\$5,649,000</u>
<i>Less:</i>	
General Services Income	(\$2,247,000)
Special Funds Income	<u>(70,000)</u>
Total Income Deductions	<u>(\$2,317,000)</u>
Total Appropriation, Thomas A. Edison State College	<u>\$3,332,000</u>
Personal Services:	
Salaries and wages.....	(\$3,607,000)
Materials and Supplies	(186,000)
Services Other Than Personal.....	(945,000)

Maintenance and Fixed Charges....	(236,000)
Special Purpose:	
Challenge for excellence/ State colleges	(466,000)
Affirmative action and equal employment opportunity program.....	(14,000)
Additions, Improvements and Equipment	(125,000)
Special Funds Expense	(70,000)
<i>Less Income Deductions</i>	<i>(2,317,000)</i>

5500 Glassboro State College

11-5500 Instruction	\$19,182,000
12-5500 Sponsored Programs and Research	80,000
13-5500 Extension and Public Service	727,000
15-5500 Academic Support	2,024,000
16-5500 Student Services	3,152,000
17-5500 Institutional Support	4,645,000
19-5500 Physical Plant Support Services	<u>7,652,000</u>
Sub-Total General Operations ...	<u>\$37,462,000</u>
Special Funds Expense	\$3,523,000
Auxiliary Funds Expense	<u>\$16,022,000</u>
Total All Operations	<u>\$57,007,000</u>
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$9,705,000)</i>
<i>Special Funds Income</i>	<i>(3,523,000)</i>
<i>Auxiliary Funds Income</i>	<i><u>(16,022,000)</u></i>
<i>Total Income Deductions</i>	<i><u>(\$29,250,000)</u></i>
Total Appropriation, Glassboro State College	<u>\$27,757,000</u>
Personal Services:	
Salaries and wages.....	(\$25,243,000)
Student aides.....	(300,000)
Compensation awards	(180,000)
Materials and Supplies	(2,955,000)
Services Other Than Personal.....	(3,058,000)
Maintenance and Fixed Charges....	(1,663,000)

Special Purpose:

Academic development	(100,000)
Challenge for excellence/ State colleges	(1,002,000)
Separately budgeted research	(80,000)
Camden Urban Center	(727,000)
Library enhancement	(175,000)
College work-study program (State share)	(200,000)
Affirmative action and equal employment opportunity	(65,000)
Additions, Improvements and Equipment	(1,714,000)
Special Funds Expense	(3,523,000)
Auxiliary Funds Expense	(16,022,000)
<i>Less Income Deductions</i>	<i>(29,250,000)</i>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,450 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,668, the amount appropriated hereinabove for Glassboro State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,668, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5510 Jersey City State College

11-5510 Instruction	\$17,071,000
12-5510 Sponsored Programs and Research.....	70,000
15-5510 Academic Support	1,513,000
16-5510 Student Services	2,392,000
17-5510 Institutional Support.....	5,530,000
19-5510 Physical Plant Support Services	<u>5,055,000</u>
Sub-Total General Operations ...	<u>\$31,631,000</u>
Special Funds Expense	\$3,261,000
Auxiliary Funds Expense	<u>\$4,700,000</u>
Total All Operations	<u>\$39,592,000</u>

Less:

<i>General Services Income</i>	(\$6,488,000)	
<i>Special Funds Income</i>	(3,261,000)	
<i>Auxiliary Funds Income</i>	(4,700,000)	
<i>Total Income Deductions</i>		<u>(\$14,449,000)</u>
Total Appropriation, Jersey City		
State College		<u>\$25,143,000</u>
Personal Services:		
Salaries and wages	(\$20,782,000)	
Student aides	(150,000)	
Compensation awards	(50,000)	
Materials and Supplies	(2,570,000)	
Services Other Than Personal	(2,526,000)	
Maintenance and Fixed Charges	(1,079,000)	
Special Purpose:		
A. Harry Moore Laboratory		
School	(1,078,000)	
Cooperative education	(330,000)	
Basic science and technological		
equipment	(35,000)	
Academic development	(100,000)	
Challenge grant continuation	(856,000)	
Separately budgeted research	(70,000)	
Minority student recruitment	(135,000)	
National direct student loan		
program (State share)	(20,000)	
College work-study program		
(State share)	(120,000)	
Affirmative action and equal		
employment opportunity	(110,000)	
Tidelands athletic fields	(145,000)	
Additions, Improvements and		
Equipment	(1,475,000)	
Special Funds Expense	(3,261,000)	
Auxiliary Funds Expense	(4,700,000)	
<i>Less: Income Deductions</i>	(14,449,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 3,536, the amount ap-

propriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,536, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey

11-5520 Instruction	\$21,591,000
12-5520 Sponsored Programs and Research.....	75,000
15-5520 Academic Support	1,710,000
16-5520 Student Services	3,272,000
17-5520 Institutional Support.....	4,935,000
19-5520 Physical Plant Support Services	<u>6,473,000</u>
Sub-Total General Operations ...	<u>\$38,056,000</u>
Special Funds Expense	2,735,000
Auxiliary Funds Expense	<u>\$4,200,000</u>
Total All Operations	<u>\$44,991,000</u>
<i>Less:</i>	
General Services Income	(\$10,592,000)
Special Funds Income	(2,735,000)
Auxiliary Funds Income	<u>(4,200,000)</u>
Total Income Deductions	<u>(\$17,527,000)</u>
Total Appropriation, Kean College of New Jersey	<u>\$27,464,000</u>
Personal Services:	
Salaries and wages.....	(\$26,342,000)
Student aides.....	(510,000)
Compensation awards	(50,000)
Materials and Supplies.....	(3,286,000)
Services Other Than Personal.....	(2,526,000)
Maintenance and Fixed Charges....	(1,111,000)
Special Purpose:	
Academic development	(120,000)
Challenge for excellence/ State colleges	(1,095,000)
Learning assistance program	(350,000)
Separately budgeted research	(75,000)

College work-study program (State share)	(70,000)
Minority recruitment and retention	(165,000)
Affirmative action and equal employment opportunity	(54,000)
Additions, Improvements and Equipment	(2,302,000)
Special Funds Expense	(2,735,000)
Auxiliary Funds Expense	(4,200,000)
<i>Less Income Deductions</i>	<i>(17,527,000)</i>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 6,550 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 6,812, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,812, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5530 The William Paterson College of New Jersey

11-5530 Instruction	\$21,527,000
12-5530 Sponsored Programs and Research	150,000
15-5530 Academic Support	2,280,000
16-5530 Student Services	3,470,000
17-5530 Institutional Support	6,501,000
19-5530 Physical Plant Support Services	<u>7,688,000</u>
Sub-Total General Operations	<u>\$41,616,000</u>
Special Funds Expense	\$1,900,000
Auxiliary Funds Expense	<u>\$6,042,000</u>
Total All Operations	<u>\$49,558,000</u>
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$11,045,000)</i>
<i>Special Funds Income</i>	<i>(1,900,000)</i>

<i>Auxiliary Funds Income</i>	<i>(6,042,000)</i>	
<i>Total Income Deductions</i>		<i>(\$18,987,000)</i>
<i>Total Appropriation,</i>		
<i>The William Paterson</i>		
<i>College of New Jersey</i>		<i>\$30,571,000</i>
Personal Services:		
Salaries and wages	(\$27,343,000)	
Student aides	(275,000)	
Compensation awards	(70,000)	
Materials and Supplies	(4,191,000)	
Services Other Than Personal	(2,974,000)	
Maintenance and Fixed Charges	(808,000)	
Special Purpose:		
School of science	(362,000)	
Academic development	(170,000)	
Challenge for excellence/ State colleges	(985,000)	
Separately budgeted research	(150,000)	
Library systems improvement ...	(100,000)	
Minority recruitment and retention	(500,000)	
College work-study program (State share)	(75,000)	
Affirmative action and equal employment opportunity	(80,000)	
Outcomes assessment	(65,000)	
Additions, Improvements and		
Equipment	(3,468,000)	
Special Funds Expense	(1,900,000)	
Auxiliary Funds Expense	(6,042,000)	
<i>Less Income Deductions</i>	<i>(18,987,000)</i>	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,670 full-time equivalent (FTE) students at The William Paterson College of New Jersey. In the event that actual enrollments exceed 5,897, the amount appropriated hereinabove for The William Paterson College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,897, any such adjustment to occur in the last quarter of the fiscal year. An

exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College

11-5540 Instruction	\$25,911,000
12-5540 Sponsored Programs and Research	120,000
13-5540 Extension and Public Service	600,000
15-5540 Academic Support	4,386,000
16-5540 Student Services	3,560,000
17-5540 Institutional Support	6,907,000
19-5540 Physical Plant Support Services	<u>6,728,000</u>
Sub-Total General Operations ...	<u>\$48,212,000</u>
Special Funds Expense	\$4,307,000
Auxiliary Funds Expense	<u>\$4,623,000</u>
Total All Operations	<u>\$57,142,000</u>
Less:	
General Services Income	(\$14,033,000)
Special Funds Income	(4,307,000)
Auxiliary Funds Income	<u>(4,623,000)</u>
Total Income Deductions	<u>(\$22,963,000)</u>
Total Appropriation, Montclair State College.	<u>\$34,179,000</u>
Personal Services:	
Salaries and wages	(\$33,235,000)
Student aides	(136,000)
Compensation awards	(45,000)
Materials and Supplies	(3,528,000)
Services Other Than Personal	(3,842,000)
Maintenance and Fixed Charges	(1,079,000)
Special Purpose:	
Challenge for excellence/ State colleges	(1,091,000)
Academic development	(150,000)
Challenge for excellence critical thinking	(393,000)
Separately budgeted research	(120,000)

New Jersey State School of Conservation	(600,000)
Minority recruitment and retention	(300,000)
National direct student loan program (State share)	(8,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employment opportunity	(102,000)
State college autonomy administration computing augmentation	(118,000)
Additions, Improvements and Equipment	(3,395,000)
Special Funds Expense	(4,307,000)
Auxiliary Funds Expense	(4,623,000)
<i>Less Income Deductions</i>	<i>(22,963,000)</i>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,082 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 7,365, the amount appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 7,365, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550 Instruction	\$18,315,000
12-5550 Sponsored Programs and Research	75,000
15-5550 Academic Support	3,030,000

16-5550 Student Services	4,359,000
17-5550 Institutional Support	6,003,000
19-5550 Physical Plant Support	
Services	<u>8,531,000</u>
Sub-Total General Operations ...	<u>\$40,313,000</u>
Special Funds Expense	\$2,868,000
Auxiliary Funds Expense	<u>\$15,963,000</u>
Total All Operations	<u>\$59,144,000</u>
Less:	
General Services Income	(\$11,225,000)
Special Funds Income	(2,868,000)
Auxiliary Funds Income	<u>(15,963,000)</u>
Total Income Deductions	<u>(\$30,056,000)</u>
Total Appropriation,	
Trenton State College	<u>\$29,088,000</u>
Personal Services:	
Salaries and wages	(\$25,160,000)
Student aides	(767,000)
Compensation awards	(70,000)
Materials and Supplies	(3,632,000)
Services Other Than Personal	(3,167,000)
Maintenance and Fixed Charges	(625,000)
Special Purpose:	
Improving undergraduate	
education	(125,000)
Academic development	(100,000)
Challenge for excellence/	
State colleges	(1,142,000)
Separately budgeted research	(75,000)
Computer graphics	(230,000)
Minority students' recruitment	
and scholarships	(250,000)
College work-study program	
(State share)	(37,000)
Trustee scholarships	(1,015,000)
Affirmative action and equal	
employment opportunity	(43,000)
Additions, Improvements and	
Equipment	(3,875,000)
Special Funds Expense	(2,868,000)
Auxiliary Funds Expense	(15,963,000)
Less Income Deductions	<u>(30,056,000)</u>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,299 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,511, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,511, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey

11-5560 Instruction		\$8,214,000
12-5560 Sponsored Programs and Research		50,000
15-5560 Academic Support		1,219,000
16-5560 Student Services		2,189,000
17-5560 Institutional Support		3,740,000
19-5560 Physical Plant Support Services		<u>4,301,000</u>
Sub-Total General Operations ...		<u>\$19,713,000</u>
Special Funds Expense		\$1,442,000
Auxiliary Funds Expense		<u>\$5,975,000</u>
Total All Operations		<u>\$27,130,000</u>
<i>Less:</i>		
General Services Income	(\$4,604,000)	
Special Funds Income	(1,442,000)	
Auxiliary Funds Income	<u>(5,975,000)</u>	
Total Income Deductions		<u>(\$12,021,000)</u>
Total Appropriation, Ramapo College of New Jersey		<u>\$15,109,000</u>
Personal Services:		
Salaries and wages	(\$12,435,000)	
Student aides	(250,000)	
Compensation awards	(13,000)	
Materials and Supplies	(2,105,000)	
Services Other Than Personal	(1,511,000)	
Maintenance and Fixed Charges	(566,000)	

Special Purpose:

Challenge grant funding	(750,000)
Academic development.....	(50,000)
Separately budgeted research.....	(50,000)
Minority recruitment and retention.....	(100,000)
College work-study program (State share)	(55,000)
Scholarships and loan assistance	(165,000)
Affirmative action and equal employment opportunity	(113,000)
Institutional outcomes assessment	(90,000)
Additions, Improvements and	
Equipment	(1,460,000)
Special Funds Expense	(1,442,000)
Auxiliary Funds Expense	(5,975,000)
<i>Less Income Deductions</i>	<i>(12,021,000)</i>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 2,700 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 2,808, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 2,808, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5570 Richard Stockton State College

11-5570 Instruction	\$10,200,000
12-5570 Sponsored Programs and Research.	70,000
15-5570 Academic Support	2,071,000
16-5570 Student Services	1,895,000
17-5570 Institutional Support	3,875,000
19-5570 Physical Plant Support Services	<u>4,678,000</u>
Sub-Total General Operations ...	<u>\$22,789,000</u>

Special Funds Expense		\$1,504,000
Auxiliary Funds Expense		<u>\$6,534,000</u>
Total All Operations		<u>\$30,827,000</u>
Less:		
General Services Income	(\$6,769,000)	
Special Funds Income	(1,504,000)	
Auxiliary Funds Income	<u>(6,534,000)</u>	
Total Income Deductions		<u>(\$14,807,000)</u>
Total Appropriation, Richard Stockton State College		<u>\$16,020,000</u>
Personal Services:		
Salaries and wages	(\$14,893,000)	
Student aides	(160,000)	
Compensation awards	(22,000)	
Materials and Supplies	(2,399,000)	
Services Other Than Personal	(1,546,000)	
Maintenance and Fixed Charges	(689,000)	
Special Purpose:		
Outcomes assessment	(90,000)	
Academic development	(60,000)	
Separately budgeted research	(70,000)	
Library collection development .	(100,000)	
National direct student loan program (State share)	(15,000)	
College work-study program (State share)	(40,000)	
Scholarship and loan assistance .	(100,000)	
Affirmative action and equal employment opportunity	(48,000)	
Additions, Improvements and		
Equipment	(2,557,000)	
Special Funds Expense	(1,504,000)	
Auxiliary Funds Expense	(6,534,000)	
Less Income Deductions	<u>(14,807,000)</u>	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,100 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 4,264, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the Col-

lege for those full-time equivalent students above 4,264, 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.

State Colleges Programs

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.

All transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education.

*5600 Rutgers, The State University
Rutgers University Programs*

11-5600 Instruction	\$158,204,000
12-5600 Sponsored Programs and Research	14,806,000
13-5600 Extension and Public Service	2,961,000
14-5600 Auxiliary Services	6,157,000
15-5600 Academic Support	23,337,000
16-5600 Student Services	33,661,000
17-5600 Institutional Support	58,800,000
19-5600 Physical Plant Support Services	<u>58,728,000</u>
Sub-Total General Operations ...	<u>\$356,654,000</u>
Special Funds Expense	\$71,000,000
Auxiliary Funds Expense	<u>\$88,283,000</u>
Total All Operations	<u>\$515,937,000</u>
<i>Less:</i>	
General Services Income	(\$133,757,000)
Self-Sustaining Income	(6,383,000)
Special Funds Income	(71,000,000)
Auxiliary Funds Income	<u>(88,283,000)</u>
Total Income Deductions	<u>(\$299,423,000)</u>
Total Appropriation, Rutgers University Programs	<u>\$216,514,000</u>

Personal Services:

Salaries and wages.....	(\$216,876,000)
Student aides.....	(2,033,000)
Materials and Supplies	(38,495,000)
Services Other Than Personal.....	(18,723,000)
Maintenance and Fixed Charges....	(9,354,000)

Special Purpose:

Forum on policy research and public service, Rutgers-Camden	(75,000)
College work-study (State share)	(538,000)
Affirmative action and equal employment opportunity program.....	(156,000)
Retirement allowances.....	(700,000)
Special projects.....	(5,800,000)
Debt Service—High Technology Initiative	(1,800,000)
In-lieu-of-tax payments to New Brunswick	(700,000)
Assessing outcomes	(400,000)
Excellence Initiative	(21,947,000)
Student aid.....	(9,065,000)
Recruitment and retention of minority students	(2,422,000)
Fund for Distinction debt service	(13,000,000)
Additions, Improvements and Equipment.....	(14,570,000)
Special Funds Expense	(71,000,000)
Auxiliary Funds Expense	(88,283,000)
<i>Less Income Deductions</i>	<i>(299,423,000)</i>

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,179 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,346, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 30,346, any such adjustment to occur in the last quarter of the fiscal year. An exception to

this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction debt service, Rutgers, The State University shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research.....		\$12,320,000
13-5620 Extension and Public Service		<u>6,817,000</u>
Sub-Total General Operations ...		<u>\$19,137,000</u>
Special Funds Expense		\$11,000,000
Federal Research and Extension Funds Expense		<u>\$4,250,000</u>
Total All Operations		<u>\$34,387,000</u>
<i>Less:</i>		
Special Funds Income	(\$11,000,000)	
Federal Research and Extension Funds Income	<u>(4,250,000)</u>	
Total Income Deductions		<u>(\$15,250,000)</u>
Total Appropriation, Agricultural Experiment Station		<u>\$19,137,000</u>
<i>Personal Services:</i>		
Salaries and wages	(\$14,902,000)	
Student aides	(99,000)	
Materials and Supplies	(527,000)	
Services Other Than Personal	(943,000)	
Maintenance and Fixed Charges	(92,000)	
<i>Special Purpose:</i>		
Program enhancement	(200,000)	
Renovate laboratories	(750,000)	
Snyder farm planning and operation	(691,000)	

Tomato testing	(6,000)	
Cooperative extension service ...	(125,000)	
Blueberry and cranberry research	(250,000)	
Additions, Improvements and		
Equipment	(552,000)	
Special Funds Expense	(11,000,000)	
Federal Research and Extension		
Funds Expense	(4,250,000)	
<i>Less Income Deductions</i>	<i>(15,250,000)</i>	
Total Appropriation, Rutgers, The State University		<u>\$235,651,000</u>

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction	\$82,624,000
13-5630 Extension and Public Service	159,342,000
15-5630 Academic Support	1,655,000
16-5630 Student Services	7,025,000
17-5630 Institutional Support	22,216,000
19-5630 Physical Plant Support Services	29,685,000
20-5630 Core Affiliates	<u>3,721,000</u>
Sub-Total General Operations ...	<u>\$306,268,000</u>
Special Funds Expense	51,574,000
Auxiliary Funds Expense	4,526,000
Robert Wood Johnson Community Mental Health Center Expense ..	19,324,000
New Jersey Medical School Community Mental Health Center Expense	<u>8,093,000</u>
Total All Operations	<u>\$389,785,000</u>
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$22,784,000)</i>
<i>Hospital Services Income</i>	<i>(122,717,000)</i>
<i>Capital Facilities Allowance</i> ..	<i>(6,529,000)</i>
<i>Core Affiliates Income</i>	<i>(3,721,000)</i>
<i>Special Funds Income</i>	<i>(51,574,000)</i>
<i>Auxiliary Funds Income</i>	<i>(4,526,000)</i>
<i>Robert Wood Johnson Community Mental Health Center Income</i>	<i>(19,324,000)</i>

<i>New Jersey Medical School</i>	
<i>Community Mental Health</i>	
<i>Center Income</i>	<u><i>(8,093,000)</i></u>
<i>Total Income Deductions</i>	<u><i>(\$239,268,000)</i></u>
Total Appropriation, University of Medicine and Dentistry of New Jersey	<u>\$150,517,000</u>
Personal Services:	
Salaries and wages	(\$192,846,000)
Materials and Supplies	(46,417,000)
Services Other Than Personal.....	(30,701,000)
Maintenance and Fixed Charges....	(5,632,000)
Special Purpose:	
Dental Residency Program	(750,000)
Area Health Education Center ...	(290,000)
University Hospital	
Debt Service—	
Equipment and Renovations ..	(1,436,000)
Emergency medical service—	
Camden	(800,000)
University student aid	(3,483,000)
Debt Service—	
High Technology Initiative	(1,593,000)
Core affiliate—	
Robert Wood Johnson	
Medical School—Piscataway.	(2,245,000)
Core affiliate—New Jersey School of Osteopathic Medicine	(1,476,000)
Excellence Initiative—	
Leadership in Health Science.	(12,297,000)
Additions, Improvements and	
Equipment	(6,302,000)
Special Funds Expense	(51,574,000)
Auxiliary Funds Expense	(4,526,000)
Robert Wood Johnson Community	
Mental Health Center expense ...	(19,324,000)
New Jersey Medical School Community	
Mental Health Center expense ...	(8,093,000)
<i>Less Income Deductions</i>	<i>(239,268,000)</i>
The University of Medicine and Dentistry of New Jersey is autho- rized to operate its continuing medical-dental education pro-	

gram as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracted organizations are appropriated.

Unexpended balances as of June 30, 1990 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

Of the amount remaining in escrow accounts, \$1,600,000 is appropriated for operating expenses attributable to the Fairleigh Dickinson University dental student transfer 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	\$28,858,000
12-5640 Sponsored Programs and Research	958,000
13-5640 Extension and Public Service	1,000,000
15-5640 Academic Support	7,926,000
16-5640 Student Services	5,662,000
17-5640 Institutional Support	10,310,000
19-5640 Physical Plant Support Services	<u>7,006,000</u>
Sub-Total General Operations ...	<u>\$61,720,000</u>
Special Funds Expense	\$12,000,000
Auxiliary Funds Expense	<u>\$5,920,000</u>
Total All Operations	<u>\$79,640,000</u>
<i>Less:</i>	
General Services Income	(\$23,412,000)
Special Funds Income	(12,000,000)
Auxiliary Funds Income	<u>(5,920,000)</u>

<i>Total Income Deductions</i>	<i><u>(\$41,332,000)</u></i>
Total Appropriation, New Jersey	
Institute of Technology	\$38,308,000
Personal Services:	
Salaries and wages	(\$34,276,000)
Student aides	(341,000)
Materials and Supplies	(2,575,000)
Services Other Than Personal	(4,512,000)
Maintenance and Fixed Charges	(389,000)
Special Purpose:	
Academic development	(250,000)
NJIT/Burlington County College	
engineering program	(100,000)
Separately budgeted research	(586,000)
Continuing education	(1,000,000)
Scholarships, grants, fellowships	(2,845,000)
Student activities	(139,000)
Affirmative action and equal	
employment opportunity	
program	(60,000)
Board of Trustees	(4,000)
Fringe benefits/retirement	
allowances	(3,000,000)
Excellence Initiative	(9,200,000)
Additions, Improvements and	
Equipment	(2,443,000)
Special Funds Expense	(12,000,000)
Auxiliary Funds Expense	(5,920,000)
<i>Less Income Deductions</i>	<i>(41,332,000)</i>

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 3,865 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,020, 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 4,020, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to subsection q. of N.J.S.18A:3-14.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

Total Appropriation, Department of Higher Education	<u>\$643,737,000</u>

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

08-7700 Community Services	\$4,231,000
99-7700 Management and Administrative Services	<u>4,145,000</u>
Total Appropriation, Division of Mental Health and Hospitals..	<u>\$8,376,000</u>
Personal Services:	
Salaries and wages	(\$6,825,000)
Materials and Supplies	(95,000)
Services Other Than Personal	(1,022,000)
Maintenance and Fixed Charges	(190,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(30,000)
Additions, Improvements and Equipment	(214,000)

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services	\$34,613,000
98-7710 Physical Plant and Support Services	6,740,000
99-7710 Management and Administrative Services	<u>6,034,000</u>
Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$47,387,000</u>
Personal Services:	
Salaries and wages	(\$39,172,000)
Food in lieu of cash	(61,000)
Materials and Supplies	(4,513,000)
Services Other Than Personal	(2,358,000)
Maintenance and Fixed Charges	(746,000)
Special Purpose:	
Interim assistance	(48,000)
Affirmative action and equal employment opportunity program	(17,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(470,000)
Savings made available from the implementation of a plan to reduce the patient population may be transferred to the Community care expansion-Greystone Psychiatric Hospital phase-down account as determined by the Director of the Division of Budget and Accounting.	

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services	\$22,896,000
98-7720 Physical Plant and Support Services	4,578,000
99-7720 Management and Administrative Services	<u>5,201,000</u>
Total Appropriation, Trenton Psychiatric Hospital ..	<u>\$32,675,000</u>
Personal Services:	
Salaries and wages	(\$26,494,000)
Food in lieu of cash	(30,000)

Materials and Supplies	(2,717,000)
Services Other Than Personal.....	(1,894,000)
Maintenance and Fixed Charges....	(740,000)
Special Purpose:	
Interim assistance	(10,000)
Affirmative action and equal employment opportunity program.....	(23,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(766,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services.....	\$10,138,000
98-7725 Physical Plant and Support Services.....	935,000
99-7725 Management and Administrative Services.....	<u>913,000</u>
Total Appropriation, The Forensic Psychiatric Hospital.....	<u>\$11,986,000</u>
Personal Services:	
Salaries and wages.....	(\$10,832,000)
Food in lieu of cash	(20,000)
Materials and Supplies	(655,000)
Services Other Than Personal.....	(326,000)
Maintenance and Fixed Charges....	(78,000)
Additions, Improvements and Equipment	(75,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services.....	\$41,551,000
98-7730 Physical Plant and Support Services.....	7,847,000
99-7730 Management and Administrative Services.....	<u>8,442,000</u>
Total Appropriation, Marlboro Psychiatric Hospital	<u>\$51,840,000</u>
Personal Services:	
Salaries and wages.....	(\$47,347,000)

Food in lieu of cash	(62,000)
Materials and Supplies	(5,623,000)
Services Other Than Personal.....	(2,608,000)
Maintenance and Fixed Charges....	(1,223,000)
Special Purpose:	
Interim assistance	(117,000)
Affirmative action and equal employment opportunity program.....	(22,000)
Other special purpose	(3,000)
Additions, Improvements and Equipment	(835,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$34,258,000
98-7740 Physical Plant and Support Services	5,391,000
99-7740 Management and Administrative Services	<u>5,410,000</u>
Total Appropriation, Ancora Psychiatric Hospital	<u>\$45,059,000</u>
Personal Services:	
Salaries and wages	(\$37,877,000)
Food in lieu of cash	(62,000)
Materials and Supplies	(3,647,000)
Services Other Than Personal.....	(1,810,000)
Maintenance and Fixed Charges....	(835,000)
Special Purpose:	
Interim assistance	(181,000)
Affirmative action and equal employment opportunity program.....	(22,000)
Other special purpose	(7,000)
Additions, Improvements and Equipment	(618,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services	\$7,523,000

New Jersey State Library

98-7750 Physical Plant and Support Services	758,000
99-7750 Management and Administrative Services	<u>732,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center	<u>\$9,013,000</u>
Personal Services:	
Salaries and wages	(\$7,907,000)
Food in lieu of cash	(8,000)
Materials and Supplies	(399,000)
Services Other Than Personal	(265,000)
Maintenance and Fixed Charges	(105,000)
Special Purpose:	
Other special purpose	(1,000)
Additions, Improvements and Equipment	(328,000)

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services	\$7,602,000
98-7760 Physical Plant and Support Services	1,540,000
99-7760 Management and Administrative Service	<u>1,478,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics	<u>\$10,620,000</u>
Personal Services:	
Salaries and wages	(\$8,620,000)
Food in lieu of cash	(25,000)
Materials and Supplies	(986,000)
Services Other Than Personal	(633,000)
Maintenance and Fixed Charges	(176,000)
Special Purpose:	
Interim assistance	(6,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(173,000)

Division of Mental Health and Hospitals

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1991 are appropriated for the same purpose.

Savings made available from the reduction of patient populations in the State psychiatric facilities may be transferred to the Community care account subject to the approval of the Director of the Division of Budget and Accounting.

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540 Health Services

Administration and

Management	\$18,472,000

24-7540 Pharmaceutical

Assistance to the Aged

and Disabled	<u>3,000,000</u>

Total Appropriation, Division

of Medical Assistance

and Health Services	<u>\$21,472,000</u>

Personal Services:

Salaries and wages	(\$8,397,000)

Materials and Supplies	(356,000)

Services Other Than Personal	(1,930,000)

Maintenance and Fixed Charges	(150,000)

Special Purpose:

Legal assistance Medicare

patients (P.L.1987, c.59)	(242,000)

Payments to fiscal agents	(5,929,000)

Eligibility determination	(2,492,000)

Affirmative action and equal

employment opportunity

program	(12,000)

Professional standards review

organization-utilization review	(40,000)

Design and development—

Medicaid management

information system	(557,000)

Payments to fiscal agents (PAA)	(811,000)

Design and development—

Medicaid management

information system	(227,000)

Additions, Improvements and

Equipment (329,000)

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of paragraph (7) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3), the division shall comply with the provisions of Pub.L. 97-248, 42 U.S.C. § 1396p(c), which allows the State to deny Medicaid eligibility to individuals who divest themselves of their assets in order to obtain Medicaid benefits. The amount of the uncompensated value of the transferred asset shall be counted toward the resource maximum for 24 months from the date of disposal. If the uncompensated value of a transferred resource, combined with all other countable resources, does not exceed the applicable resource maximum, and all other eligibility requirements are met, the individual may be determined eligible for Medicaid benefits.

Notwithstanding the provisions of P.L.1981, c.217 (C.30:4D-7.2a) to the contrary, the division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his death, for the amount of assistance paid or to be paid on his behalf under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse and no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all such recoveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of P.L.1981, c.217.

The unexpended balance as of June 30, 1990 in the Payments to fiscal agents account is appropriated.

Whenever any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance from a case generated by the unearned income portion of the Income Eligibility Verification

System (IEVS) computer match, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery. Whenever in any other case involving an incorrect determination of eligibility, a county welfare agency recovers only medical assistance improperly granted, the Division of Medical Assistance and Health Services is authorized to reimburse the county welfare agency in the amount of 10% of the gross recovery up to \$250 and in addition may reimburse the county welfare agency for those case expenses directly related to the recovery, such as filing fees and advertising costs but not including costs such as staff time, supplies, counsel fees or overhead.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and all appropriations and receipts of federal and other non-State funds shall be deposited into the fund.

The unexpended balance as of June 30, 1990 not to exceed \$542,000 in the Health Services Administration and Management program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and	
Administrative Services.....	<u>\$3,000,000</u>
Total, Division of	
Developmental Disabilities	<u>\$3,000,000</u>
Personal Services:	
Salaries and wages.....	(\$1,420,000)
Materials and Supplies	(30,000)
Services Other Than Personal.....	(407,000)
Maintenance and Fixed Charges....	(182,000)
Special Purpose:	
Foster grandparents program	
(State share).....	(349,000)
Developmental Disabilities	
Council	(306,000)
Additions, Improvements and	
Equipment	(306,000)

7601 Community Programs

01-7601 Purchased Residential Care	\$505,000
02-7601 Social Supervision and Consultation.....	3,316,000
03-7601 Adult Activities	5,905,000
04-7601 Education and Day Training	<u>9,117,000</u>
Total Appropriation, Community Programs....	<u>\$18,843,000</u>
Personal Services:	
Salaries and wages.....	(\$10,914,000)
Materials and Supplies	(1,779,000)
Services Other Than Personal.....	(1,406,000)
Maintenance and Fixed Charges....	(4,201,000)
Special Purpose:	
Guardianship program	(35,000)
Homemaker services (State share)	(65,000)
Social services	(32,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(409,000)

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1990 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education-related transportation costs and other day training related costs in the Division of Developmental Disabilities in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,000,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation.....	\$2,975,000
06-7610 Health Services.....	749,000
07-7610 Education and Training ..	467,000
98-7610 Physical Plant and Support Services	1,342,000

99-7610 Management and Administrative Services.....		<u>1,935,000</u>
Total All Operations		<u>\$7,468,000</u>
Less:		
<i>Federal Funds</i>		
<i>Residential Care and</i>		
<i>Habilitation</i>	(\$2,695,000)	
<i>Health Services</i>	(655,000)	
<i>Education and Training</i>	(446,000)	
<i>Physical Plant and</i>		
<i>Support Services</i>	(760,000)	
<i>Management and</i>		
<i>Administrative Services</i>	(772,000)	
Total Federal Funds		<u>(\$5,328,000)</u>
Total Appropriation, Green Brook Regional Center		<u>\$2,140,000</u>
Personal Services:		
Salaries and wages	(\$5,328,000)	
Materials and Supplies	(767,000)	
Services Other Than Personal.....	(326,000)	
Maintenance and Fixed Charges....	(211,000)	
Special Purpose:		
Green Brook mortgage	(690,000)	
Additions, Improvements and		
Equipment	(146,000)	
Less:		
Federal Funds	(5,328,000)	
<i>7615 Developmental Center at Ancora</i>		
05-7615 Residential Care and		
Habilitation		\$1,255,000
06-7615 Health Services.....		663,000
98-7615 Physical Plant and		
Support Services		148,000
99-7615 Management and		
Administrative Services.....		<u>820,000</u>
Total All Operations		<u>\$2,886,000</u>
Less:		
<i>Federal Funds</i>		
<i>Residential Care and Habilitation</i>	(\$341,000)	
<i>Health Services</i>	(149,000)	

<i>Physical Plant and Support Services</i>	<i>(19,000)</i>	
<i>Management and Administrative Services</i>	<i>(79,000)</i>	
<i>Total Federal Funds</i>		<i>(\$588,000)</i>
Total Appropriation, Developmental Center at Ancora		<u>\$2,298,000</u>
Personal Services:		
Salaries and wages	(\$2,220,000)	
Materials and Supplies	(266,000)	
Services Other Than Personal	(236,000)	
Maintenance and Fixed Charges	(48,000)	
Additions, Improvements and Equipment	(116,000)	
Less:		
Federal Funds	(588,000)	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation		\$37,612,000
06-7620 Health Services		9,612,000
07-7620 Education and Training ..		1,462,000
98-7620 Physical Plant and Support Services		6,064,000
99-7620 Management and Administrative Services		<u>5,949,000</u>
Total All Operations		<u>60,699,000</u>
Less:		
Federal Funds		
Residential Care and Habilitation	(\$13,235,000)	
Health Services	(2,408,000)	
Physical Plant and Support Services	(1,004,000)	
Management and Administrative Services	<u>(715,000)</u>	
Total Federal Funds		(\$17,362,000)
All Other Funds		
Education and Training	(\$536,000)	
Total All Other Funds		<u>(\$536,000)</u>

Total Appropriation, Vineland Developmental Center		<u>\$42,801,000</u>
Personal Services:		
Salaries and wages	(\$51,523,000)	
Food in lieu of cash	(64,000)	
Materials and Supplies	(6,033,000)	
Services Other Than Personal	(1,655,000)	
Maintenance and Fixed Charges	(733,000)	
Special Purpose:		
Family care	(6,000)	
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(684,000)	
Less:		
Federal Funds	(17,362,000)	
All Other Funds	(536,000)	

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation		\$14,445,000
06-7630 Health Services		5,085,000
07-7630 Education and Training ..		2,016,000
98-7630 Physical Plant and Support Services		3,204,000
99-7630 Management and Administrative Services		<u>3,709,000</u>
Total All Operations		<u>\$28,459,000</u>
Less:		
Federal Funds		
Residential Care and Habilitation	(\$3,985,000)	
Health Services	(2,391,000)	
Physical Plant and Support Services	(493,000)	
Management and Administrative Services	(805,000)	
Total Federal Funds		(\$7,674,000)
All Other Funds		
Education and Training	(1,494,000)	
Total All Other Funds		<u>(\$1,494,000)</u>

Total Appropriation, North Jersey Developmental Center		<u>\$19,291,000</u>
Personal Services:		
Salaries and wages	(\$23,902,000)	
Food in lieu of cash	(21,000)	
Materials and Supplies	2,687,000)	
Services Other Than Personal	(943,000)	
Maintenance and Fixed Charges	(464,000)	
Special Purpose:		
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(441,000)	
Less:		
Federal Funds	(7,674,000)	
All Other Funds	(1,494,000)	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation		\$24,100,000
06-7640 Health Services		4,868,000
07-7640 Education and Training ..		1,047,000
98-7640 Physical Plant and Support Services		4,234,000
99-7640 Management and Administrative Services		<u>5,254,000</u>
Total All Operations		<u>\$39,503,000</u>
Less:		
Federal Funds		
Residential Care and Habilitation	(\$7,696,000)	
Health Services	(1,787,000)	
Physical Plant and Support Services	(1,421,000)	
Management and Administrative Services	(882,000)	
Total Federal Funds		(\$11,786,000)
All Other Funds		
Education and Training	(731,000)	
Total All Other Funds		<u>(\$731,000)</u>
Total Appropriation, Woodbine Developmental Center		<u>\$26,986,000</u>

Personal Services:

Salaries and wages	(\$31,703,000)
Food in lieu of cash	(16,000)
Materials and Supplies	(3,904,000)
Services Other Than Personal	(1,246,000)
Maintenance and Fixed Charges	(403,000)

Special Purpose:

Certification, Corrective	
Action Plan	(1,311,000)
Other special purpose	(8,000)
Additions, Improvements and	
Equipment	(912,000)

Less:

Federal Funds	(11,786,000)
All Other Funds	(731,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and		
Habilitation		\$24,290,000
06-7650 Health Services		6,707,000
07-7650 Education and Training ..		1,317,000
98-7650 Physical Plant and		
Support Services		4,915,000
99-7650 Management and		
Administrative Services		<u>3,363,000</u>
Total All Operations		<u>\$40,592,000</u>
Less:		
Federal Funds		
Residential Care and		
Habilitation		(\$11,845,000)
Health Services	(4,160,000)	
Physical Plant and Support		
Services	(1,956,000)	
Management and		
Administrative Services	(960,000)	
Total Federal Funds		(\$18,921,000)
All Other Funds		
Education and Training	(363,000)	
Total All Other Funds		<u>(\$363,000)</u>
Total Appropriation, New Lisbon		
Developmental Center		<u>\$21,308,000</u>

Personal Services:

Salaries and wages.....	(\$35,429,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(3,406,000)
Services Other Than Personal.....	(747,000)
Maintenance and Fixed Charges....	(438,000)
Special Purpose:	
Other special purpose	(2,000)
Additions, Improvements and	
Equipment.....	(555,000)
Less:	
Federal Funds	(18,921,000)
All Other Funds.....	(363,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and	
Habilitation.....	\$24,015,000
06-7660 Health Services.....	5,414,000
07-7660 Education and Training ..	1,039,000
08-7660 Physical Plant and	
Support Services	3,729,000
09-7660 Management and	
Administrative Services.....	<u>3,621,000</u>
Total All Operations	<u>\$37,818,000</u>

Less:*Federal Funds**Residential Care and**Habilitation* (\$9,983,000)*Health Services* (713,000)*Physical Plant and**Support Services* (368,000)*Management and**Administrative Services* (1,423,000)*Total Federal Funds* (\$12,487,000)*All Other Funds**Education and Training* (819,000)*Total All Other Funds.....* (\$819,000)**Total Appropriation, Woodbridge****Developmental Center** \$24,512,000**Personal Services:****Salaries and wages.....** (\$32,064,000)

Food in lieu of cash	(10,000)
Materials and Supplies	(3,487,000)
Services Other Than Personal	(1,248,000)
Maintenance and Fixed Charges	(470,000)
Special Purpose:	
Other special purpose	(1,000)
Additions, Improvements and	
Equipment	(538,000)
Less:	
Federal Funds	(12,487,000)
All Other Funds	(819,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and		
Habilitation		\$19,755,000
06-7670 Health Services		6,693,000
07-7670 Education and Training ..		2,119,000
98-7670 Physical Plant and		
Support Services		5,349,000
99-7670 Management and		
Administrative Services		<u>4,360,000</u>
Total All Operations		<u>\$38,276,000</u>
Less:		
Federal Funds		
Residential Care and		
Habilitation	(\$5,304,000)	
Health Services	(1,192,000)	
Physical Plant and		
Support Services	(1,509,000)	
Management and		
Administrative Services	(1,492,000)	
Total Federal Funds		(\$9,497,000)
All Other Funds		
Education and Training	(893,000)	
Total All Other Funds		<u>(\$893,000)</u>
Total Appropriation, Hunterdon		
Developmental Center		<u>\$27,886,000</u>
Personal Services:		
Salaries and wages	(\$32,229,000)	
Positions established from lump		
sum appropriation	(300,000)	

Food in lieu of cash	(1,000)
Materials and Supplies	(3,378,000)
Services Other Than Personal.....	(1,146,000)
Maintenance and Fixed Charges....	(614,000)
Special Purpose:	
Other special purpose	(6,000)
Additions, Improvements and	
Equipment	(602,000)
Less:	
Federal Funds	(9,497,000)
All Other Funds	(893,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and		
Habilitation.....		\$4,701,000
06-7680 Health Services.....		1,364,000
07-7680 Education and Training ..		880,000
25-7680 Research		325,000
98-7680 Physical Plant and		
Support Services		1,793,000
99-7680 Management and		
Administrative Services		<u>1,322,000</u>
Total All Operations		<u>\$10,385,000</u>
Less:		
Federal Funds		
Residential Care and		
Habilitation	(\$354,000)	
Health Services	(245,000)	
Physical Plant and		
Support Services	(35,000)	
Management and		
Administrative Services	(63,000)	
Total Federal Funds		(\$697,000)
All Other Funds		
Education and Training	(536,000)	
Total All Other Funds		<u>(\$536,000)</u>
Total Appropriation, Edward R.		
Johnstone Training and		
Research Center		<u>\$9,152,000</u>
Personal Services:		
Salaries and wages	(\$8,583,000)	

Food in lieu of cash	(20,000)
Materials and Supplies	(1,213,000)
Services Other Than Personal	(296,000)
Maintenance and Fixed Charges....	(156,000)
Special Purpose:	
Other special purpose	(3,000)
Additions, Improvements and	
Equipment	(114,000)
Less:	
Federal Funds	(697,000)
All Other Funds	(536,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and		
Habilitation		\$22,312,000
06-7690 Health Services.....		4,974,000
07-7690 Education and Training ..		501,000
98-7690 Physical Plant and		
Support Services		6,464,000
99-7690 Management and		
Administrative Services		<u>2,747,000</u>
Total All Operations		<u>\$36,998,000</u>
Less:		
Federal Funds		
Residential Care and		
Habilitation	(\$6,327,000)	
Health Services	(939,000)	
Physical Plant and		
Support Services	(865,000)	
Management and		
Administrative Services	(705,000)	
Total Federal Funds		(\$8,836,000)
All Other Funds		
Education and Training	(38,000)	
Total All Other Funds		<u>(\$38,000)</u>
Total Appropriation,		
North Princeton		
Developmental Center		<u>\$28,124,000</u>
Personal Services:		
Salaries and wages	(30,733,000)	
Food in lieu of cash	(15,000)	

Materials and Supplies	(3,321,000)
Services Other Than Personal.....	(1,816,000)
Maintenance and Fixed Charges....	(636,000)
Special Purpose:	
Other special purpose	(2,000)
Additions, Improvements and	
Equipment	(475,000)
Less:	
Federal Funds	(8,836,000)
All Other Funds	(38,000)

Division of Developmental Disabilities

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of the developmental centers and available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$138,760,000 and CCW revenues of \$34,048,000; provided that if the ICF/MR revenues exceed \$138,760,000 and the CCW revenues exceed \$34,048,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues and the excess amount of CCW revenues, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the preceding provision herein or the provision of any law to the contrary, any amount of federal funds realized for fiscal year 1991 and certified as available by the Director of the Division of Budget and Accounting to support the Community Care program in excess in the amount of federal funds anticipated, are appropriated for the purpose of providing community care to the developmentally disabled subject to the approval of the Director of the Division of Budget and Accounting. These federal funds shall be used to reduce the current waiting list for community care services or for clients in State operated developmental centers in need of community care services.

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and Rehabilitation	\$3,295,000
12-7560 Instruction, Community Programs and Prevention	2,697,000
99-7560 Management and Administrative Services	<u>1,995,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired ..	<u>\$7,987,000</u>
Personal Services:	
Salaries and wages	(\$6,556,000)
Materials and Supplies	(224,000)
Services Other Than Personal	(741,000)
Maintenance and Fixed Charges	(239,000)
Additions, Improvements and Equipment	(227,000)

*50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Economic Assistance*

15-7550 Income Maintenance	\$5,616,000
99-7550 Management and Administrative Services	<u>13,087,000</u>
Total Appropriation, Division of Economic Assistance	<u>\$18,703,000</u>
Personal Services:	
Salaries and wages	(\$8,955,000)
Materials and Supplies	(263,000)
Services Other Than Personal	(5,078,000)
Maintenance and Fixed Charges	(180,000)
Special Purpose:	
Realizing Economic Achievement (REACH) program	(2,841,000)
AFDC teenage parent program ..	(463,000)
Affirmative action and equal employment opportunity program	(8,000)

- Automated child support enforcement program
(State share) (796,000)
- Additions, Improvements and Equipment (119,000)
- Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1990 are appropriated.
- Any federal funds received by the Division of Economic Assistance for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.
- The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 1990 not to exceed \$800,000 in the Automated child support enforcement system (State share) account is appropriated.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/ Case Management.....	\$60,350,000
17-7570 Substitute Care	8,055,000
18-7570 General Social Services..	2,209,000
99-7570 Management and Administrative Services.....	<u>12,534,000</u>
Total Appropriation, Division of Youth and Family Services.....	<u>\$83,148,000</u>
Personal Services:	
Salaries and wages.....	(\$83,096,000)
Food in lieu of cash	(2,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(50,000)

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf		<u>\$286,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing		<u>\$286,000</u>
Personal Services:		
Salaries and wages	(\$189,000)	
Materials and Supplies	(7,000)	
Services Other Than Personal	(44,000)	
Maintenance and Fixed Charges	(8,000)	
Special Purpose:		
Services to deaf clients	(33,000)	
Additions, Improvements and Equipment	(5,000)	

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

87-7500 Research, Policy and Planning		\$843,000
96-7500 Institutional Security Services		4,146,000
99-7500 Management and Administrative Services		<u>13,286,000</u>
Total Appropriation, Division of Management and Budget		<u>\$18,275,000</u>
Personal Services:		
Salaries and wages	(\$12,696,000)	
Materials and Supplies	(95,000)	
Services Other Than Personal	(2,929,000)	
Maintenance and Fixed Charges	(446,000)	
Special Purpose:		
Office of Prevention	(150,000)	
Mini child care center project grants	(300,000)	
Rehabilitation services scholarships	(150,000)	
Contract auditing	(300,000)	
Crisis intervention/patients' right staff training	(15,000)	

Affirmative action and equal employment opportunity program.....	(67,000)
Nursing scholarship program.....	(734,000)
Transfer to State Police for fingerprinting/background checks of job applicants	(250,000)
Additions, Improvements and Equipment	(143,000)
The unexpended balances as of June 30, 1990 in the Health care financial information system account, in excess of \$750,000, are appropriated.	
Total Appropriation, Department of Human Services	<u>\$599,168,000</u>
Balances on hand as of June 30, 1990 of funds held for the benefit of patients in the several institutions, and any funds as may be received, are appropriated for the use of the 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 these purposes; except that the total amount herein for these allowances shall not exceed \$1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.	
Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purpose of additional material and other expenses incidental to the sale or manufacture.	
Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.	
A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.	

58 DEPARTMENT OF INSURANCE
 50 *Economic Planning, Development and Security*
 52 *Economic Regulation*

01-3110 Licensing and Enforcement	\$5,313,000
02-3120 Actuarial Services	2,628,000
03-3130 Regulation of the Real Estate Industry	1,984,000
04-3110 Public and Regulatory Services	1,032,000
05-3160 Unsatisfied Claims	1,273,000
99-3150 Management and Administrative Services	<u>1,999,000</u>
Total Appropriation, Economic Regulation	<u>\$14,229,000</u>
Personal Services:	
Real Estate Commissioners	(\$78,000)
Salaries and wages	(11,368,000)
Materials and Supplies	(274,000)
Services Other Than Personal	(2,320,000)
Maintenance and Fixed Charges	(108,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(20,000)
Additions, Improvements and Equipment	(61,000)

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.) such sums as are prescribed by the act.

The amount hereinabove for unsatisfied claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in ad-

dition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

Receipts derived from financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examinations associated with issuing certificates of self-insurance for motor vehicles and workers' compensation are appropriated for the conduct of such examinations, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated in the Department of Insurance are appropriated.

The additional taxes paid on the taxable premiums of insurers, pursuant to P.L.1990, c.8, shall be deposited in a dedicated account in the Department of Insurance for the payment of administrative costs related to its statutory duties, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation,	
Department of Insurance	<u>\$14,229,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research ...	\$1,117,000
99-4565 Management and	
Administrative Services	<u>2,587,000</u>
Total Appropriation, Economic	
Planning and Development	<u>\$3,704,000</u>
Personal Services:	
Salaries and wages	(\$1,941,000)
Materials and Supplies	(37,000)
Services Other Than Personal	(1,544,000)
Maintenance and Fixed Charges	(40,000)

Special Purpose:

New Jersey Occupational Information Coordinating Committee	(25,000)
Affirmative action and equal employment opportunity program.....	(62,000)
Additions, Improvements and Equipment	(55,000)

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed \$1,175,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$497,000
12-4550 Enforcement of Workplace Standards	<u>7,174,000</u>
Total Appropriation, Economic Regulation.....	<u>\$7,671,000</u>
Personal Services:	
Salaries and wages.....	(\$5,411,000)
Materials and Supplies	(108,000)
Services Other Than Personal.....	(504,000)
Maintenance and Fixed Charges....	(169,000)
Special Purpose:	
Carnival Amusement Ride Safety Advisory Board.....	(1,000)
Safety Commission.....	(3,000)
Worker and Community Right to Know.....	(483,000)
Special Task Force on the Apparel Industry	(600,000)
On-site consultation (State share)	(140,000)
Mine Safety Training Act (State share)	(10,000)
Additions, Improvements and Equipment	(242,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The unexpended balance as of June 30, 1990 in the Worker and Community Right to Know account, together with any receipts in excess of the amount anticipated, not to exceed \$67,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$7,175,000
03-4520 State Disability Insurance Plan	17,691,000
04-4520 Private Disability Insurance Plan	2,579,000
06-4530 Special Compensation	<u>1,513,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$28,958,000</u>
Personal Services:	
Salaries and wages	(\$16,045,000)
Materials and Supplies	(186,000)
Services Other Than Personal.....	(3,138,000)
Maintenance and Fixed Charges....	(252,000)
Special Purpose:	
Wage reporting	(1,050,000)
Set-off of Individual Liabilities program.....	(499,000)
Unemployment insurance automation support	(2,500,000)
Reimbursement to unemployment insurance for joint tax functions.....	(5,200,000)
Additions, Improvements and Equipment	(88,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits.

The amount hereinabove for the Special Compensation Fund shall be payable out of such fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1990, pursuant to R.S.34:15-94.

The amount hereinabove for the Unemployment Insurance program classification shall be appropriated from the Unemployment Compensation Auxiliary Fund.

The Workers' Compensation program is supported by receipts from an assessment against workers' compensation insurance carriers and self-insurers subject to enactment of enabling legislation.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	
Services	\$3,909,000
09-4545 Employment Services.....	1,347,000
10-4545 Employment	
Development Services	1,519,000
16-4555 Public Sector Labor	
Relations	2,226,000
17-4560 Private Sector Labor	
Relations	<u>468,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$9,469,000</u>
Personal Services:	
Salaries and wages	(\$4,941,000)
Materials and Supplies	(50,000)

Services Other Than Personal.....	(512,000)
Maintenance and Fixed Charges....	(72,000)
Special Purpose:	
Supported employment services	(450,000)
Governor's Committee	
on the Disabled	(67,000)
Fair Lawn School for the Deaf ..	(170,000)
Independent Living Centers.....	(500,000)
Training grant (State share)	(4,000)
State support for employment	
programs	(1,347,000)
State Employment and	
Training Commission	(250,000)
Governor's employment and	
training program:	
customized training	
allocation	(1,000,000)
Ten thousand jobs for ten	
thousand graduates.....	(50,000)
Additions, Improvements and	
Equipment	(56,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Employment Development Services account shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation,	
Department of Labor.....	<u>\$49,802,000</u>

Of the funds made available to the State under section 903 of the Social Security Act (42 U.S.C. §1103 et seq.), as amended,

the sum of \$5,579,000, or so much thereof as may be necessary, is to be used for the purpose of renovating, landscaping and acquiring fixed equipment as may be required for the proper use of the Labor building located in Trenton, and for the health and safety of the occupants situated therein. These funds shall be made available for expenditures until June 30, 1992, subject to the approval of the Director of the Division of Budget and Accounting.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

01-1110 Licensing and	
Registration	\$46,660,000
02-1110 Vehicle Control and	
Driver Testing.....	22,193,000
03-1110 Driver Control	18,460,000
04-1140 Security Responsibility ..	4,938,000
05-1150 Auto Body Licensing	
and Enforcement.....	421,000
89-1110 Revenue Collection	
Services	6,197,000
99-1110 Management and	
Administrative Services.....	<u>8,319,000</u>
Total Appropriation,	
Vehicular Safety	<u>\$107,188,000</u>
Personal Services:	
Salaries and wages.....	(\$49,927,000)
Positions established from lump	
sum appropriation	(2,982,000)
Materials and Supplies	(6,448,000)
Services Other Than Personal.....	(21,280,000)
Maintenance and Fixed Charges....	(1,418,000)
Special Purpose:	
License and registration forms...	(452,000)
MOPED enforcement program ..	(50,000)
Salvage title program.....	(573,000)
Microfilm services charges	(10,000)
Agency operations	(16,983,000)
Boat certification program.....	(80,000)

Service contract—	
emission analyzers	(295,000)
Affirmative action and equal	
employment opportunity	
program.....	(65,000)
Federal highway safety	
program—State match	(350,000)
Parking Offenses	
Adjudication Act.....	(686,000)
Eatontown Regional	
Service Center.....	(650,000)
Implementation of surcharge	
program.....	(3,128,000)
Uninsured motorist program.....	(1,000,000)
Drunk driver fund program.....	(107,000)
Photo licensing	(230,000)
Additions, Improvements and	
Equipment	(474,000)

Receipts derived pursuant to P.L.1989, c.202 are appropriated for the preparation and issuance of reflectorized license plates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the MOPED enforcement program account, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the MOPED enforcement program is payable from the receipts derived pursuant to section 23 of P.L.1983, c.105 (C.39:4-14.3w). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Salvage title program account, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Salvage title program is payable out of receipts derived pursuant to section 5 of P.L.1983, c.323 (C.39:10-35). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The sum hereinabove for Agency operations shall be available for maintaining services at public and privately operated motor

vehicle agencies; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated hereinabove from the Boat Certification Fund, no appropriation from the Boat Certification Fund shall be used to title vessels not required to be registered pursuant to section 3 of P.L.1962, c.73 (C.12:7-34.38) or to license marine dealers.

The unexpended balance as of June 30, 1990 in the Boat certification program account, together with any receipts in excess of the amount anticipated, not to exceed \$42,000, are appropriated.

The amount hereinabove for the Boat certification program is payable out of the Boat Certification Fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Of the receipts derived from driver license and motor vehicle fees pursuant to the federal Commercial Motor Vehicle Safety Act of 1986, there is appropriated an amount to the Division of Motor Vehicles, as determined by the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor, for the implementation and administration of the act.

The unexpended balances in the Federal highway safety program—State match account, including the accounts of the several departments, as of June 30, 1990, are appropriated for such highway safety projects.

The amount appropriated hereinabove for the Parking Offenses Adjudication Act program is payable from receipts derived from parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), as amended, 15% of the receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 — Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, shall be retained in the General Fund.

The amount appropriated hereinabove for the Uninsured motorist program account is payable from the Uninsured Motorist

Prevention Fund. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Drunk driver fund program account, together with any receipts in excess of the amount anticipated, not to exceed \$28,500, are appropriated.

The amount appropriated hereinabove for the Drunk driver fund account is payable out of drunk driving fines designated for this purpose. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for photo licensing, derived pursuant to section 2 of P.L.1979, c.261 (C.39:3-10g), are appropriated to administer the program.

The amount hereinabove for the Security Responsibility program classification shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law.

The amount appropriated hereinabove for the Auto Body Licensing and Enforcement program classification is payable out of receipts from the Auto Body Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Auto Body Licensing and Enforcement program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Uninsured motorists program account, together with any receipts in excess of the amount anticipated, are appropriated for the purpose of offsetting the costs of developing a vehicle insurance cancellation notification system, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Parking Offenses Adjudication Act program, derived pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$93,553,000
07-1200 Police Services and Public Order	19,383,000
08-1200 Emergency Services	4,084,000
09-1020 Criminal Justice	22,495,000
10-1030 Statewide Narcotics Prosecution Program	8,560,000
11-1050 State Medical Examiner .	2,230,000
23-1200 State Capitol Complex Security	7,477,000
24-1200 Marine Police Operations	8,740,000
99-1200 Management and Administrative Services	<u>15,724,000</u>
Total Appropriation, Law Enforcement	<u>\$182,246,000</u>
Personal Services:	
Salaries and wages	(\$130,866,000)
Cash in lieu of maintenance	(12,039,000)
Materials and Supplies	(7,715,000)
Services Other Than Personal	(8,062,000)
Maintenance and Fixed Charges	(6,130,000)
Special Purpose:	
Drunk driver fund program	(962,000)
Emergency telecommunications services—Commission expenses	(225,000)
Noncriminal record checks	(1,114,000)
Nuclear emergency response program	(2,253,000)
Expenses of State Grand Jury	(415,000)
Medicaid fraud investigation— State match	(147,000)
Environmental offense prosecution program	(700,000)
Boat certification program	(156,000)
State Police recruit training	(1,371,000)
Affirmative action and equal employment opportunity program	(193,000)

Action grants—State match	(700,000)
Speedy Trial Program, backlog reduction	(750,000)
JJDP—State match	(93,000)
Additions, Improvements and Equipment	(8,355,000)

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Office of Victim-Witness Advocacy account, together with receipts derived pursuant to P.L.1985, c.407, are appropriated.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to ensure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

The unexpended balance as of June 30, 1990 in the Drunk driver fund program account together with any receipts in excess of the amount anticipated, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk driver fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Noncriminal record checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Noncriminal record checks account together with any receipts in excess of the amount anticipated, are appropriated to defray the costs of this activity, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear emergency response program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended bal-

ance as of June 30, 1990 in the Nuclear emergency response program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

The unexpended balance as of June 30, 1990 in the Boat certification program account, together with any receipts in excess of the amount anticipated, are appropriated.

The amount hereinabove for the Boat certification program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Emergency telephone system account is appropriated for the same purposes.

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 costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated.

Notwithstanding provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.) are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approv-

al of the Director of the Division of Budget and Accounting.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); and sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24) as are required to pay awards authorized by these laws, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, in addition to the amount hereinabove for Action grants—State match, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law, and the proceeds of the sale of any such confiscated property or goods, are appropriated as required for matching additional federal funds as designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990, in the Speedy Trial Program, backlog reduction account, including the accounts of the several departments, is appropriated for the same purpose.

The unexpended balance as of June 30, 1990, in the Action grants-State match account is appropriated for the same purpose.

The unexpended balance as of June 30, 1990 in the JJDP-State match account, including the accounts of the several departments, is appropriated for the same purpose.

13 Special Law Enforcement Activities

17-1420 Election Law	
Enforcement	\$1,086,000
20-1450 Review and Enforcement	
of Ethical Standards.....	273,000
21-1400 Regulation of Alcoholic	
Beverages	1,975,000
22-1410 Regulation of Racing	
Activities	3,528,000
27-1480 State Athletic Control	
Board	<u>885,000</u>

Total Appropriation, Special	
Law Enforcement Activities ..	<u>\$7,747,000</u>
Personal Services:	
Salaries and wages.....	(\$6,263,000)
Materials and Supplies	(304,000)
Services Other Than Personal.....	(906,000)
Maintenance and Fixed Charges.....	(186,000)
Special Purpose:	
Per diem payment to members	
of the Election Law	
Enforcement Commission	(15,000)
Additions, Improvements and	
Equipment	(73,000)
All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 3 of P.L.1981, c.150 (C.52:13C-22.2) are appropriated for the purpose of offset- ting additional operational costs of the Election Law En- forcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts in excess of the amount anticipated are appropriated for addi- tional State Athletic Control Board activities, subject to the ap- proval of the Director of the Division of Budget and Accounting.	
In addition to the amount appropriated hereinabove for Regula- tion of Racing Activities, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee in- creases, are appropriated, subject to the approval of the Di- rector of the Division of Budget and Accounting.	
In addition to the amount appropriated hereinabove for Regula- tion of Alcoholic Beverages, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.	

19 Central Planning, Direction and Management

88-1000 Central Library Services.	\$637,000
99-1000 Management and	
Administrative Services.....	<u>6,707,000</u>
Total Appropriation,	
Central Planning,	
Direction and Management	<u>\$7,344,000</u>

Personal Services:

Salaries and wages	(\$4,828,000)
Materials and Supplies	(448,000)
Services Other Than Personal.....	(967,000)
Maintenance and Fixed Charges....	(111,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(147,000)
Minority training pilot project ...	(350,000)
Additions, Improvements and Equipment	(493,000)

Receipts derived from fees for the notice of representation and quarterly report required to be filed by legislative agents pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the cost of the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L.1944, c.126 (C.38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

Notwithstanding the provisions of any other law, any funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated for law enforcement purposes designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1990, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106, subject to the approval of the Director of the Division of Budget and Accounting.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on February 1, 1991 and August 1, 1991, of the use

and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services	<u>\$22,302,000</u>
Total Appropriation, General	
Government Services	<u>\$22,302,000</u>
Personal Services:	
Salaries and wages	(\$20,487,000)
Materials and Supplies	(215,000)
Services Other Than Personal	(1,142,000)
Maintenance and Fixed Charges	(290,000)
Additions, Improvements and	
Equipment	(168,000)

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine.

Receipts in any non-State funds are appropriated for the purpose of such transfer.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.) are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	\$7,495,000
15-1320 Board of Accountancy	470,000
15-1321 Board of Architects and Certified Landscape Architects..	232,000
15-1322 Board of Dentistry	355,000
15-1323 Board of Mortuary Science	142,000
15-1324 Board of Professional Engineers and Land Surveyors ..	317,000
15-1325 Board of Medical Examiners	1,960,000
15-1326 Board of Nursing	1,266,000
15-1327 Board of Optometrists	109,000
15-1328 Board of Pharmacy	581,000
15-1329 Board of Veterinary Medical Examiners	120,000
15-1330 Board of Shorthand Reporting	27,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	105,000
15-1332 Board of Cosmetology and Hairstyling	952,000
15-1333 Board of Professional Planners	107,000
15-1334 Board of Examiners of Electrical Contractors	246,000

15-1335 Board of Psychological Examiners	103,000
15-1336 Board of Examiners of Master Plumbers	127,000
15-1337 Board of Marriage Counselor Examiners	63,000
15-1339 Board of Public Movers and Warehousemen	195,000
15-1340 Board of Physical Therapy	127,000
15-1341 Audiology and Speech- Language Pathology Advisory Committee	50,000
16-1350 Protection of Civil Rights	3,632,000
19-1440 Violent Crimes Compensation	<u>5,456,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$24,237,000</u>
Personal Services:	
Salaries and wages	(\$10,374,000)
Materials and Supplies	(466,000)
Services Other Than Personal	(5,228,000)
Maintenance and Fixed Charges	(615,000)
Special Purpose:	
Securities Enforcement Fund	(3,800,000)
Hearing Aid Dispensers Examining Committee	(2,000)
Excessive Fee Review Committee	(2,000)
Acupuncture Examining Board..	(2,000)
Landscape Architect Examination and Evaluation Committee	(2,000)
Athletic Training Advisory Committee	(2,000)
Claims—victims of violent crimes	(3,630,000)
Additions, Improvements and Equipment	(114,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional Consumer Affairs operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated, not to exceed \$200,000, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The sum hereinabove for Claims—victims of violent crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1990 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1990 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.), are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Child advocacy program account is appropriated.

Total Appropriation,	
Department of Law	
and Public Safety	<u>\$351,064,000</u>

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
10 Public Safety and Criminal Justice
14 Military Services

30-3620 Physical Plant and	
Support Services	\$5,271,000
40-3620 New Jersey National	
Guard Programs Support	
Services	878,000
60-3600 Joint Training Center	
Management and Operations	676,000
99-3600 Management and	
Administration	<u>4,679,000</u>
Total Appropriation,	
Military Services	<u>\$11,504,000</u>
Personal Services:	
Salaries and wages	(\$6,704,000)
Materials and Supplies	(1,430,000)
Services Other Than Personal	(1,011,000)
Maintenance and Fixed Charges	(632,000)
Special Purpose:	
Joint Federal-State operations	
and maintenance contracts	
(State share)	(740,000)

New Jersey Military Academy ..	(38,000)
Affirmative action and equal employment opportunity program.....	(5,000)
Microfilm service charges	(20,000)
Additions, Improvements and Equipment..	(924,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1990 are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance	\$2,026,000
70-3660 Burial Services	<u>1,160,000</u>
Total Appropriation, Veterans' Programs Support	<u>\$3,186,000</u>

Personal Services:

Salaries and wages.....	(\$2,067,000)
Positions converted.....	(97,000)
Materials and Supplies	(353,000)
Services Other Than Personal.....	(233,000)
Maintenance and Fixed Charges....	(144,000)

Special Purpose:

Nursing scholarship program.....	(96,000)
Agent Orange Commission.....	(75,000)
Additions, Improvements and Equipment..	(121,000)

The unexpended balance as of June 30, 1990 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the commission.

The unexpended balance as of June 30, 1990 in the Agent Orange Commission and Pointman accounts are appropriated for the expenses of the Commission.

The unexpended balance as of June 30, 1990 in the Paupers' re-interment account is appropriated for the expenses of paupers' re-interments.

3630 Menlo Park Veterans' Memorial Home

20-3630 Domiciliary and Treatment Services		\$8,934,000
30-3630 Physical Plant and Support Services		1,889,000
99-3630 Management and Administration		<u>1,626,000</u>
Total Appropriation, Menlo Park Veterans' Memorial Home		<u>\$12,449,000</u>
Personal Services:		
Salaries and wages	(\$9,622,000)	
Positions converted	(42,000)	
New positions	(250,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(1,172,000)	
Services Other Than Personal	(976,000)	
Maintenance and Fixed Charges	(104,000)	
Additions, Improvements and Equipment	(267,000)	

3640 Paramus Veterans' Memorial Home

20-3640 Domiciliary and Treatment Services		\$4,798,000
30-3640 Physical Plant and Support Services		1,467,000
99-3640 Management and Administration		<u>1,454,000</u>
Total Appropriation, Paramus Veterans' Memorial Home		<u>\$7,719,000</u>
Personal Services:		
Salaries and wages	(\$5,980,000)	
Positions converted	(32,000)	
Food in lieu of cash	(50,000)	
Materials and Supplies	(903,000)	
Services Other Than Personal	(552,000)	

Maintenance and Fixed Charges....	(127,000)
Additions, Improvements and Equipment	(75,000)

3650 Vineland Veterans' Memorial Home

20-3650 Domiciliary and Treatment Services	\$7,936,000
98-3650 Physical Plant and Support Services	2,135,000
99-3650 Management and Administration	<u>1,412,000</u>
Total Appropriation, Vineland Veterans' Memorial Home	<u>\$11,483,000</u>
Personal Services:	
Salaries and wages	(\$8,985,000)
Food in lieu of cash	(6,000)
Materials and Supplies	(1,444,000)
Services Other Than Personal	(677,000)
Maintenance and Fixed Charges....	(126,000)
Additions, Improvements and Equipment	(245,000)
Total Appropriation, Department of Military and Veterans' Affairs	<u>\$46,341,000</u>

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1990 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appro-

priated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed \$35.00 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000.

68 DEPARTMENT OF PERSONNEL

*70 Government Direction, Management and Control**74 General Government Services*

01-2710 Personnel Policy	
Development and General	
Administration	\$4,512,000
02-2720 Recruitment and	
Selection	7,291,000
03-2730 Personnel Management	
Systems.....	4,777,000
04-2740 Employee Development	
and Personnel Services	787,000
05-2750 Equal Employment	
Opportunity and Affirmative	
Action	742,000
06-2760 Local Government	
Classification and Placement	<u>2,823,000</u>
Total Appropriation, General	
Government Services	<u>\$20,932,000</u>
Personal Services:	
Merit System Board	(\$52,000)
Salaries and wages	(15,135,000)
Materials and Supplies	(533,000)
Services Other Than Personal.....	(3,587,000)
Maintenance and Fixed Charges....	(214,000)
Special Purpose:	
Microfilm service charges	(29,000)
Test validation/police testing	(464,000)
Affirmative action and equal	
employment opportunity	
program.....	(74,000)
Additions, Improvements and	
Equipment	(844,000)

Receipts derived from training services are appropriated.

The Director of the Division of Budget and Accounting may transfer or credit appropriations to the Department of Personnel for training services provided, or to be provided, to any other agency or department, in an amount approved by the Commissioner of Personnel and the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Personnel.....	<u>\$20,932,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-8480 Management and Administrative Services.....	<u>\$1,834,000</u>

Total Appropriation, Management and Administration	<u>\$1,834,000</u>

Personal Services:

Salaries and wages.....	(\$1,343,000)
Materials and Supplies	(68,000)
Services Other Than Personal.....	(173,000)
Maintenance and Fixed Charges....	(23,000)

Special Purpose:

Affirmative action and equal- employment opportunity program.....	(64,000)
Microfilming services.....	(63,000)
Federal Energy Regulatory Commission hearings.....	(100,000)

80 *Special Government Services*

82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$2,031,000
02-8320 Public Interest Advocacy	682,000
03-8330 Citizens' Complaints and Dispute Settlement	600,000
04-8410 Trial Services to Indigents and Special Programs	35,337,000
05-8420 Appellate Services to Indigents	6,164,000
06-8430 Public Defender Administration	633,000

07-8340 Rate Counsel	4,029,000
08-8350 Advocacy for the Developmentally Disabled.....	<u>680,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$50,156,000</u>

Personal Services:

Salaries and wages.....	(\$34,908,000)
Materials and Supplies	(721,000)
Services Other Than Personal.....	(9,666,000)
Maintenance and Fixed Charges....	(566,000)

Special Purpose:

Regional office furniture.....	(342,000)
Public Defender conflict unit	(2,587,000)
Citizens' Complaints and Dispute Settlement	(600,000)
Other special purpose	(368,000)

Additions, Improvements and

Equipment	(398,000)

The amount hereinabove for the Rate Counsel program shall be provided from receipts of the Rate Counsel. If receipts are less than anticipated, the appropriation shall be reduced proportionately. If billings exceed the expenses of the Rate Counsel, the excess, not to exceed \$368,000, may be used to defray departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1990 of such receipts are appropriated.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Department of the Public Advocate are available for expenses associated with the defense of pool attorneys hired by the Public Advocate for the representation of indigent clients.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation,

Department of the

Public Advocate

\$51,990,000

74 DEPARTMENT OF STATE	
30 Educational, Cultural and Intellectual Development	
37 Cultural and Intellectual Development Services	
05-2530 Support of the Arts	\$611,000
06-2535 Museum Services	2,324,000
07-2540 Development of Historical Resources	<u>575,000</u>
Total Appropriation, Cultural and Intellectual Development Services.....	<u>\$3,510,000</u>
Personal Services:	
Salaries and wages.....	(\$2,721,000)
Materials and Supplies	(186,000)
Services Other Than Personal.....	(247,000)
Maintenance and Fixed Charges....	(72,000)
Special Purpose:	
Council member expenses	(3,000)
Walter Edge Foran New Jersey Studies Institute	(214,000)
Additions, Improvements and Equipment	(67,000)
Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appro- priated to and shall be used for the benefit of the State Museum.	
The unexpended balance as of June 30, 1990 in the Afro-American cur- riculum program account is appropriated for the same purpose.	
The unexpended balance as of June 30, 1990 in the Black Historic Sites Survey account is appropriated for the same purpose.	
The unexpended balance as of June 30, 1990 in the New Jersey Historical Resources Project account is appropriated for the same purpose.	
The unexpended balance as of June 30, 1990 in the New Jersey His- tory Film Series account is appropriated for the same purpose.	

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$2,102,000
08-2545 Records Management	1,464,000
09-2506 Commercial Recording...	<u>1,943,000</u>

Total Appropriation, Office of the Secretary of State		<u>\$5,509,000</u>
Personal Services:		
Salaries and wages	(\$3,853,000)	
Materials and Supplies	(172,000)	
Services Other Than Personal	(816,000)	
Maintenance and Fixed Charges	(64,000)	
Special Purpose:		
Voter registration	(275,000)	
Voter declaration	(4,000)	
Affirmative action and equal employment opportunity program	(34,000)	
Martin Luther King Jr. Commemorative Commission	(225,000)	
Additions, Improvements and Equipment	(66,000)	

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1990 of those receipts are appropriated for the costs of making such examinations.

The unexpended balance as of June 30, 1990 in the Martin Luther King Jr. Commemorative Commission account is appropriated for the same purpose.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1990 are appropriated for the costs of over-the-counter corporate service.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

The unexpended balance in the Secretary of State Fund as of June 30, 1990, and notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees, are appropriated.

2515 Office of Administrative Law

03-2515 Adjudication of Administrative Appeals	<u>\$6,813,000</u>
Total Appropriation, Office of Administrative Law	<u>\$6,813,000</u>

Personal Services:

Salaries and wages.....	(\$5,257,000)
Materials and Supplies	(223,000)
Services Other Than Personal.....	(1,175,000)
Maintenance and Fixed Charges....	(151,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(7,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the "State Compensation Plan."

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1990 of such receipts are appropriated.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Total Appropriation, Department of State	<u>\$15,832,000</u>

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

06-6100 Maintenance and Operations	\$85,989,000
08-6120 Physical Plant and Support Services	9,500,000
71-6200 Transportation Systems Improvements	<u>27,489,000</u>
Total Appropriation, State Highway Facilities	<u>\$122,978,000</u>

Personal Services:

Salaries and wages	(\$83,943,000)
Materials and Supplies	(11,435,000)
Services Other Than Personal	(6,309,000)
Maintenance and Fixed Charges	(12,968,000)

Special Purpose:

Microfilm service charges	(76,000)
Comprehensive highway transportation planning studies	(21,000)
Metropolitan planning studies ...	(104,000)
Public transportation and aviation planning	(158,000)

Additions, Improvements and

Equipment	(7,964,000)

The unexpended balances as of June 30, 1990 in the accounts hereinabove are 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 of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

Receipts in excess of \$240,000 derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the outdoor advertising permit and regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

64 Planning and General Management Support

05-6070 Access and Use

Management	\$2,295,000

99-6000 Management and

Administrative Services	<u>16,034,000</u>

Total Appropriation,

Planning and General

Management Support	<u>\$18,329,000</u>

Personal Services:

Salaries and wages	(\$14,184,000)
Materials and Supplies	(256,000)
Services Other Than Personal	(2,623,000)

Maintenance and Fixed Charges....	(74,000)
Special Purpose:	
Airport Safety Fund	(300,000)
Affirmative action and equal employment opportunity program.....	(892,000)
The unexpended balance as of June 30, 1990 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.	
The amount hereinabove for the Airport Safety Fund is payable out of the fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.	
The unexpended balance as of June 30, 1990, and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.	
Receipts in excess of \$600,000 derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the access permit review program, subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts in excess of \$145,000 derived from motorbus petition and inspection fees are appropriated for the purpose of administering the motorbus regulation program, subject to the approval of the Director of the Division of Budget and Accounting.	
Total Appropriation, Department of Transportation	<u>\$141,307,000</u>

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development and Security

52 Economic Regulation

54-2007 Division of Gas	\$1,170,000
54-2008 Division of Electric	1,125,000
54-2009 Division of Water and Sewer	956,000
54-2012 Division of Telecommunication	938,000
54-2013 Division of Solid Waste .	2,814,000
55-2004 Regulation of Cable Television	879,000

97-2016 Regulatory Support	
Services	1,488,000
99-2003 Management and	
Administrative Services.....	<u>4,752,000</u>
Total Appropriation,	
Economic Regulation.....	<u>\$14,122,000</u>

Personal Services:

Salaries and wages	(\$12,538,000)
Materials and Supplies	(205,000)
Services Other Than Personal.....	(579,000)
Maintenance and Fixed Charges....	(145,000)

Special Purpose:

Affirmative action and equal employment opportunity program.....	(46,000)
Division of Solid Waste expansion	(252,000)
Additions, Improvements and Equipment	(357,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.) or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balances as of June 30, 1990 in the accounts hereinabove are appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

*70 Government Direction, Management and Control**72 Governmental Review and Oversight*

02-2010 Office of State Planning .	\$2,186,000
03-2015 Employee Relations and Collective Negotiations.....	625,000
05-2030 Budgeting, Planning and Control	7,729,000
07-2040 Accounting and Financial Reporting	9,370,000

08-2045 Management Services.....	<u>1,745,000</u>
Total Appropriation, Governmental Review and Oversight.....	<u>\$21,655,000</u>

Personal Services:

Salaries and wages.....	(\$13,851,000)
Materials and Supplies	(524,000)
Services Other Than Personal.....	(6,301,000)
Maintenance and Fixed Charges....	(122,000)
Additions, Improvements and Equipment	(857,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group.

73 Financial Administration

13-2070 Special Procedures and Investigations.....	\$11,963,000
14-2075 Tax Audit Services	21,581,000
15-2080 Processing and Administration.....	42,894,000
16-2090 Administration of State Lottery	19,919,000
18-2125 Financial Management ...	1,645,000
19-2120 Management of State Investments.....	<u>2,643,000</u>
Total Appropriation, Financial Administration	<u>\$100,645,000</u>

Personal Services:

Salaries and wages.....	(\$57,409,000)
Materials and Supplies	(3,959,000)
Services Other Than Personal.....	(34,278,000)
Maintenance and Fixed Charges....	(1,933,000)
Additions, Improvements and Equipment	(3,066,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be neces-

sary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

There are appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors fees to compensate the vendors for services provided in order to support these recoveries, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the leased personal property sales tax administration account is appropriated for the same purpose.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

Notwithstanding the provisions of any other law to the contrary, there is appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the re-

irement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

74 General Government Services

09-2050 Purchasing and Inventory Management	\$6,272,000
10-2055 Physical Plant Operation and Maintenance	26,463,000
11-2060 Other Property Management Services	2,790,000
12-2065 Construction Management Services	7,286,000
21-2140 Management of Employee Benefits Programs	20,654,000
24-2061 Real Property Management	479,000
37-2051 Risk Management	<u>2,264,000</u>
Total Appropriation, General Government Services	<u>\$66,208,000</u>
Personal Services:	
Salaries and wages	(\$33,483,000)
Materials and Supplies	(12,941,000)

Services Other Than Personal.....	(16,328,000)
Maintenance and Fixed Charges....	(2,344,000)
Additions, Improvements and Equipment	(1,112,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

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

Receipts from employee maintenance charges in excess of \$1,000,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed \$170,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department for data processing

costs which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

A sum not to exceed \$171,000 from proceeds derived from commissions paid to the Travel services section is appropriated for administrative expenses of the program.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the State Purchase Fund as of June 30, 1990, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

The unexpended balances in the Gubernatorial transition—Governor and Gubernatorial transition—Governor-Elect accounts as of June 30, 1990 are appropriated for the same purpose, provided however, that notwithstanding the provisions of section 4 of P.L.1969, c.213 (C.52:15A-4), the appropriation for the former Governor and the services and facilities authorized shall continue to be available to the former Governor for a period not to exceed one year from the date of the expiration of his term of office.

The unexpended balances in the State cafeteria accounts as of June 30, 1990, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

76 Management and Administration

01-2005 Federal Liaison Activities	\$150,000
98-2006 Public Contracts	
Affirmative Action Office	768,000
99-2000 Management and	
Administrative Services	<u>4,935,000</u>
Total Appropriation,	
Management and	
Administration	<u>\$5,853,000</u>
Personal Services:	
Salaries and wages	(\$3,825,000)
Materials and Supplies	(111,000)
Services Other Than Personal	(860,000)
Maintenance and Fixed Charges	(77,000)
Special Purpose:	
Federal Liaison Office—	
Washington, D.C.	(150,000)
Minority Opportunity	
Enhancement Fund	(500,000)
Maintenance—Old Barracks,	
Trenton (State share)	(323,000)
Additions, Improvements and	
Equipment	(7,000)

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1990 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated out of the “Worker and Community Right to Know Fund” such sums as may be necessary to carry out the provisions of P.L.1983, c.315 (C.34:5A-1 et seq.).

Notwithstanding the provisions of any law to the contrary, there are appropriated from the “Drug Enforcement and Demand

Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts account as of June 30, 1990 is appropriated for the same purpose.

The unexpended balance as of June 30, 1990 in the Minority Opportunity Enhancement Fund account is appropriated for the Minority Opportunity Skills Training program.

Total Appropriation,	
Department of the Treasury ...	<u>\$208,483,000</u>

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03-9130 Interstate Sanitation	
Commission	<u>\$284,000</u>
Total Appropriation, Interstate	
Sanitation Commission	<u>\$284,000</u>
Special Purpose:	
Expenses of Commission	(\$284,000)

The amount available to the Interstate Sanitation Commission shall not exceed the amount that is appropriated for the contribution to the commission by the State of New York.

9140 Delaware River Basin Commission

02-9140 Delaware River Basin	
Commission	<u>\$554,000</u>
Total Appropriation, Delaware	
River Basin Commission	<u>\$554,000</u>
Special Purpose:	
Expenses of Commission	(\$554,000)

44 Hazardous and Toxic Pollution Control
9160 Northeast Interstate Low-Level Radioactive
Waste Commission

10-9160 Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$90,000</u>
Total Appropriation, Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$90,000</u>
Special Purpose: Expenses of Commission	(\$90,000)

70 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	<u>\$204,000</u>
Total Appropriation, New Jersey Commission on Capital Budgeting and Planning	<u>\$204,000</u>
Special Purpose: Expenses of Commission	(\$204,000)
Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,132,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals	\$172,100,000
02-9400 Insurance and Other Services	<u>29,591,000</u>
Total Appropriation, Property Rentals, Insurance and Other Services	<u>\$201,691,000</u>
Services Other Than Personal Rent:	
Buildings and grounds	(\$181,190,000)

Richard J. Hughes Justice	
Complex	(10,900,000)
New Jersey Building Authority .	(17,510,000)
<i>Less:</i>	
<i>Direct charges and charges to</i>	
<i>non-State fund sources</i>	<i>(\$37,500,000)</i>
Insurance:	
Property Insurance	(\$1,762,000)
Casualty Insurance.....	(872,000)
Special Insurance Policies	(157,000)
Special Purpose:	
Tort Claims Liability Fund	
(N.J.S.59:12-1)	(3,000,000)
Workers' Compensation Self-	
Insurance Fund.....	(21,000,000)
Vehicle Claims Liability Fund...	(2,000,000)
Self-Insurance Deductible Fund	(500,000)
Self-Insurance Fund—	
Foster Parents	(300,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the 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.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

- The unexpended balance as of June 30, 1990 in the Excess liability insurance master policy account is appropriated for the same purpose.
- The unexpended balance as of June 30, 1990 in the Tort Claims Liability Fund account created by N.J.S.59:12-1 is appropriated for the same purpose.
- To the extent that sums appropriated to pay Workers' Compensation claims are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balances as of June 30, 1990 in the Self-Insurance Deductible Fund, the Self-Insurance Fund-Foster Parents, and in the Workers' Compensation Self-Insurance Fund are appropriated for the same purposes.
- The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of outside legal, investigative, and medical services related to the investigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 1990 in the Master Lease Program Fund is appropriated for the same purpose.
- There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Tort Claims Liability Fund under N.J.S.59:12-1 is available for the payment of direct costs of outside legal, investigative services and medical services related to the investigation and litigation of claims against the fund.
- The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 1990 in the Vehicle Claims Liability Fund is appropriated for the same purpose.
- The sums hereinabove are be available for payment of obligations applicable to prior fiscal years.
- The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.

The unexpended balance as of June 30, 1990 in the Newark Performing Arts Center account is appropriated for the same purpose.

The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The unexpended balances as of June 30, 1990 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of vehicular and Division of Motor Vehicles Inspection Station Premises and operations liability claims settlements and judgments, payment of vendored claims, investigative costs, or for the reallocation to departments based on loss experience.

9410 Employee Benefits

03-9410 Employee Benefits	<u>\$999,224,000</u>
Total Appropriation,	
Employee Benefits.....	<u>999,224,000</u>
Special Purpose:	
Heath Act.....	(\$21,000)
Veterans' Act.....	(100,000)

Miscellaneous special acts	(6,000)
Judicial Retirement System	(10,267,000)
Prison Officers' Pension Fund ...	(2,828,000)
Public Employees' Retirement System	(182,841,000)
Social Security tax	(243,500,000)
State Police Retirement System .	(28,590,000)
Dental care program, shared cost	(14,000,000)
State employees' health benefits	(348,148,000)
Prescription drug program	(41,500,000)
Pension Adjustment Act	(8,283,000)
Minimum Pension Benefit Act ..	(80,000)
Employer contributions, alternate benefit program.....	(59,462,000)
Pension and non-contributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(4,634,000)
Temporary disability insurance .	(5,155,000)
Police and Firemen's Retirement System (P.L.1979, c.109).....	(21,530,000)
Police and Firemen's Retirement System, P.L.1944, c.255 (C.43:16A-1 et seq.).....	(26,879,000)
Vision care.....	(1,400,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further, that this shall not apply to any widow receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

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, 1991 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, 1990 through the date of such payment.

Such additional sums as may be required for Social Security tax, Unemployment compensation liability and/or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

The amount hereinabove for the Prescription drug program is based upon a co-payment of \$3.50 for each eligible non-generic prescription/refill and a co-payment of \$1.00 for each eligible generic prescription/refill.

Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

Any such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated from investment earnings.

In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of \$1,000,000 from appropriations made to various spending agencies for information processing—internal, as determined by the director. This additional sum is appropriated for Social Security tax.

In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of \$1,500,000 from appropriations made to various spending agencies for travel and printing and office, as determined by the director. This additional sum is appropriated for Social Security tax.

9420 State Contingency Fund

04-9420 State Contingency Fund .	<u>\$6,737,000</u>
Total Appropriation,	
State Contingency Fund.....	<u>\$6,737,000</u>
Special Purpose:	

To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State (\$2,000,000)

Contingencies, including fuel, food and services (1,500,000)

Telephone buyout (3,237,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits	<u>\$170,500,000</u>
Total Appropriation, Salary and Other Benefits	<u>\$170,500,000</u>
Special Purpose:	
Salary and benefits increases—increments	(\$31,200,000)
Salary and benefits increases—cost of living adjustments	(87,800,000)
Salary and benefits increases—deferred cost of prior contract	(47,000,000)
Unused accumulated sick leave payments	(4,500,000)

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

The State Treasurer, the Commissioner of Personnel, 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, 1990 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations to the Joint Budget Oversight Committee or its successor.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

In addition to the amount hereinabove for Unused accumulated sick leave payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

No salary range or rate of pay shall be increased or paid in any State department, agency, commission or higher education institution without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting; provided however, that any sums appropriated to the several departments for salaries shall be made available for salary adjustments therein arising from various exigencies of the State service, including employees assigned to the Senior Executive Service, as the Commissioner of Personnel and the Director of the Division of Budget and Accounting shall determine. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or the unclassified personnel of the Judicial Branch.

None of the funds hereinabove appropriated for Salary and benefits increases-increments shall be available to pay increments for employees in the unclassified service and the Senior Executive Service for service in fiscal year 1991, unless such employees are covered by collective bargaining agreements which provide for such increments.

Effective through December 31, 1990 and notwithstanding the provisions of section 1 of P.L.1974, c.55 (C.52:14-15.107), as amended and P.L.1989, c.341, the amounts appropriated to the various departments for salaries shall be available to provide for payment of such salaries to the heads of the principal Executive departments and the members of the Board of Public Utilities as the Governor shall fix and establish, but shall not exceed \$95,000 for any individual.

Total Appropriation,
Inter-Departmental Accounts \$1,378,152,000

JUDICIAL BRANCH

98 THE JUDICIARY

*10 Public Safety and Criminal Justice**15 Judicial Services*

01-9710 Supreme Court	\$3,226,000
02-9715 Superior Court—	
Appellate Division	9,340,000
03-9720 Civil Courts	21,495,000
04-9725 Criminal Courts	13,325,000
05-9730 Family Courts	9,762,000
06-9735 Municipal Courts	843,000
07-9740 Probation Services	4,607,000
08-9745 Court Reporting	9,068,000
09-9750 Legal and Professional Services	989,000
10-9755 Information Services	10,460,000
11-9760 Field Operations	2,073,000
12-9765 Management and Administration	<u>4,386,000</u>
Total Appropriation, Judicial Services	<u>\$89,574,000</u>
Personal Services:	
Chief Justice	(\$108,000)
Associate Justices (6 @ \$93,000)	(615,000)
Judicial positions converted	(170,000)
Judges	(33,907,000)
Salaries and wages	(35,193,000)
Materials and Supplies	(2,218,000)
Services Other Than Personal	(6,734,000)

Maintenance and Fixed Charges....	(309,000)	
Special Purpose:		
Rules development	(155,000)	
Automobile arbitration	(350,000)	
Alternative dispute resolution....	(80,000)	
Speedy Trial Program, case processing improvement	(500,000)	
Criminal Disposition Commission	(210,000)	
Child support and paternity program (State share)	(893,000)	
Child Placement Review Advisory Council	(75,000)	
Juvenile Delinquency Commission	(325,000)	
Municipal court assistance	(310,000)	
Intensive supervision program...	(3,584,000)	
Affirmative action and equal employment opportunity program.....	(179,000)	
Grants:		
Alternative dispute resolution	(320,000)	
Public Defender eligibility review	(496,000)	
Child Placement Review Boards	(380,000)	
Additions, Improvements and Equipment.....	(2,463,000)	
Total Appropriation, Judiciary...		<u>\$89,574,000</u>

The unexpended balances as of June 30, 1990 in the accounts hereinabove are appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee, Board of Trial Attorney Certification and the Bar Admission Financial Committee are appropriated for services provided to these funds.

Effective through December 31, 1990 and notwithstanding the provisions of section 1 of P.L.1974, c.57 (C.2A:1A-6), the salaries of the following justices and judges are fixed and established as follows:

<u>Title</u>	<u>Salary</u>
Chief Justice of the Supreme Court	\$95,000
Associate Justice of the Supreme Court	93,000
Judge of the Superior Court, Appellate Division	90,000
Judge of the Superior Court, Assignment Judge	88,000
Judge of the Superior Court	85,000
Notwithstanding the provisions of section 1 of P.L.1974, c.57 (C.2A:1A-6), the salaries of the Associate Justices of the Su- preme Court shall be fixed and established at \$115,000 per year, effective January 1, 1991.	
Total Appropriation, Direct State Services	<u>\$4,409,665,000</u>

GRANTS-IN-AID

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT*50 Economic Planning, Development and Security**51 Economic Planning and Development—Grants-In-Aid*

22-2860 Travel and Tourism	<u>\$200,000</u>
Total Appropriation, Economic Planning and Development	<u>\$200,000</u>

Grants:

Tourist matching grants for
counties (\$200,000)

*2890 New Jersey Commission on Science and Technology—
Grants-In-Aid*

24-2890 New Jersey Commission on Science and Technology ...	<u>\$21,955,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$21,955,000</u>

Grants:

Center for Advanced Food
Technology (1,550,000)
Center for Hazardous Substance
Management Research (3,086,000)

Fisheries development and aqua-culture	(300,000)
Business development	(200,000)
Center for Advanced Biotechnology and Medicine .	(3,103,000)
TEX center for cancer research .	(300,000)
Center for Biomolecular Agriculture.....	(950,000)
Center for Ceramics Research ...	(3,377,000)
TEX center for polymer processing	(400,000)
Plastics recycling center	(600,000)
Center for Photonics and Opto-Electronic Materials.....	(550,000)
Center for Surface Engineered Materials	(500,000)
Center for Computer Aids to Industrial Productivity	(1,085,000)
TEX center for information services	(274,000)
Center for manufacturing engineering sciences	(500,000)
Advanced technology centers— new equipment.....	(5,180,000)
The unexpended balances as of June 30, 1990 from the Science and Technology Grants accounts are appropriated.	
Total Appropriation, Department of Commerce, Energy and Economic Development.....	<u>\$22,155,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—Grants-In-Aid

02-8020 Housing Services.....	\$6,460,000
18-8017 Fire Safety Inspection Program	7,100,000
20-8035 Hackensack Meadowlands Development Commission.....	<u>2,619,000</u>

Total Appropriation, Community Development Management	<u>\$16,179,000</u>
Grants:	
Shelter assistance	(\$2,000,000)
Prevention of Homelessness, P.L.1984, c.180 (C.52:27D-280 et seq.).....	(4,460,000)
Fire safety inspection and enforcement-Local Enforcement Agency rebates .	(7,000,000)
Fire safety-continuing education	(100,000)
Hackensack Meadowlands Development Commission— Debt service	(315,000)
Hackensack Meadowlands Development Commission— Municipal Committee	(110,000)
Hackensack Meadowlands Development Commission operations.....	(2,069,000)
Hackensack Meadowlands Development Commission— Meadowlands Environmental Center	(125,000)

The amount hereinabove for the Fire Safety Inspection Program classification is payable out of the fees and penalties derived from bureau activities. If those receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1990 in the Fire Safety Inspection Program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner of Community Affairs shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, reports on January 1, 1991 and March 1, 1991 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The unexpended balance as of June 30, 1990 in the Prevention of Homelessness account is appropriated.

Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs—Grants-In-Aid

05-8050 Community Resources ...	\$5,900,000
07-8052 Sports and Recreation.....	125,000
08-8060 Programs for the Aging ..	100,000
15-8051 Women's Programs	<u>1,350,000</u>
Total Appropriation, Social Services Programs	<u>\$7,475,000</u>
Grants:	
Recreation for the handicapped .	(\$500,000)
Special Olympics.....	(375,000)
New Jersey Volunteer Youth Corps.....	(2,000,000)
State Legal Services Office	(1,800,000)
Office of Hispanic Affairs	(1,125,000)
Health Insurance Options for the Elderly	(100,000)
Women's Referral Central	(25,000)
Grants to Hispanic women's resource centers	(400,000)
Grants to women's shelters.....	(25,000)
Grants to displaced homemaker centers.....	(900,000)
Grant to ASPIRA.....	(100,000)
Garden State Games	(125,000)
Total Appropriation, Department of Community Affairs.....	<u>\$23,654,000</u>

The unexpended balance as of June 30, 1990 in the New Jersey Volunteer Youth Corps account is appropriated.

26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 16 *Detention and Rehabilitation*
 7025 *System-Wide Program Support—Grants-In-Aid*

13-7025 Institutional Program	
Support	<u>\$82,899,000</u>
Total Appropriation, System- Wide Program Support	<u>\$82,899,000</u>

Grants:

Purchase of services for inmates incarcerated in county penal facilities	(\$75,421,000)
Purchase of services for inmates incarcerated in out-of-State facilities	(200,000)
Purchase of community services	(6,902,000)
Joint Connection program.....	(150,000)
Transportation assistance for inmates' families' visitations .	(226,000)

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmates' housing which becomes ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

10 *Public Safety and Criminal Justice*
 18 *Juvenile Correctional Services*
 7270 *Juvenile Community Programs—Grants-In-Aid*

12-7270 Juvenile Rehabilitation ...	<u>\$576,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$576,000</u>

Grants:

Passaic county day program for County Probationers (Probation-fields)	(\$194,000)
Camden juvenile community program.....	(150,000)

Explorers program—Newark	
YM/WCA juvenile services ..	(232,000)
Total Appropriation,	
Department of Corrections.....	<u>\$83,475,000</u>

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance—Grants-In-Aid*

03-5120 Miscellaneous	
Grants-In-Aid	<u>\$139,000</u>
Total Appropriation, Direct	
Educational Services and	
Assistance	<u>\$139,000</u>

Grants:

Teacher recognition program.....	(\$139,000)

The unexpended balance as of June 30, 1990 in the Teacher recognition program account is appropriated.

34 Educational Support Services—Grants-In-Aid

30-5063 General Academic	
Education.....	\$7,800,000
32-5061 Certification Programs ...	<u>120,000</u>
Total Appropriation, Educational	
Support Services	<u>\$7,920,000</u>

Grants:

Programs for the Gifted and	
Talented	(\$150,000)
Blueprint for a drug-free	
New Jersey.....	(1,650,000)
Good Start	(5,000,000)
Math/science initiative.....	(1,000,000)
Minority teaching scholarship ...	(120,000)

35 Education Administration and Management—Grants-In-Aid

99-5095 Management and	
Administrative Services	<u>\$850,000</u>
Total Appropriation, Education	
Administration and	
Management	<u>\$850,000</u>

Grants:

Governor's teaching scholarships	(\$850,000)

*37 Cultural and Intellectual Development Services—**Grants-In-Aid*

54-5010 Support of the Arts	<u>\$100,000</u>
Total Appropriation, Cultural and Intellectual Development Services.....	<u>\$100,000</u>
Grants:	
Teen arts program	(\$100,000)
Total Appropriation, Department of Education	<u>\$9,009,000</u>

46 DEPARTMENT OF HEALTH

*20 Physical and Mental Health**21 Health Services—Grants-In-Aid*

02-4220 Community Health Services	\$12,333,000
03-4230 Epidemiology and Disease Control	3,861,000
04-4240 Narcotic and Drug Abuse Control.....	9,097,000
05-4250 Alcoholism Control	1,738,000
11-4235 Occupational and Environmental Health Control	463,000
12-4245 AIDS Services	<u>10,491,000</u>
Total Appropriation, Health Services	<u>\$37,983,000</u>
Grants:	
Family planning services	(\$1,610,000)
Hemophilia services	(621,000)
Emergency medical services.....	(209,000)
Testing for specific hereditary diseases	(115,000)
Special health services for handicapped children	(2,000,000)
Birth defects registry	(25,000)
New Jersey emergency medical service helicopter response program ..	(1,200,000)
Maternal and child health	(2,475,000)
Lead poisoning program	(395,000)
Poison control center	(425,000)

Urban rodent control.....	(200,000)
Infant mortality reduction program.....	(1,830,000)
Cleft palate programs.....	(350,000)
Newborn screening follow-up and treatment for hemoglobins	(133,000)
Fetal alcohol syndrome program	(570,000)
HealthStart Hotline	(25,000)
SIDS Assistance Act.....	(150,000)
Tuberculosis services.....	(197,000)
Chronic disease services	(144,000)
Chronic renal disease	(438,000)
New Jersey State Commission on Cancer Research	(1,000,000)
Alzheimer's disease program.....	(615,000)
Gerontology program	(136,000)
Rape prevention.....	(500,000)
Immunization information program for new parents	(75,000)
Diabetes control program	(147,000)
AIDS Communicable Disease Control	(609,000)
Community drug programs (State share)	(5,092,000)
Vocational adjustment centers ...	(95,000)
Inmate residential drug treatment	(250,000)
Comprehensive drug and alcohol treatment system— development and expansion ...	(1,850,000)
In-State juvenile residential treatment services— development.....	(1,810,000)
Alcoholism services.....	(1,033,000)
Compulsive gambling.....	(260,000)
Parolee rehabilitation project	(370,000)
Medical support services for the homeless	(75,000)
Occupational/environmental disease surveillance program .	(50,000)
Worker and community right to know	(413,000)
AIDS continuing grants	(10,491,000)

- The Director of the Division of Budget and Accounting is empowered to transfer up to \$2,475,000 from the Maternal and child health grant account to the Medical Assistance program on behalf of pregnant women and children whose incomes are below the poverty level and who qualify for Title XIX benefits.
- The Department of Health shall require its subcontractors under the New Jersey emergency medical service helicopter response program established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.) to seek reimbursement through third party billings for services rendered.
- Receipts from third party billings for the New Jersey emergency medical services helicopter response program, not to exceed \$400,000, are appropriated to the Department of Health.
- From the Family planning services account, \$10,000 is transferred to the Department of Human Services, Division of Medical Assistance and Health Services for family planning services.
- The unexpended balance as of June 30, 1990 in the New Jersey State Commission on Cancer Research account is appropriated.
- The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).
- The unexpended balance of appropriations, as of June 30, 1990, made to the Department of Health by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.
- There is appropriated from the "Drug Enforcement and Demand Reduction Fund" \$3,000,000 to supplement the Community drug programs (State share) account.
- There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$420,000 to fund the Local alcoholism authorities-expansion account.

22 Health Planning and Evaluation—Grants-In-Aid

07-4270 Health Planning and Resource Development	<u>\$250,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$250,000</u>
Grants:	
Local health planning agencies..	(\$250,000)
Total Appropriation, Department of Health.....	<u>\$38,233,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

*30 Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor—Grants-In-Aid*

02-5400 Support to Independent Institutions	\$27,102,000
03-5400 New Jersey Educational Opportunity Fund	24,292,000
04-5400 Student Financial Support Services	79,801,000
99-5400 Management and Administrative Services	<u>6,859,000</u>
Total Appropriation, Office of the Chancellor	<u>\$138,054,000</u>
Grants:	
Veterinary medicine education program.....	(\$1,427,000)
Aid to independent colleges and universities.....	(20,580,000)
Schools of professional nursing .	(833,000)
Optometric education	(236,000)
Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program.....	(126,000)
Richard J. Hughes chair for constitutional and public law and service at Seton Hall University	(65,000)

Alfred E. Driscoll chair in pharmaceutical/chemical , studies Fairleigh Dickinson University	(65,000)
Women's Studies Chair at Douglass College	(75,000)
Will and Ariel Durant chair in the humanities at St. Peter's College.....	(65,000)
Small business and entrepreneurship chair at Rutgers.....	(65,000)
Raoul Wallenberg visiting professorship in human rights—Rutgers University	(100,000)
Millicent Fenwick research professorship in education at Monmouth College	(75,000)
Morehouse College	(35,000)
Dental school aid—Fairleigh Dickinson University	(2,500,000)
Research under contract with the Institute of Medical Research, Camden	(790,000)
Opportunity program grants.....	(14,871,000)
Supplementary education program grants	(8,819,000)
Martin Luther King Physician— Dentist Scholarship Act of 1986	(602,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.) ...	(70,705,000)
Garden State scholarships	(3,450,000)
Graduate fellowships	(346,000)
Edward J. Bloustein Distinguished Scholars program.....	(3,500,000)
Urban scholarships	(1,300,000)
Part-time tuition aid grants— EOF students.....	(500,000)
Marine Sciences Consortium	(565,000)
Governor's School	(974,000)

Special Academic Programs:

Pre-collegiate academic programs	(2,450,000)
Fund for improved retention ..	(610,000)
Learning disabled.....	(750,000)
Minority academic careers program.....	(910,000)
Urban initiative	(250,000)
Ethnolinguistic-academic preparation	(250,000)
Center for Information Age Technology	(100,000)

An amount not to exceed \$100,000 in the Aid to independent colleges and universities account is available for administrative expenses.

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at eight State Colleges is 43,203 for fiscal year 1990.

The sums hereinabove appropriated and the unexpended balances as of June 30, 1990 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services account are appropriated and available for payment of liabilities applicable to prior fiscal years.

The amount hereinabove for the Minority Academic Careers program is appropriated from funds of the Educational and Administrative Programs for Higher Educational purposes.

The unexpended balance as of June 30, 1990, in the Challenge to independents account is appropriated.

An amount not to exceed 5% of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

Total Appropriation, Department of Higher Education.....	<u>\$138,054,000</u>

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*23 *Mental Health Services*7700 *Division of Mental Health and Hospitals—Grants-In-Aid*

08-7700 Community Services	<u>\$102,060,000</u>

Total Appropriation, Division of Mental Health and Hospitals..	<u>\$102,060,000</u>

Grants:

Improvement of children's mental health services	(\$7,709,000)

Implement involuntary commitment legislation (P.L.1987, c.116)	(2,963,000)

Community care expansion— Greystone Park Psychiatric Hospital phasedown	(9,673,000)

Community care	(60,899,000)

Community Mental Health Center—University of Medicine and Dentistry —Newark.....	(5,198,000)

Community Mental Health Center—University of Medicine and Dentistry —Rutgers	(10,086,000)

Cost of Living Adjustment— Community Services	(5,532,000)

Federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

From the sum appropriated for the Improvement of children's mental health services, such sums as are necessary may be transferred to other departments and agencies in accordance with a plan for children's services approved by the Commissioner of the Department of Human Services and the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Community care expansion-Greystone Park Psychiatric Hospital phase-down, savings from the phase-down of Greystone Park Psychiatric Hospital may be transferred to this account

and shall be available for expansion of placements to accommodate the phase-down as determined by the Director of the Division of Budget and Accounting.

Savings made available from the reduction of patient populations in the State psychiatric facilities may be transferred to the Community care account subject to the approval of the Director of the Division of Budget and Accounting.

24 Special Health Services
7540 Division of Medical Assistance and Health Services—
Grants-In-Aid

22-7540 General Medical Services	\$1,002,726,000
24-7540 Pharmaceutical Assistance	
to the Aged and Disabled	<u>56,218,000</u>
Total Appropriation, Division of	
Medical Assistance and	
Health Services	<u>\$1,058,944,000</u>
Grants:	
Garden State Health Plan	(\$478,000)
Payments for medical assistance	
recipients-Nursing homes	(344,716,000)
Payments for medical assistance	
recipients-Inpatient hospital...	(345,248,000)
Payments for medical assistance	
recipients-Prescription drugs .	(74,808,000)
Payments for medical assistance	
recipients-Outpatient hospital	(50,711,000)
Payments for medical assistance	
recipients-Physician	(32,008,000)
Payments for medical assistance	
recipients-Home health	(28,653,000)
Payments for medical assistance	
recipients-Medicare B	
payments	(17,404,000)
Payments for medical assistance	
recipients-Dental	(10,794,000)
Payments for medical assistance	
recipients-County psychiatric	
hospitals	(2,936,000)
Payments for medical assistance	
recipients-Medical supplies ...	(8,415,000)

Payments for medical assistance recipients-Clinic	(16,558,000)
Payments for medical assistance recipients-Transportation	(9,685,000)
Payments for medical assistance recipients-Other services	(32,905,000)
Maternal and child health expansion	(6,035,000)
Medicaid expansion—SOBRA ..	(21,372,000)
Pharmaceutical Assistance to the Aged-claims	(56,218,000)

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1991 are appropriated.

The amounts hereinabove appropriated for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 48.91%; provided however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof

shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

Notwithstanding P.L.1989, c.122 or any other law to the contrary, the unexpended balances in the General Medical Services program classification for all prior fiscal years are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and all appropriations and receipts of federal and other non-State funds related to the operation of the plan shall be deposited into the fund.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs—Grants-In-Aid

01-7601 Purchased Residential	
Care	\$75,756,000
02-7601 Social Supervision and	
Consultation.....	9,376,000

03-7601 Adult Activities	20,528,000
04-7601 Education and Day Training	<u>583,000</u>
Total Appropriation, Community Programs	<u>\$106,243,000</u>

Grants:

Dental program for non-institutionalized developmentally disabled and handicapped children	(\$860,000)
Private institutional care	(34,811,000)
Skill development homes	(2,737,000)
Group homes	(33,472,000)
Family care	(1,173,000)
Cost of Living Adjustment— Purchased Residential Care....	(1,269,000)
Cost of Living Adjustment— Social Supervision and Consultation	(109,000)
Cost of Living Adjustment— Adult Activities	(514,000)
Purchased residential care redirection	(623,000)
Vineland depopulation plan	(811,000)
Home assistance	(5,217,000)
Social supervision and consultation redirection	(2,670,000)
Social services	(1,380,000)
Adult activities redirection	(882,000)
Purchase of adult activity services	(19,132,000)
Purchase of day training services	(583,000)

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped children account to the Division of Medical Assistance, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year rather than for expansion.

Group home maintenance recoveries during the fiscal year ending June 30, 1991, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired—
Grants-In-Aid

11-7560 Habilitation and Rehabilitation	\$2,185,000
12-7560 Instruction, Community Programs and Prevention	<u>2,245,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$4,430,000</u>
Grants:	
Services to rehabilitation clients	(\$1,866,000)
State use law and private industry marketing program by rehabilitation facilities	(250,000)
Psychological counseling services	(121,000)
Coordinating Council, CBVI	(168,000)
Educational services for children	(1,956,000)
Cost of Living Adjustment—Habilitation and Rehabilitation	(69,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Economic Assistance—Grants-In-Aid

15-7550 Income Maintenance	<u>\$33,916,000</u>
Total Appropriation, Division of Economic Assistance	<u>\$33,916,000</u>
Grants:	
Food stamp employment—Transportation.....	(\$105,000)

Realizing Economic Achievement (REACH) program.....	(33,311,000)
Atlantic City welfare reform pilot project.....	(500,000)

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Realizing Economic Achievement (REACH) program. The reports shall, at a minimum, include the following: the number of cases participating in the program and the number of cases which are exempt from the program, the type of services provided to program participants and the cost of such services, the number of case managers employed by the program, their associated costs and any other administrative costs incurred by the program, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

55 Social Services Programs

7570 Division of Youth and Family Services—Grants-In-Aid

17-7570 Substitute Care	\$91,900,000
18-7570 General Social Services..	74,462,000
99-7570 Management and Administrative Services.....	<u>2,497,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$168,859,000</u>
Grants:	
Residential/group home placements	(\$53,325,000)
Foster care	(17,830,000)
Subsidized adoption.....	(9,820,000)
Special home services providers	(1,120,000)
Establish and maintain shelters and services for victims of domestic violence	(2,139,000)
Social services for the homeless	(6,568,000)
Child assault prevention project	(900,000)

Purchase of day care services	(18,008,000)
Purchase of social services	(18,300,000)
Public awareness and child education programs	(200,000)
Child care center equipment and renovation fund	(100,000)
Day care salary increases	(2,000,000)
Family support services	(24,456,000)
County Human Services	
Advisory Boards—	
formula funding	(9,176,000)
Fisherman's Mark for child care and support services	(113,000)
Family Day Care Provider- Registration Act	(397,000)
Personal attendant demonstration program	(2,100,000)
Cost of Living Adjustment—	
Substitute Care	(1,098,000)
Cost of Living Adjustment—	
General Social Services	(1,209,000)

The Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during State fiscal year 1990. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and the amount of funds awarded. The report shall be provided to the Director of the Division of Budget and Accounting on or before September 30, 1990.

Receipts in the Marriage license fee fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Establish and maintain shelters and services for victims of domestic violence account, \$309,000 is payable out of the Marriage license fee fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1991, are appropriated.

Of the amount hereinabove appropriated for Foster care and Subsidized adoption, the Division of Youth and Family Services

may expend up to \$225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove for the Residential/group home placements, Foster care, Subsidized adoption, and Family support services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Amounts required to return persons presently residing in out-of-State institutions to community programs within the State may be transferred from the Residential/group home placements account to the appropriate Substitute Care or General Social Services account subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing—Grants-In-Aid

23-7580 Services for the Deaf \$100,000

Total Appropriation, Division of
the Deaf and Hard of Hearing \$100,000

Grants:

Message relay services operated
by Deaf Contact Centers (\$100,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget—Grants-In-Aid

87-7500 Research, Policy and

Planning \$7,525,000

Total Appropriation, Division of
Management and Budget \$7,525,000

Grants:

School based youth services
program (\$6,500,000)

Public information program to
prevent mental retardation (375,000)

Office of Prevention	(250,000)
Case management for homeless families	(400,000)
Total Appropriation, Department of Human Services.....	<u>\$1,482,077,000</u>

The unexpended balances as of June 30, 1990 not to exceed \$4,000,000, in the Grants-In-Aid accounts of the Divisions of Mental Health, Youth and Family Services and Developmental Disabilities are appropriated to fund cost of living adjustments for Grants-In-Aid community agencies in those same divisions, subject to the approval of the Director of the Division of Budget and Accounting.

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services—Grants-In-Aid

07-4535 Vocational Rehabilitation Services	\$11,808,000
10-4545 Employment Development Services	<u>3,000,000</u>
Total Appropriation, Manpower and Employment Services.....	<u>\$14,808,000</u>

Grants:

Services to clients (State share) .	(\$3,458,000)
Sheltered workshop support	(8,100,000)
Sheltered workshop employment placement incentive program .	(250,000)
Customized training.....	(750,000)
Governor's employment and training program: Service delivery area allocation	(2,250,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$8,009,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor.....	<u>\$14,808,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement—Grants-In-Aid

The unexpended balance as of June 30, 1990 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
80 Special Government Services
83 Services to Veterans
3610 Veterans' Programs Support—Grants-In-Aid

50-3610 Veterans' Outreach and Assistance		<u>\$910,000</u>
Total Appropriation, Veterans' Programs Support		<u>\$910,000</u>
Grants:		
Veterans' transportation.....	(\$300,000)	
Veterans' orphans' fund—		
education grants	(17,000)	
Blind veterans' allowances	(46,000)	
Paraplegic and hemiplegic		
veterans' allowances	(237,000)	
Association of Blind Veterans ...	(10,000)	
Post-traumatic stress disorder	(300,000)	
Total Appropriation,		
Department of Military		
and Veterans' Affairs.....		<u>\$910,000</u>

74 DEPARTMENT OF STATE
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services—
Grants-In-Aid

05-2530 Support of the Arts		\$11,060,000
07-2540 Development of		
Historical Resources		<u>225,000</u>
Total Appropriation, Cultural		
and Intellectual Development		
Services.....		<u>\$11,285,000</u>
Grants:		
Cultural projects	(\$10,060,000)	

Cultural projects contingency funds	(1,000,000)
Grants in New Jersey history	(210,000)
Grants in Afro-American history	(15,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

Of the amount hereinabove for Cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1990, not to exceed \$125,000, in the Cultural projects account is appropriated for the audit of cultural projects.

The amount hereinabove for the Cultural projects contingency funds account shall be available, pursuant to applications made to the State Council on the Arts, to those artists and organizations that were awarded operating funding from the fiscal year 1990 appropriations for the Cultural projects grants account or the Cultural projects—excellence initiative grants account that are not awarded funding from those accounts in fiscal year 1991, that meet criteria for receiving operating subsidies established by the State Council on the Arts, provided the Council take into consideration the threatened financial condition impairing the continuing operation of each applicant artist or organization.

A sum, not to exceed \$200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering the cultural center development State grants, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation,

Department of State

\$11,285,000

78 DEPARTMENT OF TRANSPORTATION
 60 *Transportation Programs*
 62 *Public Transportation—Grants-In-Aid*

04-6050 New Jersey Transit

Corporation

Bus Operations.....	\$298,100,000
Rail Operations	286,500,000
Corporate Operations	33,900,000
Hudson Waterfront Operations	2,100,000
Atlantic City Rail	7,600,000
Purchased Transportation	<u>27,600,000</u>
Total All Operations	<u>\$655,800,000</u>

Less:

<i>Federal Operating Assistance</i> (\$36,000,000)	
<i>Farebox Revenue</i> (374,100,000)	
<i>Other Resources</i> <u>(27,200,000)</u>	
<i>Total Income Deductions</i>	<u>(\$437,300,000)</u>
Total Appropriation, Public Transportation.....	<u>\$218,500,000</u>

Personal Services:

Salaries and wages.....	(\$419,000,000)
Material and Supplies	(107,200,000)
Services Other Than Personal.....	(53,700,000)

Special Purpose:

Leases and rentals	(7,600,000)
Purchased transportation.....	(27,600,000)
Insurance and claims	(25,400,000)
Tolls, taxes and other operating expenses.....	(15,300,000)

Less:

<i>Federal Operating Assistance</i> (\$36,000,000)	
<i>Farebox Revenue</i> (374,100,000)	
<i>Other Resources</i> (27,200,000)	

64 Planning and General Management Support—Grants-In-Aid

05-6070 Access and Use

Management	<u>\$700,000</u>
Total Appropriation, Planning and General Management Support	<u>\$700,000</u>

Grants:

Airport Safety Fund	(\$700,000)	
Total Appropriation, Planning and General Management Support		<u>\$700,000</u>

The unexpended balance as of June 30, 1990 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Total Appropriation, Department of Transportation		<u>\$219,200,000</u>

JUDICIAL BRANCH**98 THE JUDICIARY*****10 Public Safety and Criminal Justice******15 Judicial Services—Grants-In-Aid***

05-9730 Family Courts	\$225,000	
06-9735 Municipal Courts	243,000	
07-9740 Probation Services	857,000	
Total Appropriation, Judicial Services		<u>\$1,325,000</u>

Grants:

Family crisis intervention	(\$225,000)	
Municipal court assistance	(243,000)	
Community services program	(650,000)	
Community probation supervision program	(207,000)	
Total Appropriation, Judiciary...		<u>\$1,325,000</u>
Grand Total, Grants-in-Aid		<u>\$2,044,185,000</u>

STATE AID**20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT*****50 Economic Planning, Development and Security******51 Economic Planning and Development—State Aid***

20-2800 Economic Development .	<u>\$3,779,000</u>
Total Appropriation, Economic Planning and Development	<u>\$3,779,000</u>

State Aid:

Property Tax Reserve Fund requirements, section 20 of P.L.1968, c.60 (C.12:11A-20)	(\$1,850,000)
Debt Service Reserve Fund requirements, section 14 of P.L.1968, c.60 (C.12:11A-14).....	(1,929,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$3,779,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020 Housing Services	\$21,875,000
04-8030 Local Government Services	235,209,000
06-8015 Uniform Construction Code	<u>46,000</u>
Total Appropriation, Community Development Management	<u>\$257,130,000</u>

State Aid:

Revolving Housing Development and Demonstration Grant Fund	(\$300,000)
Relocation assistance	(600,000)
Neighborhood preservation	(2,750,000)
Neighborhood preservation— fair housing (P.L.1985, c.222)	(18,225,000)
Municipal aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(40,301,000)
Safe and Clean Neighborhoods..	(25,890,000)

Safe and Clean: Expanded police services	(25,000,000)
Supplementary aid for fire services (P.L.1985, c.295)	(8,000,000)
Municipal revitalization program	(135,000,000)
Payments to urban centers—	
Raze vacant buildings	(500,000)
Aid to depressed rural centers....	(518,000)
Municipal memberships in Building Codes Association...	(46,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$300,000 may be used for administration and technical assistance of the program, and up to \$300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$100,000 may be used for administration and technical assistance.

The unexpended balance as of June 30, 1990 in the Neighborhood preservation-fair housing account is appropriated.

Any receipts in excess of the amount anticipated in the Neighborhood preservation-fair housing account are appropriated.

The amount hereinabove for Neighborhood preservation-fair housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood preservation-fair housing, an amount not to exceed \$1,000,000 shall be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods is allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however,

that each recipient municipality match its allocation with an equal amount; and provided further, however, that any increase in assistance to any town be used for law enforcement.

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165), the amount hereinabove for Aid to depressed rural centers shall be distributed in the same amount and to the same municipalities which received such aid in fiscal year 1990.

Notwithstanding the provisions of P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S.40A:2-8 and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.) to the contrary and upon approval of the Director of the Division of Local Government Services and the Local Finance Board in the Department of Community Affairs, any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus but is restricted from appropriating and expending such surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.) may appropriate and expend an amount of such surplus approved by the di-

rector and the board as an exception to the spending limitations. Any determination approving the appropriation and expenditure of surplus as an exception to such spending limitations shall be based upon the municipality's revenue needs for the current local budget year and its revenue raising capacity, the intended actions of the governing body of the municipality to meet the municipality's revenue needs, the intended actions of the governing body to expand eligible municipal revenue generating capacity for subsequent local budget years, as well as the municipality's ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to meet the operating expenses of the municipality for the current budget year, and the impact of utilization of surplus upon succeeding budgets of the municipality. This provision shall also apply to any county experiencing fiscal distress as a result of municipalities within that county qualifying for aid pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.) to the contrary, any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may expend municipal funds it appropriates for the local program funded from the Safe and Clean: Expanded police services account in accordance with P.L.1985, c.170 (C.52:27D-118.11 et seq.), in an amount not in excess of 25% of the total amount of State aid it receives from the Safe and Clean: Expanded police services account, as an exception to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Municipal revitalization program account. The Director of the Division of Local Government Services may reallocate these funds, subject to the approval of the Director of the Division of Budget and Accounting, for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provisions of the "Local Budget Law," P.L.1960, c.169 (C.40A:4-1 et seq.) to the contrary, the Director of the Division of Local Government Services may require any municipi-

pality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1989, c.122 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

The unexpended balance as of June 30, 1990 in the Municipal aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may re-allocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the Township of North Bergen shall make annual payments of \$300,000 each during calendar years 1991, 1992, and 1993 in repayment of the loan made pursuant to P.L.1985, c.379, in addition to any payments made to discharge the loan pursuant to the provisions of P.L.1989, c.122.

The sum hereinabove appropriated for the Municipal revitalization program may be made available, subject to the approval of the Director of the Division of Budget and Accounting, to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) and any other information required by the director.

Of the amount appropriated for the Municipal revitalization program, not more than \$1,000,000 may be used for administration of the program.

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
55 Social Services Programs—State Aid

08-8060 Programs for the Aging ..	<u>\$2,245,000</u>
Total Appropriation, Social Services Programs.....	<u>\$2,245,000</u>
State Aid:	
County offices on aging	(\$840,000)
Older Americans Act (State share) ..	(1,405,000)
Total Appropriation, Department of Community Affairs	<u>\$259,375,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development
31 Direct Educational Services and Assistance—State Aid

01-5120 General Formula Aid.....	\$232,000,000
02-5120 Nonpublic School Aid	37,247,000
03-5120 Miscellaneous Grants-in-Aid.....	5,035,000
04-5064 Adult and Continuing Education.....	4,222,000
07-5120 Special Education.....	<u>47,950,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$326,454,000</u>
State Aid:	
Current expense equalization aid	(\$232,000,000)
Aid to nonpublic education.....	(6,465,000)
Nonpublic nutrition aid.....	(439,000)
Nonpublic handicapped aid	(10,279,000)
Nonpublic auxiliary services aid	(17,600,000)
Nonpublic auxiliary services aid—transportation	(2,464,000)
Emergency fund.....	(200,000)
Minimum teacher starting salary	(2,248,000)
Broad-based component— urban initiative	(2,083,000)

Educational Information and Resource Center	(504,000)
Evening school for the foreign born	(211,000)
High school equivalency	(1,213,000)
Adult literacy	(1,024,000)
Urban dropout program	(1,774,000)
Projects for handicapped infants	(13,000,000)
County special services districts	(34,950,000)

The unexpended balance as of June 30, 1990 in the Aid for asbestos account is appropriated for the same purpose subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Of the amount hereinabove in the High school equivalency and the Adult literacy accounts, such sums as are necessary may be transferred to an applicant State department.

In the event that sufficient funds are not appropriated to fund fully the provisions of N.J.S.18A:50-7, with respect to the State share of salaries for supervisors of adult education in local school districts, the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

The unexpended balance as of June 30, 1990 in the Nonpublic aid for asbestos account is appropriated for the same purpose subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove reappropriated for Nonpublic aid for asbestos shall be expended for reimbursement to eligible nonpublic schools for asbestos removal or encapsulation, pursuant to a program which shall be established by the Department of Education in cooperation with the Department of Health.

Reimbursements or payments shall be made in amounts equal to 75% of the actual cost of removal or encapsulation. Reimbursements or payments shall be allocated in the order in which applications are received by the commissioner, except that the applications of schools currently planning or undertaking asbestos removal or encapsulation shall be granted priority over the applications of schools that have completed or substantially completed projects.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational

Education Programs.....	<u>\$521,000</u>

Total Appropriation,

Supplemental Education and Training Programs	<u>\$521,000</u>

State Aid:

Schools of industrial education..	(\$21,000)

Work-study program.....	(500,000)

34 Educational Support Services—State Aid

30-5063 General Academic

Education.....	\$3,075,000

37-5120 School Nutrition	6,565,000

39-5095 Teachers' Pension and

Annuity Assistance	<u>442,677,000</u>

Total Appropriation, Educational

Support Services	<u>\$452,317,000</u>

State Aid:

Prekindergarten for urban students.....	(\$2,500,000)

School improvement/ effective schools	(500,000)

Alternative school program for disruptive students	(75,000)

State school lunch aid	(6,565,000)

Teachers' Pension and Annuity Fund.....	(442,627,000)

Minimum pension for pre-1955 retirees	(50,000)

The unexpended balance as of June 30, 1990 in the School building aid debt service account is appropriated for the same purpose.

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, 1991 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, 1990 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 first shall be charged to investment earnings.

The sum in the Social Security tax account is available for the payment of such tax applicable to the prior fiscal year.

In addition to the sums hereinabove for Social Security tax payments, there are appropriated such additional sums as may be necessary to meet the Social Security tax payments, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services \$13,112,000

Total Appropriation, Cultural and
Intellectual Development

Services..... \$13,112,000

State Aid:

Per capita library aid..... (\$7,665,000)

Emergency aid/incentive grants. (168,000)

Library network (4,775,000)

Library development aid..... (504,000)

The unexpended balance as of June 30, 1990 in the Library construction incentive aid account is appropriated for the same purpose.

Total Appropriation,

Department of Education \$792,404,000

The unexpended balances as of June 30, 1990 in the State Aid accounts, not to exceed \$650,000, are appropriated except as provided hereinbelow.

In the event that sufficient funds are not appropriated to fully fund current expense equalization aid, minimum aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum

guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

Additional sums as may be necessary for the Department of Education to provide additional State aid on a current year basis to districts in Level III monitoring pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Of the unexpended balances as of June 30, 1990 in the State Aid accounts, \$5,000,000 and such additional sums as may be necessary for the Department of Education to provide additional State aid on a current year basis to the State-operated school district pursuant to section 17 of P.L.1987, c.399 (C.18A:7A-50) and for the cost of the internal audit function in such district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting. The amount of additional State aid made available pursuant to section 17 of P.L.1987, c.399 (C.18A:7A-50) shall equal the product of the district's State support ratio (based upon the guaranteed valuation per pupil which the Commissioner of Education has established for current expense equalization aid and school building aid) and the amount obtained by subtracting the sum of the district's net current expense budget and net debt service and budgeted capital outlay budgets for the prebudget year from the sum of the district's net current expense budget and net debt service and budgeted capital outlay budgets for the budget year.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management—State Aid*

There is appropriated from the "Shore Protection Fund" created pursuant to section 14 of the "Shore Protection Bond Act of 1983," P.L.1983, c.356, a sum, not to exceed \$500,000, for the costs attributable to planning and administration of the shore protection program.

The unexpended balances as of June 30, 1990 in this account are appropriated.

43 Environmental Quality—State Aid

09-4860 Public Wastewater	
Facilities	<u>\$13,015,000</u>
Total Appropriation,	
Environmental Quality	<u>\$13,015,000</u>
State Aid:	
Sewage facility construction—	
Statewide	(\$13,015,000)

The unexpended balances as of June 30, 1990 in the Environmental Quality-State Aid accounts are appropriated.

The amount appropriated hereinabove for Sewage facility construction- Statewide shall be transferred to the "Wastewater Treatment Fund" established pursuant to section 15 of P.L.1985, c.329 as the match to federal sewerage construction aid.

44 Hazardous and Toxic Pollution Control—State Aid

The unexpended balances as of June 30, 1990 in this account are appropriated.

45 Recreational Resource Management—State Aid

21-4895 Navigational Aids.....	<u>\$1,100,000</u>
Total Appropriation, Recreational	
Resource Management.....	<u>\$1,100,000</u>
State Aid:	
Dredging of inland waterways—	
State aid to counties and municipalities, 100% grant...	(\$1,100,000)

The unexpended balances as of June 30, 1990 in this account are appropriated.

46 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services.....	<u>\$4,540,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$4,540,000</u>

State Aid:

Payment of in lieu taxes.....	(\$976,000)
Administration, planning and development activities of the Pinelands Commission.....	(2,164,000)
County environmental health.....	(1,000,000)
Mosquito control, research, administration and operations	(400,000)

Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; and P.L.1983, c.354, and the unexpended balance as of June 30, 1990 of such receipts, not to exceed \$500,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed \$1,300,000 and for grants to local environmental commissions in an amount not to exceed \$200,000, from the water resources program, section 10 of P.L.1977, c.74 (C.58:10A-10).

Total Appropriation, Department of Environmental Protection..	<u>\$18,655,000</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services—State Aid*

02-4220 Community Health	<u>\$3,000,000</u>
Total Appropriation, Services Health Services.....	<u>\$3,000,000</u>
State Aid:	
Community health services.....	(\$3,000,000)

The capitation is set at 30 cents for the year ending June 30, 1991 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Total Appropriation, Department of Health	<u>\$3,000,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

06-5400 Aid to County Colleges ...	<u>\$101,185,000</u>

Total Appropriation, Higher Educational Services.....	<u>\$101,185,000</u>

State Aid:

Operational costs	(\$80,279,000)

Debt service (C.18A:64A-22.1).	(9,314,000)

Employer contributions—

alternate benefit program	(10,992,000)

Northern/Central CIM Center	(300,000)

Southern New Jersey

CIM Center	(300,000)

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-34 in the Governor's Budget Recommendation Document dated March 15, 1990 first shall be charged to the State Lottery Fund.

Total Appropriation, Department of Higher Education.....	<u>\$101,185,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services—State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services	<u>\$39,625,000</u>

Total Appropriation, Division of Mental Health and Hospitals .	<u>\$39,625,000</u>

State Aid:

Support of patients in county mental hospitals	(\$39,625,000)

An amount not to exceed \$2,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

50 Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Economic Assistance

15-7550 Income Maintenance	<u>\$309,349,000</u>
Total Appropriation, Division of Economic Assistance	<u>\$309,349,000</u>

State Aid:

County welfare equalization	(\$15,000,000)
Payments to municipalities for cost of general assistance	(81,357,000)
Payments for dependent children assistance, regular segment	(141,815,000)
Payments for emergency assistance	(34,439,000)
Payments for supplemental security income	(29,761,000)
Payments for dependent children assistance, unemployment of father	(4,031,000)
Payments for dependent children assistance, insufficient employment of parents	(2,946,000)

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-4 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1991 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1991 are appropriated.

A portion of the amount hereinabove appropriated for Payments to municipalities for the cost of general assistance, not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely

to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1981, c.60 (C.44:14-1 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.

Total Appropriation, Department of Human Services	<u>\$348,974,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services	<u>\$1,720,000</u>

Total Appropriation, Cultural and Intellectual Development Services.....	<u>\$1,720,000</u>

State Aid:

Operational grant for Newark Museum.....	(\$1,720,000)

Total Appropriation, Department of State	<u>\$1,720,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

63 Local Highway Facilities—State Aid

Capital construction funds are available for allotment by the Commissioner of Transportation subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

72 Governmental Review and Oversight—State Aid

The unexpended balance as of June 30, 1990 in this account is appropriated.

75 State Subsidies and Financial Aid—State Aid

28-2077 County Boards of	
Taxation.....	\$968,000
29-2088 Locally Provided	
Services	18,631,000
30-2081 Railroad Property Taxes.	809,000
31-2082 Business Personal	
Property Tax Replacement.....	158,704,000
35-2087 Consolidated Police and	
Firemen's Pension Fund	10,950,000
36-2081 Municipal Purposes Tax	
Assistance Fund.....	<u>30,000,000</u>
Total Appropriation, State	
Subsidies and Financial Aid.	<u>\$220,062,000</u>
Personal Services:	
County Tax Board members (69)	(\$968,000)
State Aid:	
Payments to municipalities for	
services to State-owned	
property.....	(18,556,000)
Tuition payments for local	
assessors	(75,000)
Payments to municipalities in	
lieu of railroad property tax	
pursuant to P.L.1941, c.291	
(C.54:29A-1 et seq.)	(809,000)
Payments to municipalities to	
replace property tax on	
business personalty	(158,704,000)

State contribution to
 Consolidated Police and
 Firemen's Pension Fund (10,950,000)
 Payments to municipalities
 pursuant to Municipal
 Purposes Tax-Assistance
 Program, P.L.1980, c.12
 (C.54:1-46 et seq.) (30,000,000)

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the Corporation Business Tax Act (1945) and the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for payments to municipalities in lieu of railroad property tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), and the unexpended balance as of June 30, 1990 shall lapse.

The amount hereinabove appropriated for Payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of section 22 of P.L.1981, c.211 (C.54:4-2.2e1).

Of the sum appropriated for Payments to municipalities for services to State-owned property, \$7,993,200 shall be distributed on November 1, 1990 to qualified municipalities.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for State-owned proper-

ty, the cities of Camden and Newark shall first receive payments for services for new prisons in the same amounts as provided therefor pursuant to P.L.1989, c.122 in fiscal year 1990.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for services to State-owned property, municipalities shall first receive payments for services to State Building Authority constructed facilities in the same amounts as provided therefor pursuant to P.L.1989, c.122 in fiscal year 1990.

Notwithstanding the provisions of any other law, from the amount appropriated hereinabove for Payments to municipalities for services to State-owned property, the borough of Chesilhurst shall receive \$200,000 as an advance payment if a new 1,000 bed State prison is to be constructed therein, provided however, that the provisions of section 22 of P.L.1981, c.211 (C.54:4-2.2e1) shall not apply.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey State Firemen's Association under R.S.54:17-4.

Notwithstanding the provisions of P.L.1981, c.190, P.L.1981, c.399 and section 22 of P.L.1981, c.211 (C.54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in fiscal year 1991.

The unexpended balance as of June 30, 1990 from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during calendar year 1990 shall be \$685,000,000 and the payments due in July, 1990 shall be limited to \$105,000,000; provided however, that amounts collected in excess of those sums shall be anticipated as revenue for general State purposes.

Total Appropriation, Department

of the Treasury \$220,062,000

Total Appropriation, State Aid \$1,749,154,000

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 that county, municipality, or school district and transfer the same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other law which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December 31, 1990, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1991. 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, 1990, 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, 1990 is fixed by law.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, all recipients of State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1990 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE

*40 Community Development and Environmental Management**42 Natural Resource Management**50 Economic Planning, Development and Security**51 Economic Planning and Development*

The unexpended balance as of June 30, 1990 in this department is appropriated.

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services**2920 New Jersey Public Broadcasting Authority**50 Economic Planning, Development and Security**51 Economic Planning and Development*

The unexpended balance as of June 30, 1990 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS

*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**18 Juvenile Correctional Services**19 Central Planning, Direction and Management*

The unexpended balance as of June 30, 1990 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**5010 Division of Direct Services**32 Operation and Support of Educational Institutions**5011 Marie H. Katzenbach School for the Deaf**33 Supplemental Education and Training Programs**35 Education Administration and Management*

*37 Cultural and Intellectual Development Services
5070 Division of State Library*

The unexpended balance as of June 30, 1990 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
*40 Community Development and Environmental Management
42 Natural Resource Management*

There is appropriated from the Fish, Game and Wildlife Recreational Development, and the Fish, Game and Wildlife Renovation and Improvements accounts, and from the Shore Protection account such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

44 Hazardous and Toxic Pollution Control

There is appropriated from the Hazardous site mitigation-Statewide site cleanup account, the "Hazardous Discharge Fund" created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the "Hazardous Discharge Fund of 1986" created pursuant to section 14 of P.L.1986, c.113, an amount not to exceed \$7,500,000 for costs attributable to planning, contracting, engineering, construction, inspection, laboratory, scientific and administrative services of the Hazardous waste site cleanup program, and to compel potential responsible parties to clean up hazardous waste sites and for related State oversight and inspection of such cleanups, subject to the approval of the Director of the Division of Budget and Accounting; provided that any amounts appropriated in excess of \$5,000,000 are subject to the approval of the Joint Budget Oversight Committee, or its successor.

The amount appropriated hereinabove for Hazardous site mitigation-Statewide site cleanup shall be credited to the "Hazardous Discharge Site Cleanup Fund" in accordance with P.L.1986, c.144.

45 Recreational Resource Management

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

There is appropriated from the Development and State land acquisition accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

*45 Recreational Resource Management
4876 Palisades Interstate Park Commission*

46 Environmental Planning and Administration

The unexpended balance as of June 30, 1990 in this department is appropriated.

46 DEPARTMENT OF HEALTH
*20 Physical and Mental Health
21 Health Services*

The unexpended balance as of June 30, 1990 in this department is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION
*30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
5400 Office of the Chancellor*

5494 State College Construction

5600 Rutgers, The State University

5630 University of Medicine and Dentistry of New Jersey

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1990 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES
*20 Physical and Mental Health
23 Mental Health Services*

7700 Division of Mental Health and Hospitals

30 Educational, Cultural and Intellectual Development

*32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities**50 Economic Planning, Development and Security**55 Social Services Programs**7570 Division of Youth and Family Services**70 Government Direction, Management and Control**76 Management and Administration*

The unexpended balance as of June 30, 1990 in this department is appropriated.

*66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice**11 Vehicular Safety**12 Law Enforcement**19 Central Planning, Direction and Management**80 Special Government Services**82 Protection of Citizens' Rights*

The unexpended balance as of June 30, 1990 in this department is appropriated.

*67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS**10 Public Safety and Criminal Justice**14 Military Services**80 Special Government Services**83 Services to Veterans**3610 Veterans' Program Support**3630 Menlo Park Veterans' Memorial Home**3640 Paramus Veterans' Memorial Home**3650 Vineland Veterans' Memorial Home*

The unexpended balance as of June 30, 1990 in this department is appropriated.

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services**70 Government Direction, Management and Control**74 General Government Services*

The unexpended balance as of June 30, 1990 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

Capital Project:

Transportation Trust Fund

Account..... (\$331,000,000)

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1990 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, from increases in fees charged for commercial motor vehicles, and from funds received or receivable from the various transportation-oriented authorities.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of State Highway Construction and Transportation Construction Engineering and be available for matching federal funds.

62 Public Transportation

Total Appropriation, Department

of Transportation

\$331,000,000

The unexpended balance as of June 30, 1990 in this department is appropriated.

There is appropriated the sum of \$365,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the 19 general program headings as follows:

<u>Route Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>1. BRIDGES</u>			
	Fifth Ave. & Sixth Ave. over NJ Transit	Essex	(\$914,800)
	Fanny Road over NJ Transit	Morris	(108,000)
	Cregar Road over NJ Transit	Hunterdon	(84,200)
1&9 4T	East Grand St. to Hetfield Ave. viaduct	Union	(100,000)
1&9 (6)	Magnolia Ave. over Rte. 1&9	Union	(79,000)
18 4E,6E	Over Main St., Conrail and South River	Middlesex	(100,000)
44 1D	Over PRSL RR	Gloucester	(501,200)
45 (1)	Mannington Creek, Fenwick Creek	Salem	(116,000)
46 (9)	Over Rockaway River, Blackwell St., Rte. 15 & CRR	Morris	(300,000)
46 (11) (15)	Bridge over Musconetcong River	Warren	(20,000)
46 4G	East of Welman St. to west of Water St.	Warren	(498,800)
47 (3)	Bridge over Grassy Sound	Cape May	(200,000)
73/305C	South of Conrail to Waterford Corp line	Camden	(2,000,000)
202 7D,8D	Three Bridges	Hunterdon	(105,000)
	Bridge inspection & rating	Various	(700,000)
	Miscellaneous	Various	(655,000)
	Various local bridge projects sponsored by local jurisdictions	Various	(3,000,000)
<u>2. CONSOLIDATED PRIMARY SYSTEM</u>			
1&9 (5)A	Green St. to Inman Ave.	Middlesex	(275,000)
1&9 (5)B	Pierson Ave. to south of Green St.	Middlesex	(425,000)
1&9 (5)C	Production Way to East Scott Ave.	Middlesex Union	(590,000)

17	6L	Lake St. interchange, new bridge and ramps	Bergen	(2,325,250)
30	4D	New York Ave. to Virginia Ave.	Atlantic	(1,685,500)
187				
31		Flemington by-pass study	Hunterdon	(250,000)
70	2G	I-295 to Springdale Rd.	Camden	(4,759,000)
		Miscellaneous	Various	(919,000)

3. DEMONSTRATION GRANT FUNDS

		Toms River Bridge	Ocean	(100,000)

4. HAZARD ELIMINATION

206,	6C,	Rt. 38 Intersection	Burlington	(52,800)
38	4F			
		South Jersey overhead signs	Various	(580,000)
		Miscellaneous	Various	(535,000)

5. INTERSTATE DEDESIGNATION

1	(1)	Franklin Corner Rd. to south of I-295	Mercer	(75,000)
1	2K	Railroad structure at MP 11.0 (Dinky Line)	Mercer	(345,000)
1	2L	Quakerbridge Rd. to Alexander Rd.	Mercer	(150,000)
1	3H	Scudders Mill Rd. interchange	Middlesex	(150,000)
1	6T	Rtes. 1 & 130 interchange	Middlesex	(180,000)
92F		Rte. 206 to NJ Turnpike	Middlesex	(75,000)
206/	15H,	Somerville Circle	Somerset	(3,480,450)
202	3G			
129	10A/11A	Hamilton Ave. to Rte. 29	Mercer	(3,825,000)
		Miscellaneous	Various	(450,000)

6. INTERSTATE 4R DISCRETIONARY

80	8L,	East of Beaver Brook to	Morris	(6,039,300)
	2S,3AC	Parsippany Rd.		

7. INTERSTATE HIGHWAYS

295	7H	Rt. I-295 & I-195 interchange	Mercer	(14,617,400)
		Miscellaneous	Various	(600,000)

8. INTERSTATE 4R

78	2Y,3R	Slab replacement	Hunterdon	(1,342,900)
80	(5)	Passaic River Bridge to east of Teaneck Rd.	Bergen	(227,400)
80	9G,5AR, 10J	Westbound roadway from Passaic River to Hackensack River	Bergen	(2,258,600)
95	3F	Truck weigh station, northbound	Mercer	(509,700)
287	12K,13J	Rt. 80 to 202, additional lane	Morris	(40,000)
295	(4)	Northbound/NJTPK, Salem Canal, Rt. 40	Salem	(483,400)
		Miscellaneous	Various	(122,500)

9. RAIL HIGHWAY

		Rail Highway Crossing Projects	Various	(350,000)

10. RURAL SECONDARY

		Local Rural Secondary	Various	(350,000)
44	1D	Over PRSL (roadway costs)	Gloucester	(283,500)

11. STATE

1		Intersection at New York Ave.	Mercer	(300,000)
1&9	7E	Paterson Plank Rd. intersection with Union & Bergen turnpikes	Hudson	(1,000,000)
9	25J,4J	Interchange at Ernston Rd.	Middlesex	(14,848,000)
18		Traffic surveillance and control system	Middlesex	(1,700,000)
18	11H	D&R Canal preservation and lock restoration	Middlesex	(1,000,000)
21F	4L,6H	Access ramp to resource recovery plant	Passaic	(3,800,000)
23	3AB	Wind Beam Rd. to South of Cotliss Rd.	Morris	(1,000,000)
24F	Site 2	Wetlands mitigation, Montville	Morris	(1,341,000)
24F	Site 3	Wetlands mitigation, Lincoln Park	Morris	(1,409,000)
31	7C	Allerton Rd. to I-78	Hunterdon	(1,000,000)

35	12R	Victory Bridge, repairs to sidewalk supports	Middlesex	(421,000)
70	15C	Bridge over Manasquan River, repairs to piers	Monmouth	(966,000)
87/187	1G	At grade intersection	Atlantic	(3,500,000)
129	10A,11A	Hamilton Ave. to Rte. 29F	Mercer	(3,005,000)
295	(4)	Georgetown Rd. over I-295 (Joint project with I-295 and Salem Canal)	Salem	(196,000)
		Park & Ride development	Various	(750,000)
		TMA (Transportation Management Association)	Various	(500,000)
		Maintenance equipment rental	Various	(3,000,000)
		University Transportation Center Research Program	Various	(250,000)
		Betterments	Various	(31,600,000)
		Miscellaneous environmental costs	Various	(700,000)
		Physical plant	Various	(5,000,000)
		Rail freight	Various	(3,000,000)
		Non-participating	Various	(11,257,300)
		Miscellaneous	Various	(8,000,000)
		Statewide bridge painting	Various	(8,000,000)
		Traffic signal construction	Various	(4,500,000)

12. CAPITAL PROGRAM IMPLEMENTATION

Capital program implementation	Various	(25,000,000)

13. STATE AID

State Aid in lieu of federal urban system funds	Various	(35,000,000)
Municipal Aid	Various	(30,000,000)

14. URBAN SYSTEM

		Local FAUS backlog	Various	(1,850,000)
10	2H	East of Franklin Rd. to west of Salem St. #1	Morris	(987,750)
10	2J,1D	West of Salem St. to west of Millbrook Ave. #2	Morris	(400,000)

30/ 4D	New York Ave. to	Atlantic	(263,000)
187	Virginia Ave.		
46 10E	Baldwin Rd. jughandles	Morris	(534,750)
56 1A	Cornwell Dr., Burlington	Cumberland	(250,000)
	Rd., Rte. 77, Landis Ave.		
183 1B	Musconetcong River to	Sussex	(50,000)
	Rt. 206		
	Miscellaneous	Various	(500,000)

15. VARIOUS FEDERAL SYSTEMS

State force training	Various	(187,500)

16. RAIL

Various

• Rail Infrastructure		
Track rehabilitation		(7,870,000)
Bridge rehabilitation		(1,990,000)
Signals and communications, rehabilitation/replacement		(1,200,000)
Overhead highway bridges		(580,000)
Centralized traffic control improvements on the Northeast Corridor line		(1,600,000)
Support facilities/equipment		(9,100,000)
• Rail Rolling Stock	Various	
Overhaul/replace diesel locomotives		(11,100,000)
Automatic train control		(1,600,000)
Bombardier lease payment for existing coaches		(9,530,000)
• Rail Passenger Facilities	Various	
Passenger stations and associated parking		(5,610,000)
Signage and communications improvements		(800,000)
• Rail New Initiatives	Various	
Penn Station (NYC) passenger facility improvements		(2,250,000)

17. BUS

• Bus Maintenance Facilities and Support Equipment		
Wayne bus facility	Passaic	(400,000)

Meadowlands bus facility	Hudson	(500,000)
Property acquisition for various operations and park & ride sites	Various	(1,600,000)
Support facilities/equipment improvements	Various	(9,050,000)
• Bus Passenger Facilities		
Atlantic City bus terminal improvements	Atlantic	(2,100,000)
Park & ride improvements	Various	(500,000)
<u>18. WATERFRONT</u>		
Hudson waterfront transitway	Hudson	(1,800,000)
<u>19. MISCELLANEOUS TRANSIT</u>		
Property lease payments	Various	(1,250,000)
Special services match for federal elderly and disabled transportation service grants		(250,000)
Management information system upgrade		(1,200,000)
Private carrier capital improvement program		(200,000)
Project closeouts		(10,000,000)
Claims settlement		(17,920,000)

The unexpended balances as of June 30, 1990 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) as amended by P.L.1987, c.460, the amount appropriated hereinabove for Capital program implementation, not to exceed \$25,000,000, shall be available 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 directly related to projects in the New Jersey transportation construction program, and approved revisions and supplements thereto.

Notwithstanding the provision of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations by specific project identified in this act, the commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Ac-

counting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

74 General Government Services

76 Management and Administration

The unexpended balance as of June 30, 1990 in this department is appropriated.

Total Appropriation, Capital

Construction..... \$331,000,000

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1990 in the Capital Construction accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Interest on Bonds..... \$2,445,000

99-3370 Bond Redemption..... 2,010,000

Total Appropriation,

Department of Agriculture ... \$4,455,000

Special Purpose:**Interest:**

Farmland Preservation Bonds
(P.L.1981, c.276) (\$2,359,000)

Farmland Preservation
Refunding Bonds
(P.L.1985, c.74) (86,000)

Redemption:

Farmland Preservation Bonds
(P.L.1981, c.276) (2,000,000)

Farmland Preservation
Refunding Bonds
(P.L.1985, c.74) (10,000)

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-2920 Interest on Bonds..... \$138,000

99-2920 Bond Redemption..... 254,000

Total Appropriation, Cultural and
Intellectual Development
Services..... \$392,000

Special Purpose:**Interest:**

Public Buildings Construction
Bonds (P.L.1968, c.128) (\$138,000)

Redemption:

Public Buildings Construction
Bonds (P.L.1968, c.128) (254,000)

50 Economic Planning, Development and Security

51 Economic Planning and Development

99-2910 Interest on Bonds..... \$7,443,000

99-2910 Bond Redemption..... 5,483,000

Total Appropriation, Economic
Planning and Development... \$12,926,000

Special Purpose:**Interest:**

Energy Conservation Bonds
(P.L.1980, c.68) (\$2,363,000)

Community Development	
Bonds (P.L.1981, c.486). ...	(1,535,000)
Jobs, Science and Technology	
Bonds (P.L.1984, c.99)	(2,647,000)
Energy Conservation	
Refunding Bonds	
(P.L.1985, c.7)	(229,000)
Community Development	
Refunding Bonds	
(P.L.1985, c.74)	(484,000)
Jobs, Science and Technology	
Refunding Bonds	
(P.L.1985, c.74)	(185,000)
Redemption:	
Energy Conservation Bonds	
(P.L.1980, c.68)	(1,945,000)
Community Development	
Bonds (P.L.1981, c.486)	(1,370,000)
Jobs, Science and Technology	
Bonds (P.L.1984, c.99)	(2,016,000)
Energy Conservation	
Refunding Bonds	
(P.L.1985, c.74)	(27,000)
Community Development	
Refunding Bonds	
(P.L.1985, c.74)	(103,000)
Jobs, Science and Technology	
Refunding Bonds	
(P.L.1985, c.74)	(22,000)
Total Appropriation,	
Department of Commerce,	
Energy and Economic	
Development	<u>\$13,318,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Interest on Bonds	\$1,196,000
99-8070 Bond Redemption	<u>1,678,000</u>
Total Appropriation, Department	
of Community Affairs	<u>\$2,874,000</u>

Special Purpose:

Interest:

State Housing Assistance	
Bonds (P.L.1968, c.127)....	(\$160,000)
State Mortgage Assistance	
Bonds (P.L.1976, c.94).....	(745,000)
State Mortgage Assistance	
Refunding Bonds	
(P.L.1985, c.74).	(291,000)

Redemption:

State Housing Assistance	
Bonds (P.L.1968, c.127)....	(500,000)
State Mortgage Assistance	
Bonds (P.L.1976, c.94).....	(850,000)
State Mortgage Assistance	
Refunding Bonds	
(P.L.1985, c.74)	(328,000)

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000 Interest on Bonds.....	\$22,900,000
99-7000 Bond Redemption.....	<u>18,344,000</u>
Total Appropriation,	
Department of Corrections.....	<u>\$41,244,000</u>

Special Purpose:

Interest:

State Institution Construction	
Bonds (P.L.1960, c.156)	(\$10,000)
Public Buildings Construction	
Bonds (P.L.1968, c.128)	(391,000)
Institutions Construction	
Bonds (P.L.1976, c.93)	(1,238,000)
Institutional Construction	
Bonds (P.L.1978, c.79)	(507,000)
Public Purpose Buildings	
Construction Bonds	
(P.L.1980, c.119)	(2,049,000)
Correctional Facilities	
Construction Bonds	
(P.L.1982, c.120)	(6,579,000)

Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(641,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(1,054,000)
Public Purpose Buildings	
Construction Refunding	
Bonds (P.L.1985, c.74)	(1,295,000)
Correctional Facilities	
Construction Refunding	
Bonds (P.L.1985, c.74)	(4,089,000)
Correctional Facilities	
Construction Bonds	
(P.L.1987, c.178)	(5,047,000)
Redemption:	
State Institution Construction	
Bonds (P.L.1960, c.156)	(188,000)
Public Buildings Construction	
Bonds (P.L.1968, c.128)	(717,000)
Institutions Construction	
Bonds (P.L.1976, c.93)	(1,349,000)
Institutional Construction	
Bonds (P.L.1978, c.79)	(713,000)
Public Purpose Buildings	
Construction Bonds	
(P.L.1980, c.119)	(3,449,000)
Correctional Facilities	
Construction Bonds	
(P.L.1982, c.120)	(5,490,000)
Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(642,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(1,066,000)
Public Purpose Buildings	
Construction Refunding	
Bonds (P.L.1985, c.74)	(574,000)
Correctional Facilities	
Construction Refunding	
Bonds (P.L.1985, c.74)	(656,000)

Correctional Facilities Construction Bonds (P.L.1987, c.178)	(3,500,000)

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*35 *Education Administration and Management*

99-5095 Interest on Bonds.....	\$875,000
99-5095 Bond Redemption.....	<u>1,815,000</u>

Total Appropriation, Department of Education	<u>\$2,690,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$506,000)
State Facilities for the Handicapped Bonds (P.L.1973, c.149)	(30,000)
Institutional Construction Bonds (P.L.1978, c.79)	(110,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(229,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(929,000)
State Facilities for the Handicapped Bonds (P.L.1973, c.149)	(500,000)
Institutional Construction Bonds (P.L.1978, c.79)	(155,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(231,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*46 *Environmental Planning and Administration*

99-4800 Interest on Bonds.....	\$65,352,000
99-4800 Bond Redemption.....	<u>75,360,000</u>
Total Appropriation, Department of Environmental Protection ..	<u>\$140,712,000</u>

Special Purpose:**Interest:**

State Recreation and Conservation Land Acquisition Bonds (P.L.1961, c.46)	(\$52,000)
Water Conservation Bonds (P.L.1969, c.127)	(5,005,000)
State Recreation and Conservation Land (P.L.1971, c.165)	(1,484,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102)	(4,378,000)
Clean Waters Bonds (P.L.1976, c.92)	(4,183,000)
Beaches and Harbors Bonds (P.L.1977, c.208)	(878,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(4,852,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(694,000)
Natural Resources Bonds (P.L.1980, c.70)	(3,668,000)
Water Supply Bonds (P.L.1981, c.261)	(11,872,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(5,862,000)
Shore Protection Bonds (P.L.1983, c.356)	(1,884,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(337,000)
State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,813,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(225,000)

Natural Resources Refunding	
Bonds (P.L.1985, c.74)	(1,333,000)
Water Supply Refunding	
Bonds (P.L.1985, c.74)	(1,231,000)
1983 New Jersey Green Acres	
Refunding Bonds	
(P.L.1985, c.74)	(645,000)
Shore Protection Refunding	
Bonds (P.L.1985, c.74)	(591,000)
State Recreation and	
Conservation Land	
Acquisition and	
Development Refunding	
Bonds (P.L.1985, c.74)	(3,500,000)
Clean Waters Refunding Bonds	
(P.L.1985, c.74)	(225,000)
Beaches and Harbors	
Refunding Bonds	
(P.L.1985, c.74)	(557,000)
Pinelands Infrastructure Trust	
Bonds (P.L.1985, c.302)	(721,000)
Wastewater Treatment Bonds	
(P.L.1985, c.329)	(6,362,000)
Redemption:	
State Recreation and	
Conservation Land	
Acquisition Bonds	
(P.L.1961, c.46)	(1,000,000)
Water Conservation Bonds	
(P.L.1969, c.127)	(11,735,000)
State Recreation and	
Conservation Land	
Acquisition Bonds	
(P.L.1971, c.165)	(5,430,000)
State Recreation and	
Conservation Land	
Acquisition and	
Development Bonds	
(P.L.1974, c.102)	(7,680,000)
Clean Waters Bonds	
(P.L.1976, c.92)	(6,380,000)

Beaches and Harbors Bonds	
(P.L.1977, c.208)	(1,405,000)
State Land Acquisition and	
Development Bonds	
(P.L.1978, c.118)	(5,550,000)
Emergency Flood Control	
Bonds (P.L.1978, c.78)	(850,000)
Natural Resources Bonds	
(P.L.1980, c.70)	(5,840,000)
Water Supply Bonds	
(P.L.1981, c.261)	(8,455,000)
1983 New Jersey Green	
Acres Bonds	
(P.L.1983, c.354)	(4,895,000)
Shore Protection Bonds	
(P.L.1983, c.356)	(1,610,000)
Water Conservation	
Refunding Bonds	
(P.L.1985, c.74)	(86,000)
State Land Acquisition and	
Development Refunding	
Bonds (P.L.1985, c.74)	(4,246,000)
Emergency Flood Control	
Refunding Bonds	
(P.L.1985, c.74)	(58,000)
Natural Resources Refunding	
Bonds (P.L.1985, c.74)	(295,000)
Water Supply Refunding	
Bonds (P.L.1985, c.74)	(397,000)
1983 New Jersey Green Acres	
Refunding Bonds	
(P.L.1985, c.74)	(137,000)
Shore Protection Refunding	
Bonds (P.L.1985, c.74)	(99,000)
State Recreation and	
Conservation Land	
Acquisition and	
Development Refunding	
Bonds (P.L.1985, c.74)	(3,552,000)
Clean Waters Refunding Bonds	
(P.L.1985, c.74)	(58,000)

Beaches and Harbors

Refunding Bonds (P.L.1985, c.74)	(127,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(500,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(4,975,000)

46 DEPARTMENT OF HEALTH***20 Physical and Mental Health******25 Health Administration***

99-4210 Interest on Bonds.....	\$24,000
99-4210 Bond Redemption.....	<u>44,000</u>
Total Appropriation, Department of Health.....	<u>\$68,000</u>
Special Purpose:	
Interest:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(\$24,000)
Redemption:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(44,000)

50 DEPARTMENT OF HIGHER EDUCATION***30 Educational, Cultural and Intellectual Development******36 Higher Educational Services***

99-5400 Interest on Bonds.....	\$12,137,000
99-5400 Bond Redemption.....	19,737,000
Total Appropriation, Department of Higher Education.....	<u>\$31,874,000</u>
Special Purpose:	
Interest:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(\$3,726,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(2,661,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(4,086,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,555,000)

Jobs, Science and Technology Refunding Bonds (P.L.1985, c.74)	(109,000)
Redemption:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(6,840,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(7,700,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(4,000,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,184,000)
Jobs, Science and Technology Refunding Bonds (P.L.1985, c.74)	(13,000)

54 DEPARTMENT OF HUMAN SERVICES

70 Government Direction, Management and Control

76 Management and Administration

99-7500 Interest on Bonds.....	\$12,412,000
99-7500 Bond Redemption.....	<u>14,954,000</u>
Total Appropriation, Department of Human Services.....	<u>\$27,366,000</u>
Special Purpose:	
Interest:	
State Institution Construction Bonds (P.L.1960, c.156)	(\$17,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(1,426,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,148,000)
Institutional Construction Bonds (P.L.1978, c.79)	(997,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(2,813,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157)	(1,467,000)

Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(595,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(2,073,000)
Public Purpose Buildings	
Construction Refunding	
Bonds (P.L.1985, c.74)	(1,778,000)
Human Services Facilities	
Construction Refunding	
Bonds (P.L.1985, c.74)	(98,000)
Redemption:	
State Institution Construction	
Bonds (P.L.1960, c.156)	(313,000)
Public Buildings Construction	
Bonds (P.L.1968, c.128)	(2,618,000)
Institutions Construction	
Bonds (P.L.1976, c.93)	(1,252,000)
Institutional Construction	
Bonds (P.L.1978, c.79)	(1,402,000)
Public Purpose Buildings	
Construction Bonds	
(P.L.1980, c.119)	(4,737,000)
Human Services Facilities	
Construction Bonds	
(P.L.1984, c.157)	(1,140,000)
Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(596,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(2,096,000)
Public Purpose Buildings	
Construction Refunding	
Bonds (P.L.1985, c.74)	(788,000)
Human Services Facilities	
Construction Refunding	
Bonds (P.L.1985, c.74)	(12,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**19 Central Planning, Direction and Management*

99-1050 Interest on Bonds.....	\$236,000
99-1050 Bond Redemption.....	<u>267,000</u>
Total Appropriation, Department of Law and Public Safety	<u>\$503,000</u>

Special Purpose:

Interest:

Institutional Construction s Bond (P.L.1978, c.79)	(\$77,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(159,000)

Redemption:

Institutional Construction Bonds (P.L.1978, c.79)	(107,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(160,000)

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**64 Planning and General Management Support*

99-6000 Interest on Bonds.....	\$46,393,000
99-6000 Bond Redemption.....	<u>58,305,000</u>
Total Appropriation, Department of Transportation	<u>\$104,698,000</u>

Special Purpose:

Interest:

State Transportation Bonds (P.L.1968, c.126)	(\$11,717,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(16,390,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(8,216,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(9,386,000)

New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(684,000)	
Redemption:		
State Transportation Bonds (P.L.1968, c.126)	(24,360,000)	
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(20,135,000)	
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(6,670,000)	
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(6,983,000)	
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(157,000)	
Total Appropriation, Debt Service		<u>\$369,802,000</u>
Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized un- der the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.		
There are appropriated such sums as may be needed for the pay- ment of debt service administrative costs.		
The unexpended balances as of June 30, 1990 in Debt Service ac- counts are appropriated subject to the approval of the Direc- tor of the Division of Budget and Accounting.		

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control .	\$14,000
02-3320 Plant Pest and Disease Control.....	<u>828,000</u>
Total Appropriation, Natural Resource Management	<u>\$842,000</u>

Personal Services:	
Salaries and wages	(\$148,000)
Employee benefits	(31,000)
Materials and Supplies	(9,000)
Services Other Than Personal.....	(24,000)
Maintenance and Fixed Charges....	(24,000)
Special Purpose:	
Cooperative gypsy moth	
suppression	(563,000)
Other special purpose	(43,000)

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

06-3360 Marketing Services	\$12,000
07-3360 Commodity Distribution.	<u>1,261,000</u>
Total Appropriation, Economic	
Planning and Development. ...	<u>\$1,273,000</u>

Personal Services:	
Salaries and wages	(\$138,000)
Employee benefits	(28,000)
Materials and Supplies	(9,000)
Services Other Than Personal.....	(283,000)
Maintenance and Fixed Charges....	(118,000)
Special Purpose:	
Jobs bills	(697,000)

52 Economic Regulation

05-3350 Other Commodity	
Regulation	<u>\$97,000</u>
Total Appropriation, Economic	
Regulation.....	<u>\$97,000</u>
Personal Services:	
Salaries and wages	(\$71,000)
Employee benefits	(22,000)
Materials and Supplies	(1,000)
Services Other Than Personal.....	(3,000)
Total Appropriation, Department	
of Agriculture	<u>\$2,212,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS
 40 *Community Development and Environmental Management*
 41 *Community Development Management*

02-8020 Housing Services.....		<u>\$123,921,000</u>
Total Appropriation, Community Development Management		<u>\$123,921,000</u>
Personal Services:		
Salaries and wages.....	(\$6,474,000)	
Employee benefits	(1,782,000)	
Materials and Supplies	(184,000)	
Services Other Than Personal.....	(1,110,000)	
Maintenance and Fixed Charges....	(514,000)	
Special Purpose:		
Various special purpose activities	(646,000)	
State Aid and Grants:		
Section 8 voucher certificate program.....	(35,518,000)	
Small cities block grant program	(10,212,000)	
Stewart B. McKinney Homeless Assistance Act	(1,750,000)	
Moderate rehabilitation housing assistance	(12,520,000)	
Rental rehabilitation assistance program.....	(7,836,000)	
Rental assistance for low income families	(44,535,000)	
Emergency shelter grants program.....	(800,000)	
Additions, Improvements and Equipment	(40,000)	

50 *Economic Planning, Development and Security*
 55 *Social Service Programs*

05-8050 Community Resources ...	\$20,477,000
08-8060 Programs for the Aging ..	31,598,000
15-8051 Women's Programs	<u>45,000</u>
Total Appropriation, Social Service Programs	<u>\$52,120,000</u>
Personal Services:	
Salaries and wages.....	(\$2,062,000)
Employee benefits	(530,000)

Materials and Supplies	(35,000)	
Services Other Than Personal.....	(132,000)	
Maintenance and Fixed Charges....	(49,000)	
Special Purpose:		
Child development associate		
scholarship assistance grant ...	(45,000)	
Older Americans' Act—Title III	(8,000)	
Other special purpose	(223,000)	
State Aid and Grants:		
Older Americans' Act—Title III	(26,313,000)	
Community services block grant	(9,589,000)	
Purchase of legal services	(1,382,000)	
USDA Older Americans' Act—		
Title III.....	(3,900,000)	
Weatherization assistance		
program.....	(4,098,000)	
Home energy assistance program	(2,793,000)	
Emergency homeless program ...	(750,000)	
Older Americans' Act—Title III	(201,000)	
Additions, Improvements and		
Equipment.....	(10,000)	
Total Appropriation, Department		
of Community Affairs.....		<u>\$176,041,000</u>

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7040 New Jersey State Prison

10-7040 Education Program	<u>\$379,000</u>
Total Appropriation,	
New Jersey State Prison	<u>\$379,000</u>
Special Purpose:	
Education program	(\$379,000)

7060 Bayside State Prison

10-7060 Education Program	<u>\$50,000</u>
Total Appropriation, Bayside	
State Prison... ..	<u>\$50,000</u>
Special Purpose:	
Education program	(\$50,000)

7065 Southern State Correctional Facility

10-7065 Education Program	<u>\$220,000</u>
Total Appropriation, Southern State Correctional Facility	<u>\$220,000</u>
Special Purpose:	
Education program	(\$220,000)

7080 Edna Mahan Correctional Facility for Women

10-7080 Education Program	<u>\$48,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women	<u>\$48,000</u>
Special Purpose:	
Education program	(\$48,000)

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program	<u>\$253,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility	<u>\$253,000</u>
Special Purpose:	
Education program	(\$253,000)

7130 Mountainview Youth Correctional Facility

10-7130 Education Program	<u>\$229,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$229,000</u>
Special Purpose:	
Education program	(\$229,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole	<u>\$153,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$153,000</u>
Personal Services:	
Salaries and wages	(\$111,000)
Employee benefits	(36,000)
Special Purpose:	
Miscellaneous special purpose...	(6,000)

*18 Juvenile Correctional Services**7210 Lloyd McCorkle Training School for Boys and Girls*

10-7210 Education Program	<u>\$303,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls	<u>\$303,000</u>
Special Purpose: Education program	(\$303,000)

7220 New Jersey Training School for Boys

10-7220 Education Program	<u>\$263,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$263,000</u>
Special Purpose: Education program	(\$263,000)

7225 Juvenile Medium Security Center

10-7225 Education Program	<u>\$144,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$144,000</u>
Special Purpose: Education program	(\$144,000)

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation ...	<u>\$1,173,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$1,173,000</u>
Special Purpose: Miscellaneous special purpose	(\$1,173,000)

*19 Central Planning, Direction and Management**7000 Division of Management and General Support*

01-7000 Planning, Management and General Support	\$1,050,000
99-7000 Management and Administrative Services	<u>781,000</u>
Total Appropriation, Division of Management and General Support	<u>\$1,831,000</u>

Personal Services:	
Salaries and wages	(\$999,000)
Employee benefits	(163,000)
Services Other Than Personal.....	(30,000)
Special Purpose:	
Incarcerated Mariel Cubans	
reimbursement program	(276,000)
Drug treatment planning grant...	(363,000)
Total Appropriation, Department	
of Corrections	<u>\$5,046,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous	
Grants-In-Aid	\$9,934,000
04-5064 Adult and Continuing	
Education.....	10,818,000
05-5066 Bilingual Education.....	605,000
05-5120 Bilingual Education.....	959,000
06-5066 Compensatory Education	2,280,000
06-5120 Compensatory Education	160,097,000
07-5065 Special Education.....	14,457,000
07-5120 Special Education.....	<u>63,602,000</u>
Total Appropriation,	
Direct Educational	
Services and Assistance	<u>\$262,752,000</u>
Personal Services:	
Salaries and wages.....	(\$5,429,000)
Employee benefits	(1,472,000)
Materials and Supplies	(308,000)
Services Other Than Personal.....	(803,000)
Maintenance and Fixed Charges....	(314,000)
Special Purpose:	
Adult basic education-	
administrative	(21,000)
National diffusion network	
administration	(50,000)
Emergency immigrants' education	
assistance-administrative	(16,000)
Transition program for refugee	
children, administration	(2,000)

ESEA, Title VI (handicapped), administration	(38,000)
Bilingual education, SEA project—coordinating technical assistance	(7,000)
Title VI-B LRC North Satellite .	(12,000)
Title VI-B LRC South	(4,000)
Title VI-B LRC Central	(33,000)
Preschool incentive grant- administration	(24,000)
Deaf/blind children-services	(43,000)
Preschool regional T.A. project LRC-North/Central/South	(570,000)
Training personnel-P2R special education.....	(21,000)
Special education personnel development.....	(171,000)
Literacy training for homeless adults-administration	(75,000)
Miscellaneous special purpose...	(218,000)
Preschool incentive grant-child find.....	(157,000)
Bilingual and compensatory education-homeless children and youth	(325,000)
Adult basic education-evaluation and training	(554,000)
Adult education for the homeless- administrative/discretionary ...	(45,000)
State Aid and Grants:	
ECIA, Chapter 1, State institutions, handicapped.....	(1,692,000)
ECIA, Chapter 1, expenses for private school children	(1,665,000)
Migrant education program- administration	(1,482,000)
Adult basic education- programmatic	(2,844,000)
Preschool incentive grant- programmatic	(7,193,000)
Adult education for the homeless- administrative/discretionary ...	(405,000)

State legalization impact	
assistance grant	(5,084,000)
Adult education-353 program	(648,000)
English literacy	(447,000)
Literacy training	(175,000)
Emergency immigrants'	
education assistance	(959,000)
ECIA, Chapter 1 disadvantaged.	(156,950,000)
ECIA, Chapter 1 State program	
improvement grants	(370,000)
ESEA, Title VI (handicapped)	
administration	(3,385,000)
ESEA Title VI (handicapped)	
programmatic	(57,255,000)
Early intervention administration	(1,270,000)
ECIA, Chapter 2 block grant	
programmatic	(9,934,000)
Transition program for refugee	
children	(182,000)
Services for deaf/blind children.	(38,000)
Additions, Improvements and	
Equipment	(62,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach	
School for the Deaf	\$303,000
12-5012 Marie H. Katzenbach	
School for the Deaf	55,000
12-5014 Marie H. Katzenbach	
School for the Deaf	25,000
13-5010 Newark Skills Center	105,000
15-5010 Project Coed	<u>479,000</u>
Total Appropriation, Operation	
and Support of Educational	
Institutions	<u>\$967,000</u>
Personal Services:	
Salaries and wages	(\$671,000)
Employee benefits	(182,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(15,000)
Special Purpose:	

ECIA, Chapter 1 State	
institutions, handicapped	(25,000)
Miscellaneous special purpose...	(67,000)
Additions, Improvements and	
Equipment	(5,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational	
Education	<u>\$20,703,000</u>
Total Appropriation,	
Supplemental Education and	
Training Programs	<u>\$20,703,000</u>
Personal Services:	
Salaries and wages	(\$2,591,000)
Employee benefits	(698,000)
Materials and Supplies	(165,000)
Services Other Than Personal.....	(399,000)
Maintenance and Fixed Charges....	(98,000)
Special Purpose:	
Veterans' readjustment benefits.	(14,000)
Career education—research	
and development project grant	(3,000)
Vocational education-Basic	
grants-administration	(43,000)
Vocational education, Title II B	
leadership activities	(1,485,000)
Leadership-Consumer and	
homemaking education	(43,000)
Occupational competencies	(325,000)
Vocational education, Title II,	
Part B-technical committee	(51,000)
Vocational education, Title II-	
county coordinator efforts	(36,000)
Vocational student	
organizations-administration	(34,000)
Curriculum library-	
administration	(54,000)
Miscellaneous special purpose...	(140,000)
Vocational education grant	
back-administrative	(60,000)

State Aid and Grants:

Consumer and useful homemaking-programmatic/ discretionary	(770,000)
Various vocational education grants	(13,644,000)
Additions, Improvements and Equipment	(50,000)

34 Educational Support Services

30-5063 General Academic Education.....	\$7,318,000
30-5120 General Academic Education.....	11,510,000
33-5067 Service to Local Districts	822,000
33-5068 Service to Local Districts	1,299,000
34-5067 Equal Educational Opportunity	841,000
37-5120 School Nutrition	<u>92,765,000</u>
Total Appropriation, Educational Support Services	<u>\$114,555,000</u>
Personal Services:	
Salaries and wages.....	(\$4,070,000)
Employee benefits	(1,097,000)
Materials and Supplies	(485,000)
Services Other Than Personal.....	(292,000)
Maintenance and Fixed Charges....	(10,000)
Special Purpose:	
AIDS prevention education- administration	(10,000)
EESA, Title II-Math-science training-dissemination	(35,000)
Drug-free schools and communities-discretionary ...	(167,000)
Early intervention-child find outreach	(75,000)
Drug-free schools and communities-administration .	(325,000)
Substance abuse coordinator- discretionary	(200,000)
Child nutrition-administration ...	(13,000)
Miscellaneous special purpose...	(1,506,000)

State Aid and Grants:	
Special milk	(1,057,000)
School breakfast	(6,086,000)
Child care food	(15,094,000)
Child care sponsor administration	(519,000)
Cash for commodities	(745,000)
Child nutrition-Section 4	(13,813,000)
Child nutrition-ChapterII	(49,698,000)
Summer food	(3,839,000)
Summer sponsor-administration	(313,000)
EESA, Title II, programmatic	2,512,000)
Drug-free schools and communities-programmatic ..	(8,998,000)
School health education	(175,000)
Substance abuse coordinator- discretionary	(3,417,000)
Additions, Improvements and Equipment	(4,000)

35 Education Administration and Management

42-5120 School Finance	\$272,000
43-5092 Compliance and Auditing	226,000
99-5095 Management and Administrative Services	<u>890,000</u>
Total Appropriation, Education Administration and Management	<u>\$1,388,000</u>
Personal Services:	
Salaries and wages	(\$671,000)
Employee benefits	(191,000)
Materials and Supplies	(14,000)
Services Other Than Personal	(131,000)
Special Purpose:	
Early intervention-compliance...	(49,000)
Miscellaneous special purpose...	(26,000)
State Aid and Grants:	
Byrd scholarship program	(273,000)
Additions, Improvements and Equipment	(33,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services		<u>\$3,841,000</u>
Total Appropriation, Cultural and Intellectual Development Services.....		<u>\$3,841,000</u>
Personal Services:		
Salaries and wages	(\$1,502,000)	
Employee benefits	(413,000)	
Materials and Supplies	(117,000)	
Services Other Than Personal.....	(402,000)	
Special Purpose:		
LSCA Title I-administration	(161,000)	
Miscellaneous special purpose....	(151,000)	
State Aid and Grants:		
LSCA Title III-interlibrary cooperation	(398,000)	
LSCA, Title II-programmatic	(650,000)	
Additions, Improvements and Equipment	(47,000)	
Total Appropriation, Department of Education		<u>\$404,206,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-4840 Water Supply and Watershed Management		\$800,000
11-4870 Forest Resource Management		673,000
13-4880 Hunters' and Anglers' License Fund		3,065,000
14-4885 Shellfish and Marine Fisheries Management.....		2,130,000
15-4890 Marine Lands Management		<u>2,685,000</u>
Total Appropriation, Natural Resource Management.....		<u>\$9,353,000</u>
Personal Services:		
Salaries and wages	(\$4,032,000)	
Employee benefits	(842,000)	
Materials and Supplies	(593,000)	

Services Other Than Personal.....	(1,091,000)
Maintenance and Fixed Charges....	(479,000)
Special Purpose:	
Various special purpose grants ..	(1,407,000)
State Aid and Grants:	
Coastal zone management 4th	
year implementation	(100,000)
Rural community fire protection	(36,000)
Additions, Improvements and	
Equipment	(773,000)

43 Environmental Quality

02-4825 Air Pollution Control.....	\$3,700,000
07-4850 Water Monitoring and	
Planning	8,200,000
08-4855 Water Enforcement.....	3,250,000
09-4860 Public Wastewater	
Facilities	83,000,000
15-4900 Solid Waste Resource	
Management	1,250,000
22-4861 Geological Survey	<u>5,300,000</u>
Total Appropriation,	
Environmental Quality	<u>\$104,700,000</u>
Personal Services:	
Salaries and wages.....	(\$13,117,000)
Employee benefits	(1,802,000)
Materials and Supplies	(824,000)
Services Other Than Personal.....	(8,356,000)
Maintenance and Fixed Charges....	(30,000)
Special Purpose:	
Air pollution maintenance	
program.....	(553,000)
Non-point source	
implementation-3194	(750,000)
Miscellaneous special purpose...	(2,866,000)
State Aid and Grants:	
Monitoring and planning-205-J .	(712,000)
Construction loan revolving fund	(75,000,000)
Additions, Improvements and	
Equipment	(690,000)

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$979,000
04-4835 Pesticide Control	301,000
19-4815 Spill Prevention, Response and Site Cleanup	140,000,000
23-4910 Waste Management	<u>12,251,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control..	<u>\$153,531,000</u>
Personal Services:	
Salaries and wages	(\$11,111,000)
Employee benefits	(2,888,000)
Materials and Supplies	(463,000)
Services Other Than Personal.....	(134,163,000)
Maintenance and Fixed Charges....	(120,000)
Special Purpose:	
Miscellaneous special purpose	(4,356,000)
Additions, Improvements and Equipment	(430,000)

45 Recreational Resource Management

12-4875 Parks Management	<u>\$1,520,000</u>
Total Appropriation, Recreational Resource Management	<u>\$1,520,000</u>
Personal Services:	
Salaries and wages	(\$549,000)
Employee benefits	(133,000)
Materials and Supplies	(67,000)
Services Other Than Personal.....	(34,000)
Special Purpose:	
Historic preservation-acquisition and development	(250,000)
Other special purpose	(221,000)
State Aid and Grants:	
Survey and planning operational/ State administration	(233,000)
Additions, Improvements and\ Equipment	(33,000)

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	<u>\$11,560,000</u>

Total Appropriation, Environmental Planning and Administration		<u>\$11,560,000</u>
Personal Services:		
Salaries and wages	(\$118,000)	
Employee benefits	(28,000)	
Services Other Than Personal	(118,000)	
Special Purpose:		
Pinelands 502 acquisition grant .	(7,250,000)	
Other special purpose	(46,000)	
State Aid and Grants:		
Land and Water Conservation Fund-Scorp grants.	(4,000,000)	
Total Appropriation, Department of Environmental Protection ..		<u>\$280,664,000</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

01-4215 Vital Statistics		\$450,000
02-4220 Community Health Services		67,406,000
03-4230 Epidemiology and Disease Control		6,559,000
04-4240 Narcotic and Drug Abuse Control		30,717,000
05-4250 Alcoholism Control		13,284,000
08-4280 Diagnostic Services		286,000
11-4235 Occupational and Environmental Health Control ...		1,531,000
12-4245 AIDS Services		<u>21,968,000</u>
Total Appropriation, Health Services		<u>\$142,201,000</u>
Personal Services:		
Salaries and wages	(\$15,836,000)	
Employee benefits	(4,306,000)	
Materials and Supplies	(760,000)	
Services Other Than Personal	(2,869,000)	
Maintenance and Fixed Charges....	(72,000)	
Special Purpose:		
Supplemental food program— W.I.C.	(42,773,000)	

Maternal and child health	
block grant	(82,000)
Occupational and environmental	
health control grants	(6,000)
Other special purpose	(5,712,000)
State Aid and Grants:	
Preventive health services block	
grant-Community health	
services	(233,000)
Social services block grant—	
family planning	(1,920,000)
Low income energy assistance	
block grant	(254,000)
Social services block grant—	
alcoholism services	(638,000)
Alcohol, drug abuse, and mental	
health block grant—	
alcoholism services	(9,633,000)
Alcohol, drug abuse and mental	
health block grant—narcotic	
and drug abuse control	(20,741,000)
Community health services grant	(2,452,000)
Emergency medical services—	
Training projects—	
Highway safety	(22,000)
AIDS service grants	(14,812,000)
Epidemiology and disease	
control grants	(949,000)
Early childhood intervention-	
administration.	(446,000)
Parental and child health-energy	
block grant	(80,000)
Preventive health and health	
services block grant—	
Epidemiology and disease	
control grants	(656,000)
Narcotic and drug abuse control	
grants	(6,543,000)
Family planning program—	
Title X	(1,855,000)
Supplemental food program—	
W.I.C.	(110,000)

Maternal and child health block grant	(6,388,000)
Patterns of IV drug use among street users	(68,000)
EMT-new initiatives	(175,000)
High risk infant follow-up expansion	(300,000)
Comprehensive AIDS prevention and surveillance grant.....	(1,008,000)
Additions, Improvements and Equipment	(502,000)

22 Health Planning and Evaluation

07-4270 Health Planning and Resource Development	<u>\$500,000</u>
Total Appropriation, Health Planning and Resource Development	<u>\$500,000</u>
Special Purpose:	
Health planning and resource development	(\$500,000)
Total Appropriation, Department of Health.....	<u>\$142,701,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400 Student Financial Support Services	\$2,185,000
05-5400 Student Financial Assistance Administration	11,494,000
17-5600 Institutional Support	50,000
99-5400 Management and Administrative Services	<u>3,888,000</u>
Total Appropriation, Office of the Chancellor.....	<u>\$17,617,000</u>
Personal Services:	
Salaries and wages	(\$5,512,000)
Employee benefits	(1,099,000)
Materials and Supplies	(405,000)
Services Other Than Personal.....	(2,389,000)

Maintenance and Fixed Charges....	(661,000)	
Special Purpose:		
Veterans' programs.....	(80,000)	
Miscellaneous special purpose...	(696,000)	
State Aid and Grants:		
Vocational education	(2,580,000)	
State student incentive grant program.....	(1,575,000)	
Education for Economic Security Act Title II	(902,000)	
Bankhead-Jones Fund.....	(50,000)	
Paul Douglas teaching scholarship	(610,000)	
Additions, Improvements and Equipment	(1,058,000)	
Total Appropriation, Department of Higher Education.....		<u>\$17,617,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services	\$12,902,000
10-7720 Patient Care and Health Services	50,000
99-7700 Management and Administrative Services.....	<u>108,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$13,060,000</u>
Personal Services:	
Salaries and wages.....	(\$617,000)
Employee benefits	(98,000)
Special Purpose:	
Mental health data collection system	(108,000)
Miscellaneous special purpose...	(42,000)
State Aid and Grants:	
Mental health block grant services	(11,171,000)
Community mental health services for the homeless	(1,024,000)

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540 Health Services

Administration and Management \$39,409,000

22-7540 General Medical Services 1,030,791,000Total Appropriation, Division of
Medical Assistance and
Health Services\$1,070,200,000

Personal Services:

Salaries and wages..... (\$14,627,000)

Materials and Supplies (160,000)

Services Other Than Personal..... (2,697,000)

Maintenance and Fixed Charges.... (2,423,000)

Special Purpose:

Payments to fiscal agents..... (11,955,000)

Eligibility determination..... (2,895,000)

Professional standard review
organization—utilization
review

(40,000)

Compensation awards..... (18,000)

Affirmative action and equal
employment opportunity
program.....

(18,000)

Design and development—
Medicaid management
information

(3,352,000)

HealthStart match (2,186,000)

Other special purpose (31,000)

Replacement of fiscal agent
functions

(867,000)

State Aid and Grants:

Medical assistance (929,162,000)

Peer grouping..... (27,610,000)

Payments for medical assistance

recipients..... (24,131,000)

Medicaid expansion SOBRA (41,210,000)

Garden State Health Plan..... (457,000)

Maternal and child health

expansion (6,035,000)

Additions, Improvements and

Equipment (326,000)

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities***99-7600 Management and**

Administrative Services	<u>\$10,317,000</u>

Total Appropriation, Division of Developmental Disabilities	<u>\$10,317,000</u>

Personal Services:

Salaries and wages	(\$6,638,000)

Special Purpose:

Foster grandparents	(775,000)

State Aid and Grants:**Developmental Disabilities**

Council	(1,450,000)

Day-care services	(359,000)

Citizen advocacy program	(145,000)

Work-study training program for caseworkers	(950,000)

*7601 Community Programs***01-7601 Purchased Residential**

Care	\$32,127,000

02-7601 Social Supervision and

Consultation	9,125,000

03-7601 Adult Activities

27,381,000

04-7601 Education and Day

Training	<u>546,000</u>

Total Appropriation,

Community Programs	<u>\$69,179,000</u>

Personal Services:

Salaries and wages	(\$14,715,000)

State Aid and Grants:**Community care waiver,**

Title XIX	(31,689,000)

Adult activities	(228,000)

Intermediate care facilities— mental retardation	(22,547,000)

*7610 Green Brook Regional Center***05-7610 Residential Care and**

Habilitation	\$2,695,000

06-7610 Health Services	655,000

07-7610 Education and Training ..	446,000
98-7610 Physical Plant and Support Services	760,000
99-7610 Management and Administrative Services	<u>772,000</u>
Total Appropriation, Green Brook Regional Center	<u>\$5,328,000</u>
Personal Services:	
Salaries and wages	(\$5,328,000)

7615 Developmental Center at Ancora

05-7615 Residential Care and Habilitation	\$341,000
06-7615 Health Services	149,000
98-7615 Physical Plant and Support Services	19,000
99-7615 Management and Administrative Services	<u>79,000</u>
Total Appropriation, Developmental Center at Ancora	<u>\$588,000</u>
Personal Services:	
Salaries and wages	(\$588,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$13,235,000
06-7620 Health Services	2,408,000
98-7620 Physical Plant and Support Services	1,004,000
99-7620 Management and Administrative Services	<u>715,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$17,362,000</u>
Personal Services:	
Salaries and wages	(\$17,362,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$3,985,000
06-7630 Health Services	2,391,000

98-7630 Physical Plant and Support Services	493,000
99-7630 Management and Administrative Services	<u>805,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$7,674,000</u>
Personal Services:	
Salaries and wages	(\$7,674,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$7,696,000
06-7640 Health Services	1,787,000
98-7640 Physical Plant and Support Services	1,421,000
99-7640 Management and Administrative Services	<u>882,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$11,786,000</u>
Personal Services:	
Salaries and wages	(\$11,786,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$11,845,000
06-7650 Health Services	4,160,000
98-7650 Physical Plant and Support Services	1,956,000
99-7650 Management and Administration	<u>960,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$18,921,000</u>
Personal Services:	
Salaries and wages	(\$18,921,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$9,983,000
06-7660 Health Services	713,000
98-7660 Physical Plant and Support Services	368,000

99-7660 Management and Administrative Services	<u>1,423,000</u>
Total Appropriation, Woodbridge Developmental Center	<u>\$12,487,000</u>

Personal Services:

Salaries and wages..... (\$12,487,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$5,304,000
06-7670 Health Services.....	1,192,000
98-7670 Physical Plant and Support Services	1,509,000
99-7670 Management and Administrative Services	<u>1,492,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$9,497,000</u>

Personal Services:

Salaries and wages..... (\$9,497,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$354,000
06-7680 Health Services.....	245,000
98-7680 Physical Plant and Support Services	35,000
99-7680 Management and Administrative Services	<u>63,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$697,000</u>

Personal Services:

Salaries and wages..... (\$697,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$6,327,000
06-7690 Health Services.....	939,000
98-7690 Physical Plant and Support Services	865,000
99-7690 Management and Administrative Services	<u>705,000</u>

Total Appropriation, North Princeton Developmental Center	<u>\$8,836,000</u>
Personal Services:	
Salaries and wages.....	(\$8,836,000)
<i>33 Supplemental Education and Training Programs</i>	
<i>7560 Commission for the Blind and Visually Impaired</i>	
11-7560 Habilitation and Rehabilitation	\$5,360,000
12-7560 Instruction, Community Programs and Prevention	319,000
99-7560 Management and Administrative Services.....	<u>1,358,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired..	<u>\$7,037,000</u>
Personal Services:	
Salaries and wages.....	(\$2,928,000)
Materials and Supplies	(125,000)
Services Other Than Personal.....	(501,000)
Maintenance and Fixed Charges....	(533,000)
State Aid and Grants:	
Social services block grant	(319,000)
Vocational rehabilitation—direct services	(2,100,000)
Social security administration reimbursement	(150,000)
Vocational rehabilitation- independent living, Title VII, Part A.....	(251,000)
Additions, Improvements and Equipment	(130,000)
<i>50 Economic Planning, Development and Security</i>	
<i>53 Economic Assistance and Security</i>	
<i>7550 Division of Economic Assistance</i>	
15-7550 Income Maintenance	\$476,023,000
99-7550 Management and Administrative Services.....	<u>23,753,000</u>
Total Appropriation, Division of Economic Assistance.....	<u>\$499,776,000</u>

Personal Services:	
Salaries and wages.....	(\$8,710,000)
Compensation awards.....	(13,000)
Materials and Supplies	(243,000)
Services Other Than Personal.....	(11,897,000)
Maintenance and Fixed Charges....	(1,348,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(8,000)
AFDC teenage parent program ..	(900,000)
Realizing economic achievement (REACH) program.....	(52,041,000)
Automated child support enforcement program	(3,345,000)
State Aid and Grants:	
Supplemental Security Income ..	(4,000,000)
Refugee resettlement program ...	(800,000)
Food stamp program—county administration	(35,649,000)
Title XIX—county administration	(17,000,000)
Refugee resettlement program/ Cuban-Haitian entrant program-county administration	(100,000)
Social services block grant— county administration	(22,840,000)
Child support and paternity program—county administration	(14,500,000)
Dependent children assistance— county administration	(51,000,000)
Dependent children assistance ...	(229,598,000)
Low income energy assistance— county administration	(4,251,000)
Low income energy assistance...	(40,072,000)
Food stamp employment- transportation	(1,350,000)
Additions, Improvements and Equipment	(111,000)

*55 Social Services Programs**7570 Division of Youth and Family Services*

16-7570 Initial Response/Case	
Management	\$26,268,000
17-7570 Substitute Care	16,200,000
18-7570 General Social Services..	31,706,000
99-7570 Management and	
Administrative Services.....	<u>17,516,000</u>
Total Appropriation, Division of	
Youth and Family Services	<u>\$91,690,000</u>
Personal Services:	
Salaries and wages.....	(\$23,383,000)
Materials and Supplies	(2,749,000)
Services Other Than Personal.....	(12,464,000)
Maintenance and Fixed Charges....	(11,712,000)
Special Purpose:	
Dependent care planning and	
development	(450,000)
Other special purpose	(2,000)
State Aid and Grants:	
Initial response/Case	
management.....	(1,254,000)
Medicaid payment for children in	
institutions	(3,392,000)
Title IV A/E.....	(9,099,000)
Title IV-B child welfare services	(745,000)
General social services	(124,000)
Purchase of service contracts.....	(7,903,000)
Low income energy assistance ..	(690,000)
Cuban-Haitian entrant program .	(3,033,000)
Family violence prevention and	
services	(213,000)
SSBG day care.....	(10,210,000)
Child abuse and neglect State	
grant-disabled children	(210,000)
Pediatric AIDS grant project	(400,000)
National center for child abuse	
and neglect.....	(391,000)
State legalization impact	
assistance grant	(1,502,000)
Additions, Improvements and	
Equipment	(1,764,000)

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget

87-7500 Research, Policy and Planning		\$2,358,000
99-7500 Management and Administrative Services		<u>27,652,000</u>
Total Appropriation, Division of Management and Budget		<u>\$30,010,000</u>
Personal Services:		
Salaries and wages	(\$1,767,000)	
Employee benefits	(11,298,000)	
Special Purpose:		
Respite care for the elderly	(500,000)	
Title IV-A, Aid to families with dependent children	(439,000)	
Title IV-D, Child support and paternity	(304,000)	
Title IV-B, Child welfare services	(92,000)	
Child care plus	(472,000)	
Title IV-E, Foster care	(291,000)	
Office of prevention	(265,000)	
Low income energy assistance block grant	(56,000)	
Community care waiver	(54,000)	
Title XIX, ICF-MR	(3,159,000)	
Title XIX, Medical assistance	(2,967,000)	
Refugee resettlement program	(10,000)	
Social services block grant	(2,188,000)	
Vocational rehabilitation act, Section 120	(122,000)	
Food stamp program	(338,000)	
Adult basic education program ..	(101,000)	
ECIA, Chapter I-State institutions—handicapped	(1,855,000)	
Vocational education, basic grant, section 120 rehab	(179,000)	
Chapter 2 block grant	(51,000)	
AFDC teenage parent program ..	(328,000)	
Early intervention compliance ...	(318,000)	
Miscellaneous special purpose ...	(2,856,000)	

Total Appropriation, Department of Human Services.....	<u>\$1,884,445,000</u>

62 DEPARTMENT OF LABOR

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

18-4570 Planning and Research ...	\$4,983,000
99-4565 Management and Administrative Services.....	<u>25,248,000</u>
Total Appropriation, Economic Planning and Development	<u>\$30,231,000</u>

Personal Services:

Salaries and wages.....	(\$19,789,000)
Employee benefits	(5,465,000)
Compensation awards	(3,000)
Materials and Supplies	(325,000)
Services Other Than Personal.....	(3,043,000)
Maintenance and Fixed Charges....	(1,167,000)

Special Purpose:

Career information military	(10,000)
Miscellaneous special purpose...	(78,000)

State Aid and Grants:

Occupational informational coordinating program.....	(9,000)
Additions, Improvements and Equipment	(342,000)

52 Economic Regulation

12-4550 Enforcement of Workplace Standards.....	<u>\$1,279,000</u>
Total Appropriation, Economic Regulation.....	<u>\$1,279,000</u>

Personal Services:

Salaries and wages.....	(\$806,000)
Employee benefits	(222,000)
Materials and Supplies	(5,000)
Services Other Than Personal.....	(37,000)
Maintenance and Fixed Charges....	(107,000)

Special Purpose:

OSHA on-site consultation	(50,000)

Miscellaneous special purpose...	(50,000)
Additions, Improvements and Equipment	(2,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance		\$38,864,000
02-4515 Disability Determination		<u>25,000,000</u>
Total Appropriation, Economic Assistance and Security		<u>\$63,864,000</u>
Personal Services:		
Salaries and wages	(\$30,657,000)	
Employee benefits	(9,152,000)	
Compensation awards	(100,000)	
Materials and Supplies	(357,000)	
Services Other Than Personal	(6,140,000)	
Maintenance and Fixed Charges	(9,704,000)	
Special Purpose:		
Old age and survivors' insurance—Disability determination	(3,446,000)	
State Aid and Grants:		
Old age and survivors' insurance—Disability determination	(4,000,000)	
Additions, Improvements and Equipment	(308,000)	

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services		\$31,213,000
09-4545 Employment Services		32,496,000
10-4545 Employment Development Services		<u>55,347,000</u>
Total Appropriation, Manpower and Employment Services		<u>\$119,056,000</u>
Personal Services:		
Salaries and wages	(\$27,834,000)	
Employee benefits	(7,794,000)	
Compensation awards	(301,000)	
Materials and Supplies	(270,000)	
Services Other Than Personal	(3,959,000)	

Maintenance and Fixed Charges....	(4,513,000)	
Special Purpose:		
Job Training Partnership Act—		
Title II-B, Summer youth		
employment and training		
program.....	(14,362,000)	
Job Training Partnership Act—		
Title III, Dislocated workers..	(11,859,000)	
Vocational rehabilitation services	(750,000)	
Job Training Partnership Act—		
Title II-A, training services for		
the disadvantaged.....	(26,500,000)	
Job Training Partnership Act	(470,000)	
Rehabilitation in-service training	(53,000)	
Job Training Partnership Act—		
Title IV, federally		
administered programs.....	(195,000)	
Miscellaneous special purpose...	(961,000)	
State Aid and Grants:		
Vocational rehabilitation services	(12,269,000)	
Comprehensive services for		
independent living	(245,000)	
Supported employment.....	(635,000)	
VR-Basic support program	(400,000)	
Rehabilitation of supplemental		
security income beneficiaries.	(650,000)	
DVR independent living program		
part B	(325,000)	
U.I. reemployment demonstration		
project	(4,500,000)	
Additions, Improvements and		
Equipment	(211,000)	
Total Appropriation,		
Department of Labor.....		<u>\$214,430,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

03-1110 Driver Control	<u>\$5,035,000</u>
Total Appropriation,	
Vehicular Safety	<u>\$5,035,000</u>

Special Purpose:

Federal highway safety program—State match	(\$4,975,000)
Fatal accident reporting system-control.....	(60,000)

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$3,040,000
08-1200 Emergency Services	2,587,000
09-1020 Criminal Justice.....	31,180,000
10-1030 Statewide Narcotics Prosecution Program.....	250,000
24-1200 Marine Police Operations	<u>843,000</u>
Total Appropriation, Law Enforcement	<u>\$37,900,000</u>

Special Purpose:

Operation roadside-narcotics interdiction program	(\$500,000)
State of New Jersey improvement grant.....	(50,000)
National shelter survey	(50,000)
Nuclear civil protection planning	(163,000)
Recreational boating safety financial assistance	(843,000)
FEMA State assistance program	(96,000)
Medicaid fraud unit	(2,700,000)
Radiological systems maintenance	(81,000)
Enhancement of data analysis center	(50,000)
Radiological defense officer project.....	(68,000)
Finance investigations	(150,000)
Hazardous materials, Title III	(163,000)
Emergency management training and education-State match	(118,000)
MAGLOCLN	(2,540,000)
Northeast hazardous waste project-RCRA	(114,000)
Emergency public information grant.....	(15,000)

Institute of Intergovernmental		
Research grant	(100,000)	
Northeast hazardous waste		
project-CERCLA	(200,000)	
EMA local jurisdictions	(15,000)	
Hazardous materials response		
training	(18,000)	
Juvenile justice administration		
and grants	(1,600,000)	
Victim assistance grants	(2,500,000)	
Drug enforcement administration		
and grants	(24,000,000)	
JJDP advisory board	(16,000)	
State Aid and Grants:		
Emergency management		
assistance program	(1,750,000)	
<i>80 Special Government Services</i>		
<i>82 Protection of Citizens' Rights</i>		
16-1350 Protection of Civil Rights		\$751,000
19-1440 Violent Crimes		
Compensation		<u>1,159,000</u>
Total Appropriation, Protection		
of Citizens' Rights		<u>\$1,910,000</u>
Personal Services:		
Salaries and wages	(\$714,000)	
Special Purpose:		
Fair housing technical assistance		
program	(37,000)	
Victim compensation award	(1,159,000)	
Total Appropriation, Department		
of Law and Public Safety		<u>\$44,845,000</u>
 67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS		
<i>10 Public Safety and Criminal Justice</i>		
<i>14 Military Services</i>		
30-3620 Physical Plant and Support		
Services		\$11,757,000
40-3620 New Jersey National		
Guard Support Services		<u>2,771,000</u>
Total Appropriation,		
Military Services		<u>\$14,528,000</u>

Personal Services:	
Salaries and wages	(\$2,010,000)
Employee benefits	(206,000)
Materials and Supplies	(1,855,000)
Services Other Than Personal.....	(594,000)
Maintenance and Fixed Charges....	(485,000)
Special Purpose:	
Training and equipment pool sites	(679,000)
Service contracts.....	(1,907,000)
Miscellaneous personnel benefits	(1,000)
Armory operations support	(208,000)
Miscellaneous special purpose...	(2,091,000)
ANG security agreement-Atlantic	
City/Maguire	(3,453,000)
Additions, Improvements and	
Equipment	(1,039,000)
Total Appropriation, Department	
of Military and Veterans'	
Affairs	<u>\$14,528,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 Special Government Services

82 Protection of Citizens' Rights

01-8310 Mental Health Advocacy	\$478,000
08-8350 Advocacy for the	
Developmentally Disabled.....	<u>664,000</u>
Total Appropriation, Protection	
of Citizens' Rights	<u>\$1,142,000</u>

Personal Services:	
Salaries and wages	(\$349,000)
Employee benefits	(99,000)
Materials and Supplies	(20,000)
Services Other Than Personal.....	(60,000)
Maintenance and Fixed Charges....	(15,000)
Special Purpose:	
Mental health protection and	
advocacy	(126,000)
Advocacy for the	
developmentally disabled.....	(417,000)
Other special purpose	(54,000)
Additions, Improvements and	
Equipment	(2,000)

New Jersey State Library

Total Appropriation, Department of the Public Advocate	<u>\$1,142,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	\$597,000
06-2535 Museum Services	200,000
07-2540 Development of Historical Resources	<u>100,000</u>
Total Appropriation, Cultural and Intellectual Development Services.....	<u>\$897,000</u>
Materials and Supplies	(\$6,000)
Services Other Than Personal.....	(160,000)
Maintenance and Fixed Charges....	(28,000)
Special Purpose:	
Basic block grant	(38,000)
NEA Arts: Basic to education....	(40,000)
NEH historical exhibition	(60,000)
NEA arts expansion	(65,000)
IMS general support	(75,000)
NEH Black migration project	(50,000)
Black life and history exhibition	(50,000)
Other special purpose	(3,000)
State Aid and Grants:	
Basic block grant	(240,000)
Arts in school.....	(72,000)
Additions, Improvements and Equipment	(10,000)

70 Government Direction, Management and Control

74 General Government Services

80-2545 Records Management	<u>\$160,000</u>
Total Appropriation, General Government Services	<u>\$160,000</u>
Special Purpose	
NEH New Jersey Newspaper Project.....	(\$160,000)
Total Appropriation, Department of State	<u>\$1,057,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

02-6200 Planning	\$8,200,000
03-6200 TRANSCOM.....	3,000,000
10-6302 Federal Aid Interstate Highway Projects.....	382,000,000
12-6302 Resurfacing	92,000,000
15-6302 Interstate Transfer Program Funds NJ/NY Metro Area	43,500,000
20-6302 Federal Aid Urban System Highway Projects	28,000,000
25-6302 Federal Aid Consolidated Primary Highway Projects	54,000,000
27-6302 Corridor Demonstration Projects	21,000,000
28-6302 Demonstration Projects ..	11,500,000
40-6202 Federal Aid Bridge and Highway Safety Projects	55,700,000
65-6302 Rail Freight Line	2,000,000
71-6302 Transportation Construction Engineering	9,050,000
Total Appropriation, State Highway Facilities	<u>\$709,950,000</u>
Special Purpose:	
Interstate highway projects	(\$382,000,000)
Interstate resurfacing	(92,000,000)
Interstate transfer	(43,500,000)
Federal aid urban system highway projects	(28,000,000)
Consolidated primary projects ...	(54,000,000)
Metropolitan planning funds.....	(2,500,000)
Highway planning and research.	(5,700,000)
Supportive services highway construction training program	(250,000)
Bridge and safety program.....	(55,700,000)
Demonstration projects	(11,500,000)
Rail freight capital projects.....	(2,000,000)
Corridor safety improvements ...	(21,000,000)
New Jersey Statewide public transportation grant	(8,800,000)
TRANSCOM	(3,000,000)

63 Local Highway Facilities

15-6322 Interstate Transfer	
Program Funds NJ/NY	
Metro Area	\$4,500,000
30-6322 Rural Highway	6,000,000
40-6322 Bridge and Highway	
Construction	<u>14,000,000</u>
Total Appropriation,	
Local Highway Facilities	<u>\$24,500,000</u>
Special Purpose:	
Bridge and safety program.....	(\$14,000,000)
Interstate transfer	(4,500,000)
Federal aid rural highway	
projects	(6,000,000)

64 Planning and General Management Support

05-6070 Access and Use	
Management	<u>\$9,000,000</u>
Total Appropriation, Planning	
and General Management	
Support	<u>\$9,000,000</u>
Special Purpose:	
Airport Fund	(\$6,500,000)
Motor carrier safety assistance	
program.....	(2,500,000)
Total Appropriation, Department	
of Transportation.	<u>\$743,450,000</u>

82 DEPARTMENT OF THE TREASURY

*50 Economic Planning, Development and Security**52 Economic Regulation*

54-2007 Utility Regulation.....	\$103,000
56-2014 Energy Resource	
Management	<u>613,000</u>
Total Appropriation, Economic	
Regulation	<u>\$716,000</u>
Personal Services:	
Salaries and wages.....	(\$456,000)
Employee benefits	(116,000)
Services Other Than Personal.....	(7,000)
Maintenance and Fixed Charges....	(2,000)

Special Purpose:

Natural gas pipeline safety program.....	(103,000)	
Miscellaneous special purpose...	(32,000)	
Total Appropriation, Department of the Treasury		<u>\$716,000</u>

98 THE JUDICIARY***10 Public Safety and Criminal Justice******15 Judicial Services***

03-9720 Civil Courts	\$19,000	
05-9730 Family Courts	30,188,000	
06-9735 Municipal Courts.....	10,000	
07-9740 Probation Services.....	124,000	
11-9760 Field Operations	<u>118,000</u>	
Total Appropriation, Judicial Services		<u>\$30,459,000</u>

Personal Services:

Salaries and wages.....	(\$1,497,000)	
Employee benefits	(362,000)	
Materials and Supplies	(31,000)	
Services Other Than Personal.....	(176,000)	
Maintenance and Fixed Charges....	(30,000)	

Special Purpose:

Miscellaneous special purpose...	(252,000)	

State Aid and Grants:

Child support and paternity program, Title IV-D	(28,013,000)	

Additions, Improvements and

Equipment	(98,000)	

Total Appropriation,

The Judiciary	<u>\$30,459,000</u>	

Total Appropriation,

Federal Funds.....	<u>\$3,963,559,000</u>	

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdi-

visions 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; federal financial aid funds for students attending post secondary educational institutions in excess of the amount specifically appropriated, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances of federal funds as of June 30, 1990 are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1990 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1990 are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1990 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 1991, reports on proposed expenditures during fiscal year 1992 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; and the social services block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Total Appropriation,

General Fund	<u>\$12,867,365.000</u>

PROPERTY TAX RELIEF FUND

GRANTS-IN-AID

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid—Grants-In-Aid

33-2076 Homestead Rebates	<u>\$254,000.000</u>

Total Appropriation, State

Subsidies and Financial Aid.	<u>\$254,000.000</u>

Grants:

Payments to homeowners for

homestead rebates.....	(\$254,000,000)

Notwithstanding the provisions of subsections a. and b. of section 2 of P.L.1976, c.72 (C.54:4-3.81), or any other provisions of law, the homestead rebate otherwise calculated and allowed to any citizen and resident of this State to be paid from the amount appropriated hereinabove during fiscal year 1991 for tax year 1989 rebate claims shall be allowed in an amount not to exceed

\$150.00 per homestead rebate, provided however, that nothing herein shall prohibit the payment of the additional \$50.00 rebate to a qualified senior citizen, a totally disabled citizen under age 65 or a surviving spouse. Any claim based upon a proportionate share of ownership or title to the property shall be allowed based upon no more than one homestead rebate of \$150.00 in regard to that property. Notwithstanding the provisions of section 13 of P.L.1976, c.72 (C.54:4-3.92), homestead rebates shall be paid from the amount appropriated in 1990.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners qualifying for homestead rebates.

Total Appropriation,	
Department of the Treasury ..	<u>\$254,000,000</u>
Total Appropriation,	
Grants-In-Aid.....	<u>\$254,000,000</u>

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

01-5120 General Formula Aid.....	\$1,569,171,000
03-5120 Miscellaneous	
Grants-in-Aid.....	4,657,000
05-5120 Bilingual Education.....	41,798,000
06-5120 Compensatory Education	150,726,000
07-5120 Special Education.....	<u>312,413,000</u>
Total Appropriation, Direct	
Educational Services and	
Assistance	<u>\$2,078,765,000</u>

State Aid:

Current expense equalization	
aid	(\$1,420,762,000)
Minimum aid	(148,409,000)
Payments for institutionalized	
children-unknown district	
of residence	(4,657,000)
Bilingual education aid	(41,798,000)
Compensatory education aid.....	(150,726,000)
Special education aid	(312,413,000)

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

*33 Supplemental Education and Training
Programs—State Aid*

20-5062 General Vocational Education	<u>\$14,427,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$14,427,000</u>
State Aid:	
District and regional vocational education	(\$840,000)
Vocational education	(5,460,000)
Local vocational aid	(8,127,000)

34 Educational Support Services—State Aid

36-5120 Pupil Transportation	\$200,118,000
38-5120 Facilities Planning and School Building Aid	114,085,000
39-5095 Teachers' Pension and Annuity Assistance	<u>456,755,000</u>
Total Appropriation, Educational Support Services	<u>\$770,958,000</u>
State Aid:	
Transportation aid	(\$200,118,000)
School building aid debt service	(21,069,000)
School building aid	(93,016,000)
Teachers' Pension and Annuity Fund	(126,755,000)
Social Security tax	(330,000,000)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1988-89 school year.

Of the amount appropriated hereinabove for Transportation aid, an amount equal to the total earnings on investments of the State Fund for the Support of the Free Public Schools shall first be charged to that fund.

The sum in the Social Security tax account is available for the payment of such tax applicable to the prior fiscal year.

In addition to the sums hereinabove for Social Security tax payments, there is appropriated such additional sum as may be necessary to meet Social Security tax payments, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation,

Department of Education \$2,864,150,000

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In the event that sufficient funds are not appropriated to fully fund current expense equalization aid, minimum aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

Additional sums as may be necessary for the Department of Education to provide additional State aid on a current year basis to districts in Level III monitoring pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 75 *State Subsidies and Financial Aid—State Aid*

34-2078 Reimbursement-Senior		
Citizens and Veterans		<u>\$43,850,000</u>
Total Appropriation, State		
Subsidies and Financial Aid .		<u>\$43,850,000</u>

State Aid:

State reimbursement to		
municipalities for		
senior/disabled citizens'		
property tax exemptions.....	(\$23,400,000)	
State reimbursement for veterans'		
property tax exemptions.....	(20,450,000)	

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions.

Total Appropriation,		
Department of the Treasury .		<u>\$43,850,000</u>
Total Appropriation, State Aid		<u>\$2,908,000,000</u>
Total Appropriation, Property		
Tax Relief Fund		<u>\$3,162,000,000</u>

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND
 66 DEPARTMENT OF LAW AND PUBLIC SAFETY
 10 *Public Safety and Criminal Justice*
 13 *Special Law Enforcement Activities*

30-1460 Gaming Enforcement		<u>\$35,578,000</u>
Total Appropriation, Special Law		
Enforcement Activities		<u>\$35,578,000</u>

Personal Services:

Salaries and wages.....	(\$18,790,000)	

Cash in lieu of maintenance.....	(903,000)
Employee benefits	(5,738,000)
Materials and Supplies	(926,000)
Services Other Than Personal.....	(3,049,000)
Maintenance and Fixed Charges....	(2,885,000)
Special Purpose:	
Indirect costs	(1,923,000)
Additions, Improvements and	
Equipment	(1,364,000)
In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.	
Total Appropriation, Department of Law and Public Safety	<u>\$35,578,000</u>

82 DEPARTMENT OF THE TREASURY
70 *Government Direction, Management and Control*
73 *Financial Administration*

25-2095 Administration of Casino	
Gambling	<u>\$25,082,000</u>
Total Appropriation,	
Financial Administration	<u>\$25,082,000</u>
Personal Services:	
Chairman and Commissioners ...	(\$455,000)
Salaries and wages.....	(16,124,000)
Employee benefits	(4,278,000)
Materials and Supplies	(357,000)
Services Other Than Personal.....	(1,965,000)
Maintenance and Fixed Charges....	(1,510,000)
Special Purpose:	
Other special purpose	(363,000)
Additions, Improvements and	
Equipment	(30,000)

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation,	
Department of the Treasury .	<u>\$25,082,000</u>
Total Appropriation, Casino	
Control Fund	<u>\$60,660,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Social Services Programs

08-8060 Programs for the Aging ..		<u>\$315,000</u>
Total Appropriation,		
Social Services Programs		<u>\$315,000</u>
Personal Services:		
Salaries and wages	(\$243,000)	
Employee benefits	(61,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal	(5,000)	
Total Appropriation, Department		
of Community Affairs		<u>\$315,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Community Health		
Services		\$80,000
03-4230 Epidemiology and		
Disease Control		<u>153,000</u>
Total Appropriation, Health		
Services		<u>\$233,000</u>
Personal Services:		
Salaries and wages	(\$182,000)	
Employee benefits	(29,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(17,000)	
Total Appropriation,		
Department of Health		<u>\$233,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services

Administration and Management	\$3,968,000

24-7540 Pharmaceutical Assistance

to the Aged and Disabled	<u>4,047,000</u>

Total Appropriation, Division of Medical Assistance and Health Services.....	<u>\$8,015,000</u>

Personal Services:

Salaries and wages	(\$2,886,000)

Compensation awards	(1,000)

Employee benefits	(785,000)

Materials and Supplies	(219,000)

Services Other Than Personal.....	(621,000)

Maintenance and Fixed Charges....	(695,000)

Special Purpose:

Payments to fiscal agents	(937,000)

Eligibility determination	(328,000)

Design and development—	

Medicaid management information system	(91,000)

Payments to fiscal agents (PAA)	(762,000)

Design and development—	

Medicaid management information system	(227,000)

Other special purpose	(322,000)

Additions, Improvements and

Equipment	(141,000)

The unexpended balance as of June 30, 1990 not to exceed \$128,000 in the Health Services Administration and Management program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

30 *Educational, Cultural and Intellectual Development*32 *Operation and Support of Educational Institutions*7601 *Community Programs*

02-7601 Social Supervision

and Consultation	<u>\$32,000</u>

Total Appropriation,	
Community Programs	<u>\$32,000</u>
Special Purpose:	
Homemaker services	
(State share)	(\$32,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7540 Division of Medical Assistance and Health Services

28-7540 Lifeline Programs	<u>\$4,223,000</u>
Total Appropriation, Division of	
Medical Assistance and	
Health Services	<u>\$4,223,000</u>
Personal Services:	
Salaries and wages	(\$2,417,000)
Compensation awards	(5,000)
Employee benefits	(665,000)
Materials and Supplies	(53,000)
Services Other Than Personal	(438,000)
Maintenance and Fixed Charges	(275,000)
Special Purpose:	
Lifeline fiscal agent PAAD	
reimbursement	(42,000)
Other special purpose	(247,000)
Additions, Improvements and	
Equipment	(81,000)
Total Appropriation, Department	
of Human Services	<u>\$12,270,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

80 Special Government Services

82 Protection of Citizens' Rights

15-1326 Operation of State	
Professional Boards	<u>\$100,000</u>
Total Appropriation, Protection	
of Citizens' Rights	<u>\$100,000</u>
Personal Services:	
Salaries and wages	(\$43,000)
Employee benefits	(9,000)
Materials and Supplies	(10,000)
Services Other Than Personal	(34,000)

Additions, Improvements and	
Equipment	(4,000)
Total Appropriation, Department	
of Law and Public Safety	<u>\$100,000</u>
Total Appropriation,	
Direct State Services	<u>\$12,918,000</u>

GRANTS-IN-AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—Grants-In-Aid

12-8025 Boarding Home	
Regulation and Assistance	<u>\$3,200,000</u>
Total Appropriation, Community	
Development Management ..	<u>\$3,200,000</u>

Grants:

Boarding House Rental	
Assistance Fund	(\$3,200,000)

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17), subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs—Grants-In-Aid

08-8060 Programs for the Aging ..	<u>\$5,575,000</u>
Total Appropriation,	
Social Services Programs	<u>\$5,575,000</u>

Grants:

Home delivered meals expansion	(\$1,000,000)
Senior citizen housing-Safe	
housing and transportation	(2,883,000)
Congregate housing support	
services	(1,652,000)
Task force study: housing options	
for seniors	(40,000)
Total Appropriation, Department	
of Community Affairs	<u>\$8,775,000</u>

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 21 *Health Services—Grants-In-Aid*

02-4220 Community Health	
Services	\$500,000
03-4230 Epidemiology and	
Disease Control	<u>1,647,000</u>
Total Appropriation,	
Health Services	<u>\$2,147,000</u>
Grants:	
Statewide birth defects registry..	(\$500,000)
Geriatric Health Assessment	
Centers	(600,000)
Demonstration adult day care—	
Alzheimer's disease	(947,000)
Family caregivers	(100,000)
Total Appropriation, Department	
Department of Health.	<u>\$2,147,000</u>

54 DEPARTMENT OF HUMAN SERVICES
 20 *Physical and Mental Health*
 24 *Special Health Services*

7540 *Division of Medical Assistance and Health Services—*
Grants-In-Aid

22-7540 General Medical Services	\$53,470,000
24-7540 Pharmaceutical	
Assistance to the Aged	
and Disabled	<u>85,826,000</u>
Total Appropriation, Division of	
Medical Assistance and Health	
Services.....	<u>\$139,296,000</u>
Grants:	
Payments for medical assistance	
recipients.....	(\$24,131,000)
Medicaid expansion-SOBRA.....	(19,839,000)
Home care expansion.....	(8,000,000)
Hearing aid assistance for the	
aged and disabled.....	(1,500,000)
Pharmaceutical Assistance to the	
Aged and Disabled-claims,	
P.L.1975, c.194 (C.30:4D-20	
et seq.).....	(85,826,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (30:4D-20 et seq.) during the fiscal year ending June 30, 1991 are appropriated.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs—Grants-In-Aid

01-7601 Purchased Residential

Care	\$14,905,000

02-7601 Social Supervision and

Consultation.....	1,683,000

03-7601 Adult Activities	7,374,000
04-7601 Education and Day Training	<u>600,000</u>
Total Appropriation, Community Programs	<u>\$24,562,000</u>

Grants:

Private institutional care	(\$1,311,000)
Skill development homes	(1,141,000)
Group homes	(12,325,000)
Family care	(128,000)
Home assistance	(1,683,000)
Purchase of adult activity services	(7,374,000)
Purchase of day training services	(600,000)

Group home maintenance recoveries during the fiscal year ending June 30, 1991, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services—
Grants-In-Aid*

28-7540 Lifeline Programs	<u>\$64,946,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$64,946,000</u>

Grants:

Payments for Lifeline credits	(\$37,388,000)
Payments for tenants' assistance rebates	(27,558,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional funds as may be required for payments to persons qualifying for Lifeline programs.

*55 Social Services Programs**7570 Division of Youth and Family Services—Grants-In-Aid*

18-7570 General Social Services..	\$1,500,000
99-7570 Management and Administrative Services.....	<u>3,000,000</u>
Total Appropriation, Division of Youth and Family Services.....	<u>\$4,500,000</u>
Grants:	
Protective services for the elderly and disabled	(\$1,500,000)
Personal attendant program	(3,000,000)

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget—Grants-In-Aid*

87-7500 Research, Policy and Planning.....	<u>\$3,500,000</u>
Total Appropriation, Division of Management and Budget	<u>\$3,500,000</u>
Grants:	
Respite care for the elderly	(\$3,500,000)
Total Appropriation, Department of Human Services.....	<u>\$236,804,000</u>

*62 DEPARTMENT OF LABOR**50 Economic Planning, Development and Security**54 Manpower and Employment Services—Grants-In-Aid*

07-4535 Vocational Rehabilitation Services	<u>\$1,440,000</u>
Total Appropriation, Manpower and Employment Services.....	<u>\$1,440,000</u>
Grants:	
Sheltered workshop transportation	(\$1,440,000)
Total Appropriation, Department of Labor.. ..	<u>\$1,440,000</u>
Total Appropriation, Grants-in-Aid	<u>\$249,166,000</u>

STATE AID

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation—State Aid

04-6050 Railroad and Bus	
Operations	<u>\$18,060,000</u>
Total Appropriation, Public	
Transportation	<u>\$18,060,000</u>
State Aid:	
Transportation assistance for	
senior citizens and disabled	
residents	(\$18,060,000)
The unexpended balance as of June 30, 1990 in this account is ap-	
propriated.	
Total Appropriation, Department	
of Transportation	<u>\$18,060,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

34-2076 Reimbursement—	
Senior Citizens and Veterans	<u>\$17,180,000</u>
Total Appropriation, State	
Subsidies and Financial Aid...	<u>\$17,180,000</u>
State Aid:	
Reimbursements to municipalities	
for senior/disabled citizens'	
property tax exemptions	(\$17,180,000)
In addition to the amount hereinabove, there are appropriated	
from the Casino Revenue Fund such additional sums as may	
be required for reimbursements to municipalities qualifying	
for such payments or reimbursements.	

Total Appropriation, Department	
of the Treasury	<u>\$17,180,000</u>
Total Appropriation, State Aid ..	<u>\$35,240,000</u>
Total Appropriation, Casino	
Revenue Fund	<u>\$297,324,000</u>
Grand Total Appropriation,	
All Funds	<u>\$16,387,349,000</u>

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1990 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1990 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

6. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

7. There are appropriated such sums as may be required for the

collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1990 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

9. Unless otherwise provided, balances remaining as of June 30, 1990 in accounts of appropriations enacted subsequent to April 1, 1990 are appropriated.

10. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, fund code and program code unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State funds, in amounts greater than \$300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code

and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than \$8,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than \$8,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item;

(7) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (5) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days

of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or his designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency and necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

11. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legis-

lative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

12. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State

Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJECN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJECN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget

and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. Such receipts shall be forwarded monthly by such custodian, to the Director of the Division of Budget and Accounting for audit, and the director shall likewise make regulations governing disbursement from petty cash funds.

24. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated March 15, 1990.

25. State agencies shall prepare and submit a copy of their departmental budget requests, and spending plans involving all State, federal and other non-State funds to the Director of the Divi-

sion of Budget and Accounting and the Legislative Budget and Finance Officer by October 1, 1990, and updated spending plans on January 1, and April 1, 1991. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

28. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.25 per mile.

29. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1990 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative branch of State government shall be exempt from this provision.

30. Those balances as of June 30, 1990 in capital construction accounts which are otherwise appropriated herein, which in the discretion of the Director of the Division of Budget and Accounting are necessary as resources to maintain a balanced State budget in fiscal year 1990, shall lapse upon the approval of director.

31. There is created a special account within the General Fund to be known as the "Capital Replacement Fund." The fund shall be maintained under the custody of the State Treasurer and shall be credited by the State Treasurer with such amounts as are necessary,

from Replacement Revenue raised pursuant to the "Petroleum Products Gross Receipts Tax Act," P.L.1990, c.42 (C.54:15B-1 et seq.). Amounts deposited in the "Capital Replacement Fund" are dedicated exclusively for the purpose of funding capital construction appropriations accounts established or reestablished in P.L.1989, c.122 and lapsed pursuant to section 30 of this act. Amounts deposited in the "Capital Replacement Fund" are appropriated for expenditure pursuant to an account schedule of capital construction projects which shall be submitted by the State Treasurer to the Joint Budget Oversight Committee, or its successor, which schedule shall be subject to the approval or disapproval of the committee. On or before June 30, 1991 the Treasurer shall report to the Joint Budget Oversight Committee, or its successor, on the amount and use of revenue collected pursuant to the "Petroleum Products Gross Receipts Tax Act."

32. This act shall take effect July 1, 1990.

Approved June 27, 1990.

CHAPTER 44

AN ACT providing for the establishment and administration of a "Surplus Revenue Fund," supplementing Title 52 of the Revised Statutes.

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

C.52:9H-14 Surplus Revenue Fund.

1. There is hereby created within the General Fund a restricted reserve fund to be known as the "Surplus Revenue Fund." The State Treasurer shall credit to the "Surplus Revenue Fund," on or before December 31, 1990 and annually on or before December 31 thereafter, and in addition to any sums appropriated to the "Surplus Revenue Fund," the amounts determined pursuant to section 3 of this act. Moneys credited to the "Surplus Revenue Fund" may be invested in the same manner as assets of the General Fund and any investment earnings on the "Surplus Revenue

Fund” shall accrue to the “Surplus Revenue Fund” and shall be available subject to the same terms and conditions as other balances under this act. The State Treasurer may determine the amount of earnings to be credited to the “Surplus Revenue Fund” to reflect the average rate of return on the State of New Jersey Cash Management Fund. The State Treasurer shall provide a report of the status of the “Surplus Revenue Fund” to the Governor and to the Legislature through the Joint Budget Oversight Committee, or its successor, periodically, but not less often than annually on or about January 15.

C.52:9H-15 “Anticipated revenue” defined.

2. As used in this act “anticipated revenue” means the amount of revenue estimated to be realized in a fiscal year as General Fund resources to support appropriations made, including taxes, license fees, other miscellaneous departmental revenue, and revenue transfers to the General Fund from other funds in the State Treasury, and excluding federal funds and any fund balances, whether designated, undesignated or reserved.

C.52:9H-16 Determination of amount to be credited to fund.

3. The amount to be annually credited to the Surplus Revenue Fund shall be determined by the State Treasurer in the following manner:

a. He shall identify the amount of General Fund anticipated revenue certified by the Governor upon approval of the annual appropriation act for the fiscal year immediately preceding the fiscal year in which a credit to the “Surplus Revenue Fund” is required.

b. He shall determine, from the annual financial report of the General Fund for the fiscal year immediately preceding the fiscal year in which a credit to the “Surplus Revenue Fund” is required, the amount of revenue actually deposited in the General Fund in that fiscal year. If in any preceding fiscal year for which a determination under this subsection is to be made, there is a law enacted which will increase the revenue to the General Fund, the yield from that increase for that preceding fiscal year in which the increase is in effect shall be disregarded in determining the amount to be credited to the “Surplus Revenue Fund.”

c. The amount of the credit to the “Surplus Revenue Fund” shall be an amount equivalent to 50% of the excess, if there be any, of the amount determined in subsection b. of this section over the amount determined in subsection a. of this section. If actual revenue collections pursuant to the “New Jersey Gross

Income Tax Act," N.J.S.54A:1-1 et seq., for the fiscal year immediately preceding the fiscal year in which a credit to the "Surplus Revenue Fund" is required are less than the amount of revenue collections pursuant to that act as certified by the Governor upon approval of the annual appropriation act for that fiscal year, the amount of the credit to the "Surplus Revenue Fund" otherwise calculated pursuant to this section shall be reduced by the difference between the amount so certified and the actual collections.

C.52:9H-17 Estimate of credit to Surplus Revenue Fund.

4. The Governor shall include in his annual budget message to the Legislature an estimate of the credit to be made to the "Surplus Revenue Fund" as a reduction of the estimated undesignated fund balance in the General Fund as of July 1 of the fiscal year for which he is making his budget recommendations. The amount estimated by the Governor for this purpose shall not be less than 50% of the difference between the amount certified by him upon approval of the annual appropriation act for the fiscal year immediately preceding the fiscal year for which his budget recommendations are being made and the amount of revenue anticipated for that preceding fiscal year as reflected in the annual budget message for that preceding fiscal year.

C.52:9H-18 Restriction on appropriation of balances in Surplus Revenue Fund.

5. Balances in the "Surplus Revenue Fund" shall not be available for appropriation except as provided in this act. Balances in the "Surplus Revenue Fund" may be appropriated by the Legislature only: a. upon separate certification by the Governor that anticipated revenues in the General Fund are estimated to be less than those certified by him upon approval of the annual appropriation act; or b. upon a finding by the Legislature, based on its research, that to offset revenue declines anticipated in the General Fund an appropriation from the "Surplus Revenue Fund" is a more prudent fiscal policy than imposing new taxes or increasing any rate of tax or otherwise modifying the tax structure, including elimination or modification of deductions, exclusions or exemptions.

C.52:9H-19 Use of balances for meeting costs of emergency.

6. The provisions of this act shall not be construed to render balances in the "Surplus Revenue Fund" unavailable for meeting the costs of any emergency identified by the Governor. Balances

in the "Surplus Revenue Fund" are appropriated for that purpose, provided however, that the Governor shall notify the Joint Budget Oversight Committee, or its successor, of his determination that balances in the fund are required to meet an emergency, describing the nature of the emergency and the intended use of the funds in meeting the emergency. Upon notice to the Governor that such expenditures have been approved by the committee, or its successor, the expenditure of such funds shall be lawful. As used in this section, "emergency" means any condition or occurrence which requires an immediate response in the protection of the life, safety or well-being of the citizens of this State, or any of them, or in the protection or restoration of property, public or private, endangered, damaged, or destroyed as a result, actual or potential, of such condition or occurrence.

C.52:9H-20 Revenue decline.

7. a. If in any fiscal year there is enacted an appropriation from the "Surplus Revenue Fund" pursuant to section 5 of this act, there shall not be enacted any imposition of new taxes or increases in existing tax rates or tax structure modifications having the effect of increasing revenues except as provided in subsection b. of this section.

b. If the amount of the decline in revenue collections in the General Fund is greater than the equivalent of 2% of the total available resources in the General Fund as certified by the Governor upon approval of the annual appropriation act for the fiscal year in which that revenue decline is anticipated, the restrictions of subsection a. of this section shall not apply and the balances in the "Surplus Revenue Fund" may be appropriated in any other manner as found to be in the best interests of the fiscal condition of the General Fund.

C.52:9H-21 Appropriation of excess.

8. Notwithstanding the restrictions on the appropriation of the balances in the "Surplus Revenue Fund" imposed by section 5 of this act, if balances in the fund exceed an amount equivalent to 5% of the amount certified by the Governor as total anticipated revenues in the General Fund and the Property Tax Relief Fund upon approval of the annual appropriation act, the State Treasurer shall send written notice of the amount of that excess to the Governor and to the Legislature through the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations

Committee, or their successor committees or committee. The excess amount as identified in the notice from the State Treasurer shall be available for appropriation by the Legislature in accordance with section 9 of this act.

C.52:9H-22 Purposes for appropriation.

9. Upon notice from the State Treasurer of the amount of excess in the "Surplus Revenue Fund" pursuant to section 8 of this act, there may be appropriated sums for any one or more of the following purposes:

- a. To provide a reserve fund for retirement, purchase or discharge of outstanding general obligation bonds of the State of New Jersey;
- b. To provide appropriations for capital projects;
- c. To provide appropriations to reduce or offset real property taxes.

C.52:9H-23 Limitation.

10. The amount available for appropriation for the purposes specified in section 9 shall not be in excess of an amount equivalent to 2% of the amount certified by the Governor as total anticipated revenues in the General Fund and the Property Tax Relief Fund upon approval of the annual appropriation act. If the amount reported by the State Treasurer as required in section 8 is in excess of the amount available for appropriation pursuant to section 9 as limited in this section, that amount, if any, shall be included in the undesignated balance in the General Fund and available for appropriation as otherwise provided by law.

11. This act shall take effect immediately and shall first apply to fiscal year 1991 and to each fiscal year thereafter.

Approved June 27, 1990.

CHAPTER 45

AN ACT to provide for the recall of tax court judges and amending P.L.1973, c.140.

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

1. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to read as follows:

C.43:6A-13 Retired judge not to engage in practice of law; assignment to sit in court.

13. a. No member of the retirement system shall, while receiving a pension or retirement allowance pursuant to this act, engage in the practice of law before any of the courts of this State.

b. Subject to rules of the Supreme Court, any justice of the Supreme Court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service in the Supreme Court or elsewhere within the judicial system, and any judge of the Superior Court, juvenile and domestic relations court, county district court or tax court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service within the judicial system other than the Supreme Court.

c. Upon such recall the retired justice or judge shall have all the powers of a justice or judge of the court to which he is assigned and shall be paid a per diem allowance fixed by the Supreme Court in accordance with its rules, provided however that in no event shall he receive a salary which together with his pension or retirement allowance exceeds the current salary of a justice or judge of the court from which he retired. In addition the recalled justice or judge shall be reimbursed for reasonable expenses actually incurred by him in connection with his assignment and shall be provided with such facilities as may be required in the performance of his duties. Such per diem compensation and expenses shall be paid by the State.

d. Payment for services and expenses shall be made in the same manner as payment is made to the justices or judges of the court from which he retired.

e. The Supreme Court is empowered to adopt such rules as it deems necessary or appropriate for the prompt and efficient administration of justice in furtherance of the purposes of this act.

2. This act shall take effect immediately.

Approved June 28, 1990.

CHAPTER 46

AN ACT concerning workers' compensation and amending R.S.34:15-94.

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

1. R.S.34:15-94 is amended to read as follows:

Surcharges; calculation of annual payments; use of funds.

34:15-94. a. Each mutual association or stock company writing compensation or employer's liability insurance in this State, and each self-insurer, shall pay to the Commissioner of Labor a sum equal to that proportion of 150% of the total amount of moneys paid under R.S.34:15-95 during the preceding calendar year, less the amount of net assets exceeding \$5,000,000.00 remaining in such fund as of December 31 of said preceding calendar year, which the total compensation payments of such mutual association, stock company or self-insurer bear to the total compensation payments made by all such mutual associations, stock companies, and self-insurers during such preceding calendar year. Such sum shall be paid by the Commissioner of Labor to the State Treasurer.

On or before August 1, 1986 the Commissioner of Labor shall recalculate payments due for calendar year 1986 in accordance with the formula provided above, and levy supplemental assessments to adjust for any difference due to be paid in satisfaction of obligations for calendar year 1986, giving full credit for payments previously due and paid on or before August 15, 1986. Such supplemental assessments, if necessary to be levied, shall be paid on or before September 15, 1986. Commencing January 1, 1987, and each calendar year thereafter, annual payments shall be calculated by the commissioner and sums due shall be paid in equal quarterly installments on or before March 15, on or before June 15, on or before September 15 and on or before December 15 of each year.

The assessment established in this subsection shall be terminated effective December 31, 1988.

b. Commencing January 1, 1989 and on the first day of each year thereafter, the Commissioner of Labor shall levy an annual surcharge upon all policyholders and self-insured employers for the purpose of providing moneys to the Second Injury Fund. Each

policyholder and self-insured employer shall be liable for payment of the annual surcharge in accordance with the provisions of this section and all regulations promulgated pursuant hereto. The annual surcharge levied under this section shall be applied to all workers' compensation and employer's liability insurance policies providing coverage on or after January 1, 1989 and, in the case of self-insured employers, to coverage provided on or after January 1, 1989. Notwithstanding any law to the contrary, the surcharge levied pursuant to this section shall not apply: to any reinsurance or retrocessional transaction; to the State or any political subdivision thereof which acts as a self-insured employer; or to any workers' compensation endorsement required pursuant to section 1 of P.L.1979, c.380 (C.17:36-5.29).

c. On or before July 31 of 1988 and of each year thereafter:

(1) Each insurer and self-insured employer shall submit to the Commissioner of Labor, in a form and manner prescribed by the Commissioner of Labor, a report of the total compensation payments made by the insurer or self-insured employer during the 12-month period ending on the immediately preceding June 30th;

(2) Each insurer shall submit to the Commissioner of Insurance, in a form and manner prescribed by the Commissioner of Insurance, a report of the total earned premiums collected by the insurer on all workers' compensation or employer's liability policies written on risks located in this State pursuant to the provisions of R.S.17:17-1 et seq., during the 12-month period ending on the immediately preceding June 30th;

(3) The Commissioner of Labor shall estimate the amount of special adjustment and supplemental benefits payable by each insurer writing workers' compensation or employer's liability insurance in the State and by each self-insured employer pursuant to R.S.34:15-95 during the then current fiscal year;

(4) The Commissioner of Labor shall establish the aggregate annual surcharge to be levied upon policyholders and self-insured employers during the next following calendar year, which shall be an amount equal to 150% of the moneys estimated by the Commissioner of Labor to be payable from the Second Injury Fund during the next following calendar year, less the estimated amount of net assets exceeding \$5,000,000.00 which will remain in the Second Injury Fund on December 31st of the then current calendar year;

(5) The Commissioner of Labor shall apportion the aggregate annual surcharge calculated pursuant to paragraph (4) of this subsection among policyholders as a group and self-insured

employers as a separate group. Policyholders shall be liable to pay that portion of the aggregate annual surcharge that is equal to the proportion that the compensation payments made by all policyholders during the 12-month period ending on the immediately preceding June 30th bear to the total compensation payments made by all policyholders and self-insured employers during the 12-month period ending on the immediately preceding June 30th. Self-insured employers shall be liable to pay that portion of the aggregate annual surcharge that is equal to the proportion that the compensation payments made by all self-insured employers during the 12-month period ending on the immediately preceding June 30th bear to the total compensation payments made by all policyholders and self-insured employers during the 12-month period ending on the immediately preceding June 30th; and

(6) The Commissioner of Labor shall notify the Commissioner of Insurance of the aggregate annual surcharge amount applicable to policyholders during the next following calendar year.

d. On or before September 15 of 1988 and of each year thereafter:

(1) In consultation with the Commissioner of Labor, the Commissioner of Insurance shall determine the annual policyholder surcharge rate to be applied to each workers' compensation and employer's liability policy during the next following calendar year, and shall notify insurers of the annual policyholder surcharge rate to be applied to policy premiums during the next following calendar year. The annual policyholder surcharge rate shall be established as a percentage, which shall be equal to the percentage relationship that the annual surcharge amount which is applicable to all policyholders bears to the total earned premiums for workers' compensation and employer's liability coverage written on risks located in this State for the 12-month period ending on the immediately preceding June 30th.

(2) The Commissioner of Labor shall notify each self-insured employer of the amount of the annual surcharge applicable to that self-insured employer during the next following calendar year. The net annual surcharge for each self-insured employer shall be established as a pro rata portion of the annual surcharge applicable to all self-insured employers, which shall be chargeable to the self-insured employer in the proportion that the self-insured employer's compensation payments during the 12-month period ending on the immediately preceding June 30th bear to the total compensation payments made by all self-insured employers during the 12-month period ending on the immediately preceding

June 30th, less the estimated amount of special adjustment and supplemental benefits payable by that self-insured employer pursuant to R.S.34:15-95 during the then current fiscal year.

e. (1) Every insurer providing workers' compensation and employer's liability insurance shall collect from each of its policyholders, on behalf of the Commissioner of Labor and in accordance with subsections b., c. and d. of this section, an amount equal to the annual policyholder surcharge rate established by the Commissioner of Insurance pursuant to subsection d. of this section, multiplied by the amount of the policyholder's premium. The surcharge to be collected from the policyholder shall be stated separately on the policy or billing statement and be collected at the same time and in the same manner that the premium or other charges for the coverage are collected. On or before the 30th day after the end of the calendar quarter commencing January 1, 1989, and on or before the 30th day following the end of each calendar quarter thereafter, each insurer shall report to the Commissioner of Labor, on forms as the commissioner may require, the total amount of its workers' compensation and employer's liability insurance earned premiums for the preceding quarterly accounting period, and remit the surcharge collected from policyholders on those premiums, less special adjustment and supplemental benefits paid during the preceding calendar quarter by the insurer pursuant to the workers' compensation law, R.S.34:15-1 et seq. No insurer or its agent shall be entitled to any portion of any surcharge imposed pursuant to this section as a fee or commission for its collection nor shall that surcharge be subject to any taxes, licenses or fees.

(2) On or before the 30th day after the end of each calendar quarter commencing January 1, 1989, and on or before the 30th day following the end of each calendar quarter thereafter, each self-insured employer shall remit to the Commissioner of Labor an amount equal to one-fourth of the effective net annual surcharge as established for that self-insured employer during the then current calendar year pursuant to subsection d. of this section, less special adjustment and supplemental benefits paid during the preceding calendar quarter by the self-insured employer pursuant to the workers' compensation law, R.S.34:15-1 et seq.

f. The Commissioner of Labor shall promulgate within 180 days of the effective date of this act and in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations as may be necessary for the

apportionment and collection of annual surcharges from policyholders and self-insured employers covered by this section.

g. The Commissioner of Insurance shall promulgate within 180 days of the effective date of this act and in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations as may be necessary for the collection, and provision to the Commissioner of Labor, of information with respect to earned premiums of insurers and the establishment of the annual surcharge rate for policyholders.

h. For each 30-day period or part thereof during which a policyholder, self-insured employer, or insurer fails to make a payment or transfer of payment as required by this section or regulations promulgated pursuant hereto, a penalty of one-half of one percent (0.5%) of the amount of delinquent payment or transfer of payment shall be assessed against the delinquent policyholder, self-insured employer or insurer. In no case of single failure, however, shall penalties assessed under this section exceed five percent (5.0%) of the amount of surcharge unpaid or untransferred. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the Commissioner of Labor pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq., and shall be deposited by the commissioner in the Second Injury Fund.

i. For each 30-day period during which an insurer or self-insured employer fails to file a report as required by this section, the Commissioner of Labor shall assess a penalty of \$100.00 against the insurer or self-insured employer and, upon collection thereof, shall deposit those monies in the "uninsured employer's fund." As a result of any single failure, however, no such penalty shall exceed a total of \$500.00. During the period of any such failure to file this report, the estimate by the Department of Labor of the amounts of such compensation payments or earned premiums shall be used for the purposes cited in the workers' compensation law, R.S.34:15-1 et seq.

j. The Commissioner of Labor may, with the authorization of and appropriation by the Legislature, transfer from the Second Injury Fund an amount necessary for the cost of administration of the Division of Workers' Compensation in the Department of Labor.

k. As used in this section, "policyholder" means a holder of a policy of workers' compensation or employer's liability insurance issued by an insurer. "Insurer" means a domestic, foreign or alien mutual association or stock company writing workers' compensa-

tion or employer's liability insurance on risks located in this State and subject to premium taxes pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.). "Self-insured employer" means an employer which self-insures for workers' compensation or employer's liability insurance pursuant to the provisions of R.S.34:15-77.

2. This act shall take effect immediately.

Approved June 28, 1990.

CHAPTER 47

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, 1990 and regulating the disbursement thereof," approved July 1, 1989 (P.L.1989, c.122).

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 in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS	
62 DEPARTMENT OF LABOR	
50 <i>Economic Planning, Development and Security</i>	
51 <i>Economic Planning and Development</i>	
99-4565 Management and	
Administrative Services	\$5,578,886.76
Special Purpose:	
Renovation of the Department of	
Labor Building, Trenton	(\$5,578,886.76)

2. The funds hereinabove appropriated are to be used, under the direction of the Commissioner of Labor, for the purpose of building renovations as may be required for the proper use of the

Department of Labor building located in Trenton, and for the health and safety of the occupants situated therein. These funds shall not be made available for any obligation incurred after a two year period from the effective date of this act.

3. This act shall take effect immediately.

Approved June 28, 1990.

CHAPTER 48

AN ACT concerning the regulation of the mortgage loan application and commitment process and supplementing Title 46 of the Revised Statutes.

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

C.17:16F-12 Findings, declarations.

1. The Legislature finds and declares that:

a. The decision by a person to assume a mortgage loan in order to buy a home is one of the most significant decisions that person will make, the impact of which will last over the person's lifetime.

b. In the 1980s the mortgage loan application, commitment and closing process has become very complex: in most cases it is no longer a simple transaction between a local lender and a borrower, but often involves several parties on the lending side, a wide variety of settlement activities to be performed and paid for, considerable disclosure requirements on the part of the lender, and detailed information requirements on the part of the borrower, which together often create confusion on the part of the borrower, misunderstanding between the borrower and the lender and borrower frustration with the whole process.

c. In addition to becoming more complex, the mortgage loan application, commitment and closing process and the interest rates associated with mortgage loans are constantly changing, requiring lenders to respond quickly to these changes.

d. Given the complexity of and the constant changes to interest rates and the mortgage loan application, commitment and

closing process, it is appropriate that any requirements regarding this process be provided by rules and regulations promulgated by the Commissioner of Banking.

C.17:16F-13 Rules, regulations.

2. The Commissioner of Banking shall, in addition to other regulatory powers, 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.), applicable to the mortgage loan application and commitment process of lenders making mortgage loans to borrowers secured by properties located in New Jersey, including the regulation of lock-in agreements and fees associated therewith, to assure that borrowers are treated fairly in the process and are afforded adequate protection from arbitrary changes in the commitment terms or interest rates on their mortgage loans.

C.17:16F-14 Annual report to the Legislature.

3. The Commissioner of Banking shall report annually to the appropriate committees of the Legislature regarding existing and suggested regulations which assure that borrowers are treated fairly and are afforded adequate protection from arbitrary changes in commitment terms, interest rates, lock-in agreements and fees related to their mortgage loans.

4. This act shall take effect immediately.

Approved June 28, 1990.

CHAPTER 49

AN ACT concerning medical education and amending P.L.1977, c.390.

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

1. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to read as follows:

C.18A:64H-4 Council membership; appointment; terms; vacancies; advisory committees; executive director and employees; compensation.

4. The council shall consist of 15 members, 11 voting members and four nonvoting members; four members of the council shall be appointed by the Governor and 11 shall be ex officio members. The appointments shall consist of three representatives of the public and one student currently enrolled in a graduate medical training program; the appointed members shall be voting members of the council. The president of the University of Medicine and Dentistry of New Jersey, who shall serve as chairperson; a dean from one of the medical schools of the University of Medicine and Dentistry of New Jersey, to be selected by the president of the University of Medicine and Dentistry of New Jersey; the dean of the School of Graduate Medical Education of Seton Hall University; the president of the New Jersey Hospital Association; the president of the Association of Hospital Directors of Medical Education of New Jersey; the president of the New Jersey Association of Osteopathic Physicians and Surgeons; the president of the Medical Society of New Jersey or their designated representatives shall be ex officio, voting members of the council. The Chancellor of Higher Education; the Commissioner of Health; the president of the State Board of Medical Examiners and the Commissioner of Human Services or their designated representatives shall be ex officio, nonvoting members. The appointed members shall serve for a three-year term or until a successor is appointed. For those first appointed, two shall be appointed for a one-year term; one shall be appointed for a two-year term; and one shall be appointed for a three-year term. Any vacancies in the voting membership other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. To assist the council in carrying out the intent of this act:

a. The council may appoint advisory committees representative of the medical and health care professions, educators, and students, representatives of medical and health care facilities and consumers. The advisory committees shall provide advice and assistance to the council for the council's performance of its designated functions.

b. The council may employ an executive director and additional staff to provide expertise in the gathering and analysis of data and administration. The executive director shall have the right to speak on all matters at meetings of the council but shall have no vote. The council and the advisory committees shall

serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. This act shall take effect immediately.

Approved June 28, 1990.

CHAPTER 50

AN ACT concerning the review of certain guardianship cases, amending P.L.1970, c.289 and amending and supplementing P.L.1985, c.133.

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

1. Section 2 of P.L.1970, c.289 (C.30:4-165.8) is amended to read as follows:

C.30:4-165.8 Necessary affidavits; "significant chronic functional impairment" defined.

2. The moving papers shall include a verified complaint, an affidavit from a practicing physician or a psychologist licensed pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.), and an affidavit from the chief executive officer, medical director or other officer having administrative control over the program from which the individual is receiving functional or other services provided by the Division of Mental Retardation. The affidavits shall set forth with particularity the facts supporting the affiant's belief that the alleged mental incompetent suffers from a significant chronic functional impairment to such a degree that the person either lacks the cognitive capacity to make decisions for himself or to communicate, in any way, decisions to others. For the purposes of this section, "significant chronic functional impairment" includes, but is not limited to, a lack of comprehension of concepts related to personal care, health care or medical treatment.

2. Section 8 of P.L.1985, c.133 (C.30:4-165.13) is amended to read as follows:

C.30:4-165.13 Review of prior guardianships.

8. Within eight years after the effective date of P.L.1985, c.133 (C.30:4-165.4 et al.), the commissioner shall review the case of every person who received guardianship services without prior judicial review before the effective date of P.L.1985, c.133 (C.30:4-165.4 et al.). If the need for a guardian appears to continue, the commissioner shall apply to the Superior Court upon notice to the alleged mental incompetent for the appointment of a guardian of the person in the same manner as provided in section 1 of P.L.1970, c.289 (C.30:4-165.7), unless another application is pending.

Upon the receipt of a complaint for the appointment of a guardian, the court shall appoint an attorney where the alleged mental incompetent is not represented by an attorney. The attorney, after conducting an investigation into the matter, which shall include an interview with the alleged mental incompetent, an interview with the proposed guardian, and the report of an independent expert professionally qualified to render an opinion on issues pertaining to incompetency, shall advise the court by way of a report in affidavit form whether there is cause to dispute either the contention of the commissioner that the appointment of a guardian is necessary or the commissioner's recommendation as to whom that guardian should be. If the alleged mental incompetent expresses an opinion on the subject, the attorney shall advise the court of that opinion. The facts contained in the report of the attorney shall be sworn to or verified in a manner as prescribed by the court.

If, after reviewing the report of the attorney, there appears to be no difference between the position of the commissioner and the findings of the attorney, the court may proceed in a summary fashion to appoint a guardian. A plenary hearing shall be held if requested by the alleged mental incompetent, his attorney, or anyone acting on his behalf.

3. Section 9 of P.L.1985, c.133 (C.30:4-165.14) is amended to read as follows:

C.30:4-165.14 Public Advocate as counsel.

9. The court shall appoint the Public Advocate to serve as counsel for persons who do not have an attorney and over whom guardianship is sought pursuant to P.L.1985, c.133 (C.30:4-165.4 et al.) if the petition seeks only guardianship of the person, to the extent that funds are available for this purpose. If the Public

Advocate is appointed to represent an alleged mental incompetent, no attorney's fee is payable.

4. Section 15 of P.L.1985, c.133 is amended to read as follows:

15. This act shall take effect on March 1, 1985 except that the periodic review mandated in subsection b. of section 10 of this act shall not be required until eight years after the effective date of this act.

C.30:4-165.5a Review of need for guardian.

5. Notwithstanding the provisions of section 88 of P.L.1965, c.59 (C.30:4-165.5) to the contrary, the commissioner shall review the cases of persons to determine whether a person needs a guardian or will need a guardian on attainment of his majority, in accordance with the following order of priority:

a. Persons who received guardianship services without prior judicial review before the effective date of P.L.1985, c.133 (C.30:4-165.4 et al.) and persons with an imminent need for medical treatment or a behavioral treatment plan that requires a guardian's consent;

b. Minors and persons over the age of 18 who are receiving functional or other services from the Division of Developmental Disabilities.

C.30:4-165.13a Annual report to the Legislature.

6. The Commissioner of Human Services, in consultation with the Public Advocate, shall report to the Governor and the Legislature annually on: the number of cases reviewed by the commissioner pursuant to section 8 of P.L.1985, c.133 (C.30:4-165.13); the disposition of these cases, including the number of cases referred to the Attorney General; the number of cases remaining to be reviewed; the number of cases in which the Public Advocate was appointed to serve as counsel; and the disposition of these cases. The commissioner shall include in the report any recommendations for administrative or legislative action that he deems necessary in order to ensure that all cases are reviewed as required pursuant to section 8 of P.L.1985, c.133 (C.30:4-165.13).

7. This act shall take effect immediately.

Approved July 3, 1990.

CHAPTER 51

AN ACT concerning blood or genetic testing in paternity cases and amending P.L.1983, c.17.

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

1. Section 14 of P.L.1983, c.17 (C.9:17-51) is amended to read as follows:

C.9:17-51 Blood, genetic tests required in contested cases.

14. a. The court may, and upon request of a party in any contested case brought under P.L.1983, c.17 (C.9:17-38 et seq.) shall, require the child, mother, and alleged father to submit to blood tests or genetic tests. The tests shall be performed by a qualified expert appointed by the court.

b. The court, upon reasonable request by a party, shall order that independent tests be performed by other qualified experts.

c. The court shall determine the number and qualifications of the experts.

d. The refusal to submit to blood tests or genetic tests, or both, may be admitted into evidence and shall give rise to the presumption that the results of the tests would have been unfavorable to the interests of the party refusing. Refusal to submit to blood tests or genetic tests, or both, is also subject to the sanctions within the jurisdiction of the court.

e. Whenever blood tests or genetic tests are ordered and made, the results thereof shall be filed with the court and shall be receivable in evidence, but only in cases where definite exclusion is indicated, or where a human leucocyte antigen, electrophoresis or isoelectric test is made to also establish the positive probability of parentage. Expert testimony pertaining to these tests may be requested by the parties. The order for such blood tests or genetic tests also may direct that the testimony of such experts and of the persons so to be examined be taken by deposition. The court, upon application and for good cause shown, may limit the admissibility of the blood tests or genetic tests.

2. This act shall take effect immediately.

Approved July 3, 1990.

CHAPTER 52

AN ACT concerning State aid for public schools and revising the statutory law.

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

C.18A:7D-1 Short title.

1. This act shall be known and may be cited as the "Quality Education Act of 1990."

C.18A:7D-2 Findings; declarations.

2. a. The Legislature finds and declares that:

(1) The New Jersey Constitution provides that the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of 5 and 18 is a legislative responsibility;

(2) In 1973 the Supreme Court of New Jersey determined that the constitutional requirement was not being met and that action needed to be taken to correct this deficiency;

(3) In 1975, the Legislature and Governor enacted the "Public School Education Act of 1975," P.L.1975, c.212, which contained a school aid formula using a guaranteed tax base system;

(4) Because of changes in the relative distribution of wealth among New Jersey's municipalities and the aid formula's use of prior year budget data, a substantial number of school districts have found it difficult to raise sufficient money to provide a thorough and efficient system of education, even when they impose a substantial tax burden on the property owners in the district;

(5) The ability of all school districts to plan for and provide a thorough and efficient education has been further diminished because the State has appropriated adequate funds to fully implement the formula in only three of the 14 years in which the formula has been operative; and

(6) On June 5, 1990, the New Jersey Supreme Court ruled that as applied the "Public School Education Act of 1975" is unconstitutional insofar as it does not ensure sufficient funding to provide a thorough and efficient education to pupils residing in poorer urban districts.

b. The Legislature, therefore, in order to ensure the provisions of a thorough and efficient education to all the children of this State, does establish a new school aid formula so that:

(1) A district's ability to raise local revenue to support its schools will be better determined by using a combination of the district's property wealth and aggregate personal income;

(2) The combination of State aid, local effort, local initiative and State monitoring will ensure that in each school district there is sufficient money to provide a thorough and efficient education to every child;

(3) The calculation of State school aid will provide for districts' budget needs in the current year, so that districts which must increase their expenditures in order to provide a thorough and efficient education will receive appropriate State support;

(4) The formula will be fully funded in all years because the growth in the formula will be tied to growth in Statewide personal income, so that the primary State revenue source will increase in proportion to growth in the State's obligation for school aid; and

(5) The formula will provide that by the 1995-1996 school year, the per pupil expenditures in the poorer urban districts will be substantially equal to those in the wealthy suburban districts.

C.18A:7D-3 Definitions.

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

"Adjusted resident enrollment" means the number of pupils who on the last school day prior to October 16 of the prebudget year are residents of the district and are enrolled in: (1) the public schools of the district, except as a post-graduate or evening school pupil; (2) another school district to which the district of residence pays tuition; (3) a county vocational school district; or (4) a county special services school district.

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education approved by the State board.

"County vocational school, special education services pupil" means a pupil who is attending a county vocational school and who is receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

"CPI" means the average annual increase, expressed as a decimal, in the consumer price index for all urban consumers in the New York City and Philadelphia areas during the three fiscal years preceding the prebudget year as reported by the United States Department of Labor.

“Current expense” means all expenses of the school district, as enumerated in N.J.S.18A:22-8, other than those required for interest and debt redemption charges and any budgeted capital outlay.

“Debt service” means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L.1978, c.74 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.) and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded.

“District income” means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Bureau of the Census in the United States Department of Commerce for the most recent year prior to the budget year.

With respect to regional districts and their constituent districts, however, the district income as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

“Equalized valuation” means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the prebudget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them. With respect to certain operating school districts, other than school districts that received funds through a municipal budget in 1989 as determined pursuant to column 1 (c) of Section C of the Abstract of Ratables, that are composed of one or more taxing districts, where 20% or more of the land area of the taxing district is situated within the development district subject to an inter-municipal tax sharing agreement pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the equalized valuation shall equal the product of .70 and the amount of equalized valuation certified by the director.

“Evening school pupils” means the equated full-time resident enrollment of pupils enrolled in a public evening school established pursuant to N.J.S.18A:48-1.

“Maximum Statewide foundation aid” shall be determined annually by subtracting the total State aid payable pursuant to

sections 14, 16, 80 and 81 of this amendatory and supplementary act from the maximum State school aid.

"Maximum State school aid" shall be determined for the 1992-93 school year and annually thereafter by multiplying the total State school aid calculated pursuant to sections 4, 14, 16, 80 and 81 of this amendatory and supplementary act for the prebudget year and the sum of 1.01 and the PCI.

The calculation of maximum State school aid shall assume that each district receives the maximum aid to which it is entitled.

"Net debt service" means the balance after deducting all revenues from the school debt service budget of the school district and the school debt service amount included in the municipal budget, except the amounts to be raised by local taxation and State aid.

"Postgraduate pupils" means pupils who have graduated from high school and are enrolled in a secondary school for additional high school level courses.

"Prebudget year" means the school year preceding the year in which the school budget will be implemented.

"Pupils eligible for free meals or free milk" means those children who have been determined to be eligible to receive a free meal or free milk under the National School Lunch Act, 42 U.S.C. §1751 et seq., and the Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq., as of October 15 of the prebudget year.

"PCI" means the average annual percentage increase, expressed as a decimal, in State per capita personal income over the four fiscal years ending on June 30 prior to the prebudget year. The per capita personal income for each of the four years shall be the average of the per capita personal income for the four quarters in each fiscal year utilizing the quarterly data for State personal income and State population as published by the United States Department of Commerce.

"Resident enrollment" means the number of pupils who on the last school day prior to October 16 of the prebudget year are residents of the district and are enrolled in: (1) the public schools of the district, including evening schools; (2) another school district, State college demonstration school or private school to which the district of residence pays tuition; (3) a State facility; (4) a county vocational school district; (5) a county special services school district; or (6) are receiving home instruction.

Handicapped children between three and five years of age and receiving programs and services pursuant to N.J.S.18A:46-6 shall be included in the resident enrollment of the district.

“School district” means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

“Special education services pupil” means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

“Special needs district” means any school district, other than a school district in which the equalized valuation per pupil is more than twice the average Statewide equalized valuation per pupil, which, as of June 5, 1990: a. was classified by the Department of Education as an urban school district and was included in the department’s district factor group A or B; or b. in which the quotient produced by dividing the number of pupils eligible for AFDC by the resident enrollment, less the number of preschool, evening school and post-graduate pupils, is greater than or equal to 0.15 and the number of pupils eligible for AFDC is greater than 1,000. For this calculation, pupils eligible for AFDC means those children aged 5-17 and resident in the district who are members of families which are eligible for “Aid to Families with Dependent Children” pursuant to P.L.1959, c.86 (C.44:10-1 et seq.), as of September 30 of the prebudget year.

“State facility” means a State residential facility for the retarded; a day training center which is operated by or under contract with the State and in which all the children have been placed by the State, including a private school approved by the Department of Education which is operated under contract with the Bureau of Special Residential Services in the Division of Developmental Disabilities in the Department of Human Services; a State residential youth center; a State training school or correctional facility; a State child treatment center or psychiatric hospital.

“Statewide equalized valuation” means the equalized valuation of all taxing districts in the State as certified by the Director of the Division of Taxation on October 1 of the prebudget year. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the tax court after December 15 of the prebudget year, the revised valuations shall be used in the recomputation of aid for an individual school district filing an appeal, but shall have no effect upon the calculation of the property value multiplier.

“Total Statewide income” means the sum of the district incomes of all taxing districts in the State.

“Total Statewide local fair share” means the total Statewide local foundation budget minus the maximum Statewide foundation aid.

“Total Statewide local foundation budget” means the sum of the foundation budgets of all districts in the State, assuming that each district’s local levy, as defined in section 5 of this amendatory and supplementary act, equals its local fair share or the largest amount permitted pursuant to the provisions of section 23 of this amendatory and supplementary act.

C.18A:7D-4 Foundation aid.

4. Each district’s foundation aid for current expense and capital outlay purposes shall be determined as follows:

$$A = B - L - S$$

where

A is the foundation aid;

B is the foundation budget, determined pursuant to section 5 of this amendatory and supplementary act;

L is the local levy, which equals the lesser of the district’s local fair share or the sum of the district’s budget year levies for current expense and capital outlay;

S is the excess surplus, equal to any beginning general fund free balance for the prebudget year which exceeds 15% of the district’s foundation budget for the prebudget year, after deducting from the balance any federal funds provided to a district pursuant to Pub.L.81-874, 20 U.S.C. §236 et seq.

C.18A:7D-5 Foundation budget.

5. The foundation budget for each district shall be determined as follows:

$$B = MB \times (L/FS)$$

where

B is the district’s foundation budget;

MB is the district’s maximum foundation budget, as calculated pursuant to section 6 of this amendatory and supplementary act;

L is the district’s local levy, which equals the lesser of the district’s local fair share or the sum of the district’s budget year levies for current expense and capital outlay;

FS is the district's local fair share, as determined pursuant to section 7 of this amendatory and supplementary act.

C.18A:7D-6 Maximum foundation budget.

6. The district's maximum foundation budget shall be calculated in accordance with the following formula:

$$MB = (F \times U) + C$$

where

MB is the maximum foundation budget;

F is the State foundation amount as defined pursuant to subsection b. of this section;

U is the number of foundation aid units for pupils in the district's resident enrollment as calculated pursuant to subsection a. of this section; and

C is the facilities component, which shall be determined by multiplying the district's adjusted resident enrollment by the facilities aid amount, as defined in subsection b. of this section.

a. For pupils in the district's resident enrollment, the number of foundation aid units shall be determined by adding the products obtained by multiplying the pupils in each grade category or program category by the appropriate foundation weight. For special needs districts, the appropriate foundation weight for each grade category shall be multiplied by the special needs weight, which shall equal 1.05. Pupils counted in a program category shall not also be counted in a grade category.

<u>Grade Category</u>	<u>Foundation Weight</u>
Full Day Kindergarten or preschool	1.00
Half Day Kindergarten or preschool	0.50
Grades 1-5.....	1.00
Grades 6-8.....	1.10
Grades 9-12.....	1.33
 <u>Program Category</u>	
Special education services pupil	1.00
Evening school	0.50
Post-graduate	0.50
County vocational school.....	1.59

b. As used in this section:

The State foundation amount for the 1991-92 school year shall equal \$6,835.00, and thereafter shall equal the product of the State foundation amount for the prebudget year and the sum of 1.0 and the PCI.

The facilities aid amount for the 1991-1992 school year shall equal \$110.00, and thereafter shall equal the product of the facilities aid amount for the prebudget year and the sum of 1.0 and the PCI.

c. For the purposes of calculating foundation aid units pursuant to this section, pupils in ungraded classes shall be assigned to the most appropriate grade category in accordance with procedures to be established by the commissioner.

d. The county vocational school program categories shall be applicable to full and part-time post secondary pupils attending county vocational schools, provided that the weight for part-time pupils may be adjusted in accordance with procedures to be established by the commissioner.

C.18A:7D-7 Local fair share.

7. Each school district's local fair share shall be calculated as follows:

$$FS = ((V \times VM) + (I \times IM))/2$$

where

FS is the local fair share;

V is the district's total equalized valuation;

VM is the property value multiplier, as determined pursuant to section 8 of this amendatory and supplementary act;

I is the district's adjusted income, as determined pursuant to section 9 of this amendatory and supplementary act; and

IM is the income multiplier, as determined pursuant to section 8 of this amendatory and supplementary act.

C.18A:7D-8 Property value multiplier, income multiplier.

8. The values for the property value multiplier and the income multiplier shall be annually determined by the commissioner as follows:

The property value multiplier shall be determined such that foundation aid equals the maximum Statewide foundation aid had foundation aid been determined according to sections 4 through 7 of this amendatory and supplementary act, had each school district's local fair share equalled the product of the property value multiplier and the district's equalized valuation; and had each district's local levy equalled its local fair share or the largest amount permitted pursuant to section 23 of this amendatory and supplementary act.

The income multiplier shall be determined such that foundation aid equals the maximum Statewide foundation aid had foundation aid been determined according to sections 4 through 7 of this amendatory and supplementary act, had each school district's local fair share equalled the product of the income multiplier and the district's adjusted income, as determined pursuant to section 9 of this amendatory and supplementary act; and had each district's local levy equalled its local fair share or the largest amount permitted pursuant to section 23 of this amendatory and supplementary act.

In the event that these multipliers, when used in accordance with the provisions of sections 4 through 7 of this amendatory and supplementary act and assuming that each district's local levy equals its local fair share or the largest amount permitted pursuant to section 23 of this amendatory and supplementary act, do not result in foundation aid equal to the maximum Statewide foundation aid, the commissioner shall adjust the above multipliers appropriately giving equal weight to each.

C.18A:7D-9 Adjusted income.

9. Each district's adjusted income shall equal the district income, unless the district meets the conditions in subsection a.

a. If for any school district:

$$RV < 0.5 \text{ and } RI/RV > 1.5;$$

then the district's adjusted income shall equal the greater of:

(1) $P - (\$15,000 \times E)$; or

(2) $1.5 \times RV \times SI \times E$

where

P means the district income;

SI means the State average income per pupil, calculated by dividing total Statewide income by the Statewide resident enrollment;

RV means the ratio of district equalized valuation per pupil to the State average equalized valuation per pupil, calculated by dividing the district's equalized valuation per pupil by the Statewide equalized valuation per pupil;

RI means the ratio of district income per pupil to the Statewide average income per pupil, calculated by dividing the district's income per pupil by the State average income per pupil; and

E means resident enrollment.

b. As used in this section:

"District income per pupil" equals the district income divided by the resident enrollment;

"Equalized valuation per pupil" equals the district's equalized valuation divided by the resident enrollment;

"State average equalized valuation per pupil" equals the Statewide equalized valuation divided by the resident enrollment of all school districts in the State.

C.18A:7D-10 Foundation aid anticipated as revenue.

10. Of the foundation aid determined for a district pursuant to this amendatory and supplementary act, an amount calculated as follows shall be anticipated as revenue in the district's capital outlay budget:

Divide the district's foundation aid by the district's foundation budget. Multiply the quotient by the facilities' component of the district's maximum foundation budget as determined pursuant to section 6 of this amendatory and supplementary act.

C.18A:7D-13 Revision in schedule of foundation weights.

11. On or before April 1, 1992, and on or before April 1 of each subsequent even numbered year, the Governor, after consultation with the Department of Education, shall recommend to the Legislature any revision in the schedule of foundation weights, including the special needs weight but excluding the weights for county vocational school programs, in section 6 of this amendatory and supplementary act and any revisions in the at-risk weights in section 80 of this amendatory and supplementary act and the bilingual weight in section 81 of this amendatory and supplementary act which is deemed proper, together with appropriate supporting information. The revised weights shall be deemed approved for the

fiscal year beginning one year from the subsequent July 1 at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the revised schedule of weights, in which case the weights then in effect shall continue in effect.

C.18A:7D-14 Weights, classifications for county vocational school programs.

12. a. The commissioner shall undertake a study of the cost of providing county vocational school programs and shall, based upon the results of that study, propose classifications and program weights for these programs based upon the average cost of providing each class of program. The classification system shall include not more than three classes of vocational programs. The classification and weights shall be such that had they been in effect for the 1991-1992 school year the total number of foundation units generated Statewide by the classification and weights would not have exceeded the product of the number of county vocational school students in the State and 1.59.

b. On or before April 1, 1992 the Governor, after consultation with the Department of Education, shall recommend to the Legislature the weights and classifications for county vocational school programs which are deemed proper, together with appropriate supporting information. The weights and classifications shall be deemed approved for the 1993-94 school year at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless, between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the weights and classifications, in which case the weight of 1.59 for all vocational programs shall continue in effect.

c. On or before April 1, 1994, and on or before April 1 of each subsequent even numbered year, the Governor, after consultation with the Department of Education, shall recommend to the Legislature any revision in the weights or classifications of county vocational school programs which is deemed proper, together with appropriate supporting information. The revised weights or classifi-

cations shall be deemed approved for the fiscal year beginning one year from the subsequent July 1 at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the revised weights and classifications, in which case the weights and classifications then in effect shall continue in effect.

C.18A:7D-15 Excess free balances, maximum State school aid.

13. a. For the purpose of calculating foundation aid for the 1991-92 school year pursuant to section 4 of this amendatory and supplementary act, excess free balances for all districts shall be \$0.00.

b. For the purpose of computing the maximum Statewide foundation aid for the 1991-92 school year pursuant to section 3 of this amendatory and supplementary act, maximum State school aid shall equal \$4,250,000,000.

C.18A:7D-16 Special education aid.

14. Each district's special education aid shall be determined in accordance with the following calculations:

a. The number of special education aid units shall be determined by adding the products obtained by multiplying the pupils in each category by the appropriate additional cost factors. The additional cost factors shall be the following:

<u>Special Education Categories</u>	<u>Additional Cost Factors</u>
Educable	0.60
Trainable	0.99
Orthopedically handicapped	1.70
Neurologically impaired	0.42
Perceptually impaired	0.12
Visually handicapped	2.79
Auditorily handicapped	1.63
Communication handicapped	0.84
Emotionally disturbed	1.09
Socially maladjusted	0.67
Chronically ill	2.23

Multiply handicapped	1.05
Resource room	0.45
Autistic	1.84
Preschool Handicapped.....	0.30
County special services school district	1.38
Regional Day schools	1.38
County Vocational School, Special Education Services.....	0.59
Residential facility for the retarded	1.72
Day training center	2.37
Residential youth center	1.39
Training school or correctional facility	0.56
Child treatment center or psychiatric hospital	1.03
Supplementary and speech instruction.....	0.18 based on the number of pupils actually receiving such instruction in the prior school year

b. The number of special education aid units for home instruction shall be determined by multiplying the number of hours of instruction actually provided in the prior school year by 0.0025.

c. For the purposes of this section, special education aid for pupils attending county vocational schools or county special services school districts shall be credited to districts in which the pupils reside and paid to the county vocational school pursuant to the provisions of subsection e. of section 71 of P.L.1990, c.52 (C.18A:54-20.1) or county special services school pursuant to subsection d. of section 3 of P.L.1971, c.271 (C.18A:46-31). Special education aid for supplementary, speech and home instruction for pupils attending county vocational schools or county special services schools shall be paid to the districts in which the pupils reside.

Special education aid for all other pupils shall be paid to districts in which the pupils reside except in the case of home, supplementary or speech instruction where aid shall be paid to the district providing the service. No school, other than a county vocational school or a county special services school district, may charge tuition for home, supplementary or speech instruction for costs covered by special education aid as provided in this section.

d. Special education aid shall equal the number of special education aid units multiplied by the State foundation amount, as defined pursuant to section 6 of this amendatory and supplementary act.

C.18:7D-17 Revised additional cost factors.

15. On or before April 1, 1992, and on or before April 1 of each subsequent even numbered year, the Governor, after consultation with the Department of Education, shall recommend to the Legislature any revision in the schedule of additional cost factors in section 14 of this amendatory and supplementary act which is deemed proper, together with appropriate supporting information concerning the average excess cost of providing special education services. The revised additional cost factors shall be deemed approved for the fiscal year beginning one year from the subsequent July 1 at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the revised schedule of additional cost factors, in which case the additional cost factors then in effect shall continue in effect.

C.18A:7D-18 State aid for transportation.

16. Each district's State aid for transportation shall equal the sum of A1, A2 and A3 determined as follows:

$$A1 = R \times C + (R \times D \times W)$$

$$A2 = RS \times CS + (RS \times DS \times WS)$$

$$A3 = (R + RS) \times ((P \times PM) + (E \times EM))$$

where

R is the number of pupils eligible for transportation pursuant to N.J.S.18A:39-1 as of the last school day prior to October 16 of the prebudget year;

C is the per pupil constant, which shall equal 502.27 for school districts located in very high cost counties, shall equal 365.10 for school districts located in high cost counties and shall equal 254.41 for school districts located in any other county;

D is the average distance between the home and school of the pupils eligible for transportation pursuant to N.J.S.18A:39-1;

W is the regular transportation mileage weight, which shall equal 21.57 for school districts located in the very high cost counties and high cost counties and shall equal 14.19 for school districts located in any other county;

RS is the number of pupils eligible for transportation pursuant to N.J.S.18A:46-23 as of the last school day prior to October 16 of the prebudget year;

CS is the per pupil constant for N.J.S.18A:46-23 transportation, which shall equal 1051.72 for school districts located in very high cost counties, shall equal 914.55 for school districts located in high cost counties and shall equal 803.86 for school districts located in any other county;

PM means the population density multiplier, which equals .00541;

P means population density, calculated as the district's population according to the most recent data available from the Bureau of the Census divided by the number of square miles in the school district;

DS is the average distance between the home and school of the pupils eligible for transportation pursuant to N.J.S.18A:46-23;

WS is the mileage weight for N.J.S.18A:46-23 transportation, which shall equal 64.05 for school districts located in very high cost counties and high cost counties and shall equal 56.68 for school districts located in any other county;

EM means the district size multiplier, which equals .00762; and

E means the resident enrollment of the district.

As used in this section a high cost county is a county in which for the 1988-89 school year the average cost per pupil mile for approved transportation, other than for handicapped pupils or pupils whose parent or guardian receives a payment in lieu of transportation pursuant to N.J.S.18A:39-1, exceeded the State-wide average by more than 15%.

As used in this section a very high cost county is a county in which for the 1988-89 school year the average cost per pupil mile for approved transportation, other than for handicapped pupils or pupils whose parent or guardian receives a payment in lieu of transportation pursuant to N.J.S.18A:39-1, exceeded the State-wide average by more than 85%.

Whenever the parent or guardian of a pupil receives a payment in lieu of transportation pursuant to N.J.S.18A:39-1, the State aid for transportation received by the district for that pupil shall not exceed the amount of the payment.

For any school year in which the numerical values in this section have not been altered pursuant to section 17 of this amendatory and supplementary act, the State aid amount calculated for a district pursuant to this section shall be increased by the product of the amount calculated and the CPI.

C.18A:7D-19 Revised schedule of values.

17. On or before April 1, 1992, and on or before April 1 of each subsequent even numbered year, the Governor, after consultation with the Department of Education, shall recommend to the Legislature any revision in any numerical value in section 16 of this amendatory and supplementary act, including the numerical criteria for a high cost county and a very high cost county, which is deemed proper, together with appropriate supporting information. The revised values shall be deemed approved for the fiscal year beginning one year from the subsequent July 1 at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the revised schedule of values, in which case the values then in effect shall continue in effect.

C.18A:7D-22 State aid for debt service.

18. Each district's State aid for debt service shall be calculated as follows:

$$A = DB \times (MB - FS)/MB$$

where

A is the district's State aid for debt service;

DB is the district's net debt service budget;

MB is the district's maximum foundation budget, as determined pursuant to section 6 of this amendatory and supplementary act; and

FS is the district's local fair share, as determined pursuant to section 7 of this amendatory and supplementary act.

C.18A:7D-24 Payment to school districts.

19. The amounts payable to each school district pursuant to this act shall be paid by the State Treasurer upon the certification of the commissioner and warrant of the Director of the Division of Budget and Accounting. Five percent of the appropriation for foundation, special education, transportation, at-risk and bilingual aid shall be paid on the first and fifteenth of each month from September through June. If a local board of education requires funds prior to the first payment, the board shall file a written request with the Commis-

sioner of Education stating the need for the funds. The commissioner shall review each request and forward those for which need has been demonstrated to the appropriate officials for payment.

Debt service funds shall be paid as required to meet due dates for payment of principal and interest.

Each school district shall file an annual written request for debt service payments to the commissioner 30 days prior to the beginning of the fiscal year for which the appropriation is made. Such request shall include the amount of interest bearing school debt, if any, of the municipality or district then remaining unpaid, together with the rate of interest payable thereon, the date or dates on which the bonds or other evidences of indebtedness were issued, and the date or dates upon which they fall due. In the case of Type I school districts, the board secretary shall secure the schedule of outstanding obligations from the clerk of the municipality.

C.18A:7D-25 Reports to commissioner.

20. Annually, on or before October 20, the secretary of the board of education, with the approval of the superintendent of schools, or if there is no superintendent of schools, with the approval of the county superintendent of schools, shall file with the commissioner a report stating the number of pupils enrolled by grade, the number of these pupils in approved programs of special education, bilingual education and vocational education, and the number of pupils in State facilities, county vocational schools, county special services schools, State college demonstration schools, evening schools, approved private schools for the handicapped, other public or private schools to which the district is paying tuition, or who are receiving home instruction on the last school day prior to October 16. In addition, districts shall file annual reports providing such information as the commissioner may require for pupils receiving special education services.

C.18A:7D-26 Notification of maximum amount of aid payable.

21. Annually, on or before December 15 the commissioner shall notify each district of the maximum amount of aid payable to the district under the provisions of this amendatory and supplementary act in the succeeding year and shall notify each district that is subject to the provisions of section 85 of this amendatory and supplementary act of the district's maximum permissible local levy budget for the succeeding year. The actual aid payment to each district shall be determined after the district's budget is adopted.

C.18A:7D-27 Proposed budgets to commissioner.

22. Annually, on or before January 15, local boards of education shall submit to the commissioner a copy of their proposed budgets for the next school year. The commissioner shall review each item of appropriation within the current expense and capital outlay budgets and shall determine the adequacy of the budgets with regard to the annual reports submitted pursuant to section 11 of P.L.1975, c.212 (C.18A:7A-11) and such other criteria as may be established by the State board.

Whenever a district's proposed budget includes a foundation budget which exceeds the district's foundation budget from the prebudget year by more than 10%, the board shall submit with the budget a plan to improve the quality and range of the district's educational program with the additional funds. The plan shall utilize policies and programs whose educational effectiveness has been demonstrated. Permissible uses of the additional funds shall include the reduction of class size, expansion of the curriculum, expansion of support services, enhancement of inservice training and such other uses as the commissioner may approve.

C.18A:7D-29 Limitation on foundation budget.

23. For the purpose of calculating foundation aid, the foundation budget, as calculated pursuant to section 5 of this amendatory and supplementary act, shall not be greater than 130% of the foundation budget for the prebudget year. Accordingly, the value for the local levy, as used in sections 4 and 5 of this amendatory and supplementary act, shall be limited to an amount that will generate a permissible foundation budget. Nothing in this section shall restrict the local school levies adopted pursuant to chapter 22 of Title 18A of the New Jersey Statutes.

C.18A:7D-30 Calculation of foundation aid growth limitation.

24. For the purpose of calculating the foundation aid growth limitation in section 23 of this amendatory and supplementary act for the 1991-92 school year, each district's foundation budget for the 1990-91 school year shall equal the balance in the current expense and capital outlay budgets after deducting (1) State aid for handicapped pupils pursuant to section 20 of P.L.1975, c.212 (C.18A:7A-20), (2) State aid for approved transportation, (3) all other revenue in the current expense and capital outlay budgets except the amount to be provided by local taxation, equalization support, budgeted capital outlay support, and State support for

bilingual education, compensatory education and local vocational education. This amount shall be increased to include State support paid on the district's behalf in the 1990-1991 school year pursuant to N.J.S.18A:66-33 and N.J.S.18A:66-66. In addition, the commissioner shall adjust this amount for each district which sent or received pupils during the 1990-91 school year to reflect the change in the definition of resident enrollment contained in this amendatory and supplementary act. All of the expenses of and aid for a county vocational school district or a county special services school district shall be reallocated to the districts of residence on a per pupil basis. Aid paid on behalf of receiving districts pursuant to N.J.S.18A:66-33 and N.J.S.18A:66-66 shall be reallocated to districts of residence on a per pupil basis. Aid payments pursuant to N.J.S.18A:66-66 shall be estimated for each district.

C.18A:7D-33 Transition aid.

25. a. State transition aid shall be calculated in accordance with the following formula:

$$T = F \times (B - A)$$

where

T means transition aid;

F means transition aid factor, which shall equal 1.0 for the 1991-92 school year, 0.75 for the 1992-93 school year, 0.50 for the 1993-94 school year, 0.25 for the 1994-95 school year, and 0.0 thereafter;

A means the district State aid amount, which shall equal the sum of State aid received by or paid on behalf of a school district during the 1991-92 school year pursuant to sections 4, 14, 16, 80 and 81 of this amendatory and supplementary act; and

B means base aid amount, which shall equal the product of 1.065 and the sum of State aid received by or paid on behalf of a school district during the 1990-1991 school year pursuant to sections 18, 19, 20 and 24 of P.L.1975, c.212 (C.18A:7A-18, 18A:7A-19, 18A:7A-20, 18A:7A-24), N.J.S.18A:46-23, section 16 of P.L.1971, c.271 (C.18A:46-44), N.J.S.18A:58-6, N.J.S.18A:58-7, N.J.S.18A:66-33 and N.J.S.18A:66-66, less any debt service aid received by or on behalf of the district. The commissioner shall adjust this amount for each district which sends or receives pupils

to reflect the change in the definition of resident enrollment contained in this amendatory and supplementary act. All of the above aid received by a county vocational school district or a county special services school district shall be reallocated to the districts of residence on a per pupil basis. Aid paid on behalf of receiving districts pursuant to N.J.S.18A:66-33 and N.J.S.18A:66-66 shall be reallocated to districts of residence on a per pupil basis. Aid payments pursuant to N.J.S.18A:66-66 shall be estimated for each district and the commissioner shall adjust the base aid amount when the amount of actual payments are known.

b. If, in any year, the transition aid calculated pursuant to this section for any district is less than zero, the district shall not receive transition aid in that year. Five percent of the appropriation for State transition aid shall be paid on the first and fifteenth of each month from September to June.

C.18A:7D-34 "Transition School Aid Account"; established.

26. a. There is established within the Property Tax Relief Fund, N.J.S.54A:9-25, a special account to be known as the "Transition School Aid Account." The State Treasurer shall deposit into this account the additional revenues derived from the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., during the period from January 1, 1991 through June 30, 1991 as calculated herein. The additional revenues shall be calculated by the State Treasurer as the difference between the revenues derived from the imposition of the "New Jersey Gross Income Tax Act" as amended pursuant to sections 12 through 17 of P.L.1990, c.61 and the revenues that would have been derived during that period from the imposition of the "New Jersey Gross Income Tax Act" as if those sections of P.L.1990, c.61 were not in effect.

b. In addition, the State Treasurer shall deposit into the Transition School Aid Account the moneys made available, during the period from January 1, 1991 through June 30, 1991, as a result of the repeal of N.J.S.54A:4-3 and sections 1 through 14 of P.L.1985, c.304 (C.54A:3A-1 through 54A:3A-14) pursuant to section 19 of P.L.1990, c.61, as calculated by the State Treasurer.

c. In addition, the Treasurer shall deposit into the Transition School Aid Account any additional funds appropriated for transition aid.

d. All funds deposited in the Transition School Aid Account shall be used for the payment of transition aid to schools pursuant to this act during the period from July 1, 1991 through June 30,

1995. However, if at any time prior to June 30, 1995, the Treasurer determines that the total funds in the account exceed the total amount payable from the fund through June 30, 1995 pursuant to this act, the Treasurer may redeposit those excess funds in the Property Tax Relief Fund.

The Transition School Aid Account shall expire on June 30, 1995, and any funds remaining in the account on that date shall be redeposited in the Property Tax Relief Fund.

C.18A:7D-35 Compliance with rules and standards for equalization of opportunity necessary for receipt of State aid.

27. In order to receive any State aid pursuant to this amendatory and supplementary act, a school district shall comply with the rules and standards for the equalization of opportunity which have been or which may hereafter be prescribed by law, or formulated by the commissioner or the State board pursuant to law. The commissioner is hereby authorized to withhold all or part of that State aid for failure to comply with any rule or standard. No State aid shall be paid to any district which has not provided public school facilities for at least 180 days during the preceding school year, but the commissioner, for good cause shown, may remit the penalty.

C.18A:7D-36 Adjustment of State aid calculations among districts.

28. When State aid shall have been calculated for any year and a part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional board of education, the commissioner shall adjust the State aid calculations among the districts affected, or between the district and the regional board, as the case may be, on an equitable basis in accordance with the intent of this amendatory and supplementary act.

Whenever an all-purpose regional district is approved by the voters during any calendar year, the regional district shall become effective on the succeeding July 1 for the purpose of calculating State aid, and the commissioner shall request supplemental appropriations for such additional State aid as may be required.

After a regional school district becomes entitled to State aid, it shall continue to be entitled to such aid as calculated for a regional district notwithstanding the subsequent consolidation of the constituent municipalities of the regional school district.

29. Section 12 of P.L.1968, c.243 (C.18A:6-62) is amended to read as follows:

C.18A:6-62 Annual budget; preparation, adoption, funding.

12. The representative assembly shall annually, on or before January 15, adopt a budget for the ensuing fiscal year, which shall contain the estimated cost of providing each service or program, and submit such budget within three days of adoption to the county superintendent for approval.

By December 1 prior to the adoption of the budget the board shall notify each member board of education of the fees to be charged for each service and program for the ensuing school year and of the method by which the commission expenses shall be funded.

The commission expenses may be paid from one or more of the following sources:

- a. unappropriated balances from the prebudget year;
- b. anticipated surpluses to be generated by fees for programs or services;
- c. payments by member districts;
- d. anticipated miscellaneous revenues.

If payments shall be made by member districts to pay for all or part of the commission expenses, each member district's share shall be determined as the proportion which the total public school enrollment in the school district on the last school day prior to October 16 of the year in which the budget is made bears to the total public school enrollment for all member districts on the last school day prior to October 16 or in any other manner agreed to by two-thirds of the members of the representative assembly. Payment of the member district's share of the commission expense, when so determined, shall be an obligation of a member school district, and payments shall be made during the school year for which such budget shall have been made in a manner determined by the representative assembly.

30. Section 3 of P.L.1975, c.212 (C.18A:7A-3) is amended to read as follows:

C.18A:7A-3 Definitions.

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

"Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

“Goals” means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

“Joint Committee on the Public Schools” means the committee created pursuant to P.L.1975, c.16 (C.52:9R-1 et seq.).

“Needs assessment” means a written analysis of the current status of an educational system in terms of achieving its goals.

“Objective” means a written statement of the intended outcome of a specific educational process.

“Standards” means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

31. Section 14 of P.L.1975, c.212 (C.18A:7A-14) is amended to read as follows:

C.18A:7A-14 Failure of school or school districts to show progress; remedial plan; insufficiency; corrective action; hearing on order to show cause.

14. a. The commissioner shall review the results of the evaluations conducted and reports submitted pursuant to sections 10 and 11 of P.L.1975, c.212 (C.18A:7A-10 and 18A:7A-11). If the commissioner shall find that a school district satisfies the evaluation criteria, the commissioner shall recommend that the State board certify the school district as providing a thorough and efficient system of education. If the commissioner shall find that a school district has failed to show sufficient progress toward the goals, guidelines, objectives and standards, including the State goal and any local interim goal concerning pupil proficiency in basic communications and computational skills, established in and pursuant to this act, the commissioner shall advise the local board of education of such determination, and shall direct that the district enter level II monitoring, as defined pursuant to law and regulation.

b. When a district enters level II monitoring, the commissioner shall direct the local board to prepare an improvement plan and submit the plan to the commissioner for approval. The improvement plan shall be based upon the school district's own internal review and assessment of those remedial activities necessary to correct those deficiencies noted in the evaluations and reports. If the commissioner approves the plan, the commissioner shall assure its implementation in a timely and effective manner. If the commissioner finds that the district is unsuccessful in correcting the deficiencies noted in the evaluation process, the commissioner shall direct that the district enter level III monitor-

ing, as defined pursuant to law and regulation. However, if the commissioner determines that a district is making reasonable progress toward correcting deficiencies, the commissioner may grant an extension for a specific period of time. During this extension the district will remain under level II monitoring. At the end of the extension the commissioner shall determine whether the district is eligible for certification or if the district must be directed to enter level III monitoring.

c. When a district enters level III monitoring the commissioner shall establish procedures whereby parents of students in the district may meet with the commissioner or the commissioner's representative to discuss their concerns and the commissioner shall designate the county superintendent to appoint an external review team whose members shall be qualified by training and experience to examine the conditions in the specific district. In conjunction with the Department of Education, the team shall examine all aspects of the district's operations including but not limited to education, governance, management and finance. In addition, the team should examine factors external to the district's schools which may contribute to the district's deficiencies in educational achievement and may recommend measures to mitigate the effects of those external factors in the schools. The team will report its findings and conclusions, including directives to be utilized by the district in the preparation of a corrective action plan to achieve certification, to the commissioner. The commissioner will direct the district to use the report of the external review team to establish a corrective action plan. The corrective action plan must be submitted to and approved by the commissioner. The commissioner shall assure that the local district's budget provides the resources necessary to implement the approved plan. The entire cost of those activities associated with the review team shall be paid by the Department of Education. If the commissioner finds, based upon the findings and directives of the review team and the Department of Education, that conditions within the district may preclude the successful implementation of a corrective action plan or that the district has failed to make reasonable progress in the implementation of a corrective action plan to achieve certification, the commissioner shall direct that a comprehensive compliance investigation be conducted by the Department of Education. If the commissioner directs that a comprehensive compliance investigation be conducted, the commissioner may order any necessary action to insure the security of the books, papers, vouchers and records of the district.

d. Whenever a district in level III monitoring shall be required to implement an approved corrective action plan pursuant to this section, the commissioner shall determine the cost to the district of implementation of those portions of the corrective action plan which are directly responsive to the district's deficiencies as identified in the report of the external review team or, where applicable, by the commissioner. In making this fiscal assessment, the commissioner shall identify those aspects of the corrective action plan which are already contained in the district's current expense budget. Where appropriate, the commissioner shall reallocate funds within the district's budget to support the corrective action plan. Once reallocated, any transfers among line items of the district's budget may occur only with the commissioner's approval. The commissioner shall further determine the amount of additional revenue, if any, needed to implement the corrective action plan and shall recertify a budget for the district.

e. A comprehensive compliance investigation shall entail a thorough and detailed examination of a district's educational programs, fiscal practices, governance and management. Based on the investigation, the commissioner shall issue a report which will document any irregularities and list all those aspects of the corrective action plan established pursuant to subsection c. of this section which have not been successfully implemented by the district or the conditions which would preclude the district from successfully implementing a plan. A copy of this report shall be given to the district. The commissioner shall also order the local board to show cause why an administrative order, subject to the provisions of section 15 of this act and section 1 of P.L.1987, c.399 (C.18A:7A-34) should not be implemented. The plenary hearing before a judge of the Office of Administrative Law, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon said order to show cause shall be conducted in the manner prescribed by subdivision B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes.

In the proceeding the State shall have the burden of showing that the recommended administrative order is not arbitrary, unreasonable or capricious.

32. Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended to read as follows:

C.18A:7A-50 Budget, development, presentation.

17. The State district superintendent of a State-operated school district shall develop a budget on or before the first Tuesday in

March and shall present this budget to the board of education to elicit the board's comments and recommendations. This budget shall conform in all respects with the requirements of chapter 22 of Title 18A of the New Jersey Statutes and shall be subject to the limitations on spending by local school districts otherwise required by P.L.1990, c.52 (C.18A:7D-1 et al.).

33. Section 19 of P.L.1987, c.399 (C.18A:7A-52) is amended to read as follows:

C.18A:7A-52 Determination of amount of appropriation for following school year.

19. a. After the public hearing provided for by section 18 of this amendatory and supplementary act but not later than March 18, the State district superintendent shall fix and determine the amount of money necessary to be appropriated for the ensuing school year and shall certify the amounts to be raised by special district tax for school purposes as well as the sum necessary for interest and debt redemption, if any, to the county board of taxation and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district. Within 15 days after the certification by the State district superintendent, the governing body of the municipality or municipalities comprising the district shall notify the State district superintendent of its intent to appeal to the commissioner the amount determined to be necessary to be appropriated for each item appearing in the proposed budget. The commissioner, upon receipt of the appeal from the governing body of the municipality or municipalities comprising the district and upon completion of the hearing process, shall determine the amount necessary for the district to provide a thorough and efficient educational program including the implementation of the plan to correct deficiencies.

b. Notwithstanding that the State-operated district shall receive State education aid for its budget as prepared by the State district superintendent and as approved by the commissioner pursuant to subsection a. of this section, the governing body of the municipality or municipalities comprising the district may apply to the Director of the Division of Local Government Services in the Department of Community Affairs for a determination that the local share of revenues needed to support the district's budget results in an unreasonable tax burden. The director's findings of an unreasonable tax burden in a State-operated school district may be based on the overall school, county and municipal tax rates includ-

ing any overlapping obligation of the community, cash deficit, insufficient percentage of tax collections, insufficient collection of other revenues, overanticipation of the revenues of prior years, nonliquidation of interfund transfers, reliance on emergency authorizations, continual rollover of tax anticipation notes, or other factors indicating a constrained ability to raise sufficient revenues to meet its budgetary requirements. In addition, the director's review may include but need not be limited to an analysis of the ratable base of the community, the per capita income of the residents of the district and the percentage of residents on a fixed income, cash reserves and receivables of the district including the availability of any deferred tax, the ability of the community to dispose of property for which no public purpose is anticipated and all other current revenue raising capacity including procedures for collection which may permit greater anticipation of revenue.

c. Based upon his review, the director shall certify the amount of revenues which can be raised locally to support the budget of the State-operated district. Any difference between the amount which the director certifies and the total amount of local revenues required by the budget approved by the commissioner shall be paid by the State in the fiscal year in which the expenditures are made, subject to the availability of appropriations.

34. Section 6 of P.L.1979, c.207 (C.18A:7B-2) is amended to read as follows:

C.18A:7B-2 Deductions; forwarding of sums to appropriate departments; disposition.

6. a. For each child who is resident in a district and in a State facility on the last school day prior to October 16 of the prebudget year, the Commissioner of Education shall deduct from the State aid payable to such district an amount equal to the State foundation amount plus the appropriate special education aid.

b. If, for any district, the amount to be deducted pursuant to subsection a. of this section is greater than State aid payable to the district, the district shall pay to the Department of Education the difference between the amount to be deducted and the State aid payable to the district.

c. The amount deducted pursuant to subsection a. of this section and the amount paid to the Department of Education pursuant to subsection b. of this section shall be forwarded to the Department of Human Services if the facility is operated by or under contract

with that department, or to the Department of Corrections if the facility is operated by that department, and shall serve as payment by the district of tuition for the child. This amount shall be used solely for the support of educational programs and shall be maintained in a separate account for that purpose. No district shall be responsible for the tuition of any child admitted to a State facility after the last school day prior to October 16 of the prebudget year.

35. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to read as follows:

C.18A:7B-12 Determination of district of residence.

19. For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. The district of residence for children in foster homes shall be the district in which the foster parents reside. If a child in a foster home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such foster placement had occurred.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, private schools or out-of-State facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

If this cannot be determined, the district of residence shall be the district in which the child resided prior to such admission or placement.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, or if the criteria contained herein identify a district of residence outside of the State, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the State foundation amount plus the appropriate special education aid, if any. This amount shall be appropriated in the same manner as other State aid under this act. The Department of Education shall pay the amount to the Department of Human Ser-

vices or the Department of Corrections or, in the case of a homeless child, to the school district in which the child is enrolled.

36. Section 4 of P.L.1988, c.168 (C.18A:7C-6.2) is amended to read as follows:

C.18A:7C-6.2 Assessment of progress; remediation.

4. The Commissioner of Education shall develop and administer to all eighth grade pupils in the school year which begins in September 1990, and annually thereafter, a test to assess progress toward mastery of State graduation proficiency standards. For any student not meeting established examination standards, the local board of education shall provide for appropriate remediation in areas of demonstrated deficiency. Appropriate remediation may include after school, weekend and summer programs.

37. N.J.S.18A:13-23 is amended to read as follows:

Apportionment of appropriations.

18A:13-23. The annual or special appropriations for regional districts, including the amounts to be raised for interest upon, and the redemption of, bonds payable by the district, shall be apportioned among the municipalities included within the regional district upon the basis of the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of P.L.1990, c.52 (C.18A:7D-3).

38. N.J.S.18A:21-2 is amended to read as follows:

Authorization; establishment of accounts.

18A:21-2. The board of school estimate of any district having such a board and the board of education of any other district may establish a capital reserve account pursuant to this article which may be maintained and used as in this article provided.

39. N.J.S.18A:21-3 is amended to read as follows:

Credits to capital reserve accounts.

18A:21-3. Such account shall be established by resolution of the board of school estimate or the board of education, as the case may be, in such form as shall be prescribed by the commissioner,

a true copy of which shall be filed with the department. For any school year an amount not to exceed the amount of foundation aid anticipated in the capital outlay budget, as calculated pursuant to section 10 of P.L.1990, c.52 (C.18A:7D-10), plus any additional sum expressly approved by the voters of the district or the board of school estimate may be appropriated to the account. The account shall also include the earnings attributable to the investment of the assets of the account.

40. N.J.S.18A:21-4 is amended to read as follows:

Use of reserve accounts.

18A:21-4. A board of education may in any school year draw against its capital reserve account, up to the amount of the balance therein, to the extent that such withdrawal is anticipated as a revenue in the school budget for the then current school year; provided, that no money drawn from the account may be used for current expenses or debt service payments.

41. N.J.S.18A:21-5 is amended to read as follows:

Maintenance of capital reserve accounts.

18A:21-5. The capital reserve account of each district shall be maintained by the local district, in accordance with procedures to be established by the commissioner.

42. Within 90 days of the enactment of this amendatory and supplementary act, the State Treasurer shall transfer any funds on deposit in a school building aid capital reserve fund, pursuant to N.J.S.18A:58-25, to the school district that deposited the funds. The district shall place the funds so received in its capital reserve account.

43. N.J.S.18A:22-8 is amended to read as follows:

Contents of budget; program budget system.

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. In tabular form there shall be set forth the following:

(1) The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of December 1 of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for at least the following items:

- (a) Salaries—administration
- (b) Salaries—teaching
- (c) Salaries—for the operation of plant and maintenance
- (d) Categorical programs
 - (i) Salaries
 - (ii) Other
- (e) Supplies for the operation of plant—including fuel
- (f) Textbooks
- (g) Instructional supplies
- (h) Other supplies
- (i) School libraries and audio visual materials
- (j) Transportation of pupils
- (k) Insurance
- (l) Legal fees
- (m) Consulting fees, including negotiating fees
- (n) Contracts for maintenance
- (o) Property
- (p) Maintenance
- (q) Evening schools
- (r) Classes for the foreign born
- (s) Vocational evening schools and courses
- (t) Tuition paid to other districts
- (u) Interest and debt redemption charges, in type II districts
- (v) Pension contributions
- (w) Social Security payments
- (x) Any other major purposes including any capital project which the State Board of Education desires to include in the annual budget;

(2) The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;

(3) The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school year as of December 1 of the current school year and the amount anticipated to be available for the ensuing school year in the following categories:

- (a) Total to be raised by local property taxes
- (b) Total State aid
 - (i) Foundation aid
 - (ii) Special education aid
 - (iii) Transportation aid
 - (iv) At-risk aid
 - (v) Bilingual aid
 - (vi) Other
 - (vii) Transition aid
- (c) Total Federal aid
 - (i) Elementary and Secondary Education Act of 1965
(20 U.S.C. §2701 et seq.)
 - (ii) Handicapped
 - (iii) Impact Aid
 - (iv) Vocational
 - (v) Other
- (d) Other Sources.

b. In addition, the commissioner may provide for a program budget system.

c. In the event that the total expenditure for any item of appropriation is equal to \$0.00 for: (1) the preceding school year, (2) the current school year, and (3) the amount estimated to be necessary to be appropriated for the ensuing school year, that item shall not be required to be published pursuant to N.J.S.18A:22-11.

44. Section 3 of P.L.1979, c.294 (C.18A:22-8.2) is amended to read as follows:

C.18A:22-8.2 Certain transfers not allowed.

3. No transfer may be made under this section from appropriations for:

- a. Interest and debt redemption charges;
- b. Capital reserve account;
- c. Items classified as current expenses except to other items so classified or to capital outlay;
- d. Items classified as capital outlay except to other items so classified or to current expense.

45. Section 4 of P.L.1979, c.294 (C.18A:22-8.3) is amended to read as follows:

C.18A:22-8.3 Adjustments to State aid amounts; when made.

4. On or after November 15 of each school year, all adjustments to State aid amounts payable for the succeeding school year, pursuant to P.L.1990, c.52 (C.18A:7D-1 et al.), due to corrections in the count of pupils enrolled in various grades and programs, shall be made to the State aid amounts payable during the school year following the succeeding school year.

46. N.J.S.18A:22-10 is amended to read as follows:

Fixing date, etc., for public hearing.

18A:22-10. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year and the various items and purposes for which the same are to be appropriated. In districts having a board of school estimate, the hearing shall be held before said board of school estimate between the first Tuesday in March and March 18 and in districts having no board of school estimate the hearing shall be held before the board of education between the first Tuesday in March and March 18.

47. Section 2 of P.L.1976, c.39 (C.18A:24-87) is amended to read as follows:

C.18A:24-87 Definitions.

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

a. "Commissioner" means the Commissioner of Education of the State of New Jersey;

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

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

d. "Paying agent" means any bank, trust company or national banking association having the power to accept and administer trusts, named or designated in any qualified bond of a school dis-

trict or municipality as the agent for the payment of the principal of and interest thereon and shall include the holder of any sinking fund established for the payment of such bonds;

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

f. "State board" means the State Board of Education of the State of New Jersey;

g. "School district" means a Type I, Type II, regional, or consolidated school district as defined in Title 18A of the New Jersey Statutes;

h. "State school aid" means the funds made available to local school districts pursuant to section 4 of P.L.1990, c.52 (C.18A:7D-4).

48. Section 7 of P.L.1985, c.321 (C.18A:29-5.6) is amended to read as follows:

C.18A:29-5.6 Determination of teacher base salary.

7. a. The actual salary paid to each teacher under each district's or educational services commission's 1984-85 approved salary guide shall be considered a base salary for purposes of this act.

b. In addition to all other funds to which the local district or educational services commission is entitled under the provisions of P.L.1990, c.52 (C.18A:7D-1 et al.) and other pertinent statutes, each board of education or board of directors of an educational services commission shall receive from the State during the 1985-86 academic year and for two years thereafter an amount equal to the sum of the amounts by which the actual salary prescribed for each current full-time teaching staff member under the salary schedule adopted by the local board of education or board of directors for the 1984-85 academic year in the manner prescribed by law is less than \$18,500.00, provided that the teaching staff member has been certified by the local board of education or board of directors as performing his duties in an acceptable manner for the 1984-85 school year pursuant to N.J.A.C.6:3-1.19 and 6:3-1.21. Each local board of education or board of directors shall receive from the State on behalf of the newly employed full-time teaching staff members for the 1985-86 academic year and for two years thereafter an amount equal to the sum of the amounts by which the actual salary prescribed for each newly employed full-time teaching staff member under the salary schedule adopted

by the local board of education or board of directors for the 1984-85 academic year is less than \$18,500.00. All adjustments for teachers who are hired or who leave employment during the school year and who make less than \$18,500.00 shall be made in the school year following the year in which they were hired or left employment.

c. For the 1988-89 academic year and thereafter, this act shall be funded in accordance with the recommendations of the State and Local Expenditure and Revenue Policy Commission created pursuant to P.L.1984, c.213. If the commission's recommendations for funding this program are not enacted into law, this act shall be funded in accordance with subsection d. of this section and sections 9 and 10 of this act.

d. For the purpose of funding this act in the 1988-89 academic year as determined pursuant to this section, each teacher's salary based on the 1984-85 salary guide shall be increased by the product of the base salary multiplied by 21%.

e. In each subsequent year the product of the base salary times 7% shall be cumulatively added to each teacher's salary as calculated in subsection d. of this section in determining the aid payable. In any year subsequent to the 1987-88 academic year in which the base salary plus the cumulative increases under this section exceed \$18,500.00, aid will no longer be payable.

49. Section 3 of P.L.1988, c.12 (C.18A:38-7.9) is amended to read as follows:

C.18A:38-7.9 Apportionment of State aid, taxes.

3. a. In the event the designated district is composed of more than one municipality, when allocating equalized valuations or district incomes, pursuant to the provisions of section 3 of P.L.1990, c.52 (C.18A:7D-3), for the purpose of calculating State aid, persons attending schools in the designated district pursuant to section 2 of this act shall be assigned to each municipality comprising the designated district in direct proportion to the number of persons ordinarily attending school from each municipality in the designated district without considering the persons attending pursuant to this act.

b. In the event the designated district is a constituent district of a limited purpose regional district, when allocating equalized valuations or district incomes, pursuant to the provisions of section 3 of P.L.1990, c.52 (C.18A:7D-3), for the purpose of

apportioning the amounts to be raised by taxes for the limited purpose regional district of which the designated district is a constituent district, persons attending schools in the designated district pursuant to section 2 of this act shall not be counted.

50. N.J.S.18A:39-1 is amended to read as follows:

Transportation of pupils remote from schools.

18A:39-1. Whenever in any district there are elementary school pupils who live more than two miles from their public school of attendance or secondary school pupils who live more than 2 1/2 miles from their public school of attendance, the district shall provide transportation to and from school for these pupils.

When any school district provides any transportation for public school pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 20 miles from the residence of the pupil; except that if the district is located in a county of the third class with a population of not less than 80,000 and not more than 120,000 transportation shall be provided to a nonpublic school located outside the State not more than 20 miles from the residence of the pupil, if there is no appropriate nonpublic school within the State located closer to the residence of the pupil; provided the per pupil cost of the lowest bid received does not exceed \$675 for 1991-92 school year and if such bid shall exceed said cost then the parent, guardian or other person having legal custody of the pupil shall be eligible to receive said amount toward the cost of his transportation to a qualified school other than a public school, regardless of whether such transportation is along established public school routes. It shall be the obligation of the parent, guardian or other person having legal custody of the pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil with the office of the secretary of the board of education at the time and in the manner specified by rules and regulations of the State board in order to be eligible for the transportation provided by this section. If the registration of any such pupil is not completed by September 1 of the school year and if it is necessary for the board of education to enter into a contract establishing a new route in order to provide such transportation, then the board shall not be required to provide it, but in lieu thereof the parent, guardian or other person having legal custody of the pupil shall be eligible to receive \$675 or the

amount determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), or an amount computed by multiplying 1/180 times the number of school days remaining in the school year at the time of registration, times \$675 or the amount determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), whichever is the smaller amount. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, said regional district shall assume responsibility for the transportation of all such pupils, and the cost of such transportation for pupils below the grade level for which the regional district was organized shall be prorated by the regional district among the constituent districts on a per pupil basis, after approval of such costs by the county superintendent. This section shall not require school districts to provide any transportation for pupils attending a school other than a public school, where the only transportation presently provided by said district is for school children transported pursuant to chapter 46 of Title 18A of the New Jersey Statutes or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the State board as governs transportation to any public school.

The board of education may make rules and contracts for the pupil transportation provided pursuant to this section.

Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of pupils to a school in an adjoining district, when such pupils are transferred to the district by order of the county superintendent, or when any pupils shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Nothing herein contained shall limit or diminish in any way any of the provisions for transportation for children pursuant to chapter 46 of this Title.

51. Section 2 of P.L.1981, c.57 (C.18A:39-1a) is amended to read as follows:

C.18A:39-1a Adjustment of nonpublic school pupil transportation costs.

2. Beginning in the 1992-1993 school year and in each subsequent year, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall be increased or decreased in direct proportion to the

increase or decrease in the State transportation aid per pupil in the year prior to the prebudget year compared to the amount for the prebudget year. As used in this section, State transportation aid per pupil shall equal the total State aid payments made pursuant to section 16 of this amendatory and supplementary act divided by the number of pupils eligible for transportation.

52. N.J.S.18A:39-1.1 is amended to read as follows:

Transportation of other pupils by board.

18A:39-1.1. In addition to the provision of transportation for pupils pursuant to N.J.S.18A:39-1 and N.J.S.18A:46-23, the board of education of any district may provide, by contract or otherwise, in accordance with law and the rules and regulations of the State board, for the transportation of other pupils to and from school.

Districts shall not receive State aid pursuant to section 16 of P.L.1990, c.52 (C.18A:7D-18) for the transportation of pupils pursuant to this section.

53. N.J.S.18A:39-15 is amended to read as follows:

State aid for joint transportation.

18A:39-15. If the county superintendent of the county in which the districts are situate shall approve the necessity, the cost, and the method of providing such joint transportation and the agreement whereby the same is to be provided, each such board of education providing joint transportation shall be entitled to State aid pursuant to section 16 of P.L.1990, c.52 (C.18A:7D-18).

54. Section 11 of P.L.1987, c.387 (C.18A:40A-18) is amended to read as follows:

C.18A:40A-18 Employment of substance awareness coordinators in certain school districts.

11. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop and administer a program which provides for the employment of substance awareness coordinators in certain school districts.

a. Within 90 days of the effective date of this act, the Commissioner of Education shall forward to each local school board a request for a proposal for the employment of a substance awareness coordinator. A board which wants to participate in the program shall submit a

proposal to the commissioner which outlines the district's plan to provide substance abuse prevention, intervention and treatment referral services to students through the employment of a substance awareness coordinator. Nothing shall preclude a district which employs a substance awareness coordinator at the time of the effective date of this act from participating in this program. The commissioner shall select school districts to participate in the program through a competitive grant process. The participating districts shall include urban, suburban and rural districts from the north, central and southern geographic regions of the State with at least one school district per county. In addition to all other State aid to which the local district is entitled under the provisions of P.L.1990, c.52 (C.18A:7D-1 et al.) and other pertinent statutes, each board of education participating in the program shall receive from the State, for a three year period, the amount necessary to pay the salary of its substance awareness coordinator.

b. The position of substance awareness coordinator shall be separate and distinct from any other employment position in the district, including, but not limited to district guidance counselors, school social workers and school psychologists. The State Board of Education shall approve the education and experience criteria necessary for employment as a substance awareness coordinator. The criteria shall include a requirement for certification by the State Board of Examiners. In addition to the criteria established by the State board, the Department of Education and the Department of Health shall jointly conduct orientation and training programs for substance awareness coordinators, and shall also provide for continuing education programs for coordinators.

c. It shall be the responsibility of substance awareness coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the inservice training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

d. The Commissioner of Education, in consultation with the Commissioner of Health, shall implement a plan to collect data on the effectiveness of the program in treating problems associated with

substance abuse and in reducing the incidence of substance abuse in local school districts. Six months prior to the expiration of the program authorized pursuant to this section, the Commissioner of Education shall submit to the Governor and the Legislature an evaluation of the program and a recommendation on the advisability of its continuation or expansion to all school districts in the State.

55. N.J.S.18A:46-1 is amended to read as follows:

Definitions.

18A:46-1. As used in this chapter a handicapped child shall mean and include any child who is mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, multiply handicapped, autistic, or pre-school handicapped.

56. N.J.S.18A:46-2 is amended to read as follows:

Special educational services; appointment of professional personnel; advisory council; membership; no compensation.

18A:46-2. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this State.

In order to carry out the provisions of this chapter, he shall appoint to his staff persons qualified to administer educational services in the general field of education for handicapped children including each of the following disability groups: (1) mentally retarded, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) the auditorily handicapped, (10) autistic and (11) the pre-school handicapped, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as he shall deem necessary and he shall fix their compensation with the approval of the State board.

The commissioner shall appoint biannually an advisory council with the approval of the State board which will consist of not less than seven nor more than 15 members representative of public

and private professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration.

57. N.J.S.18A:46-8 is amended to read as follows:

Classification of handicapped children; report to parent or guardian.

18A:46-8. Each board of education shall provide for the examination and classification of each child residing in the district and identified pursuant to N.J.S.18A:46-6, except that the board of education of a county vocational school district shall provide for the examination and classification of each child who is attending the county vocational school on a full-time basis and is identified pursuant to N.J.S.18A:46-6. Such examination and classification shall be accomplished according to procedures prescribed by the commissioner and approved by the State board, under one of the following categories: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, autistic, multiply handicapped or pre-school handicapped. The examination and classification of such nonpublic school children shall be in a location determined by the local board of education of the district in which the nonpublic school is located and approved by the commissioner pursuant to rules and regulations promulgated by the State board.

The classification of communication handicapped shall be made by the basic child study team and an approved speech correctionist or speech pathologist, without child study consultation. Such children shall be reported to the basic child study team.

The proposed classification shall be reported to the parent or guardian of the child and an opportunity provided, prior to implementation of the classification, for consultation by such parent or guardian with the appropriate special educational services personnel of the district. Pursuant to rules of the State board, the parent or guardian shall also be provided an opportunity for further review of the classification in the Department of Education.

58. N.J.S.18A:46-14 is amended to read as follows:

Enumeration of facilities and programs.

18A:46-14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

- a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;
- b. A special class in the public schools of another district in this State or any other state in the United States;
- c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;
- d. A jointure commission program;
- e. A State of New Jersey operated program;
- f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;
- g. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or, with the approval of the commissioner to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsection a., b., c., d., e. or f. otherwise;
- h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsection a., b., c., d., e., f. or g. otherwise.

Whenever a child study team determines that a suitable special education program for a child cannot be provided pursuant to subsection a., b., c., d., e., f., g. or h. of this section, and that the most appropriate placement for that child is in an academic program in an accredited nonpublic school within the State or, to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian, and which is not specifically approved for the education of handicapped pupils, that child may be placed in that academic program by the board of education, with the consent of the commissioner, or by order of a court of competent jurisdiction. An academic program which meets the requirements of the child's Individual Education Plan as determined by the child study team and which provides the child with a thorough and efficient education, shall be considered an approved placement for the purposes of Chap-

ter 46 of this Title, and the board of education shall be entitled to receive State aid for that child as provided pursuant to P.L.1990, c.52 (C.18A:7D-1 et al.), and all other pertinent statutes.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or in any other state in the United States and is enrolled in an education program approved under this article, or shall be placed in any other State facility as defined in section 3 of P.L.1990, c.52 (C.18A:7D-3), the board of education of the district in which the child resides shall pay the tuition of said child.

The board of education may also furnish (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of 5.

59. N.J.S.18A:46-23 is amended to read as follows:

Transportation of pupils; special classes; handicapped children; State aid.

18A:46-23. The board of education shall furnish transportation to all children found under this chapter to be handicapped who shall qualify therefor pursuant to law and it shall furnish such transportation for a lesser distance also to any handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make transportation necessary or advisable.

The board of education shall furnish transportation to all children being sent by local boards of education to an approved 12-month program pursuant to N.J.S.18A:46-14, or any other program approved pursuant to N.J.S.18A:46-14 and who qualify therefor pursuant to law, during the entire time the child is attending such a program. The board shall furnish such transportation for a lesser distance also to such handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make such transportation necessary or advisable.

The school district shall be entitled to State aid for such transportation pursuant to section 16 of P.L.1990, c.52 (C.18A:7D-18) when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situated.

60. Section 3 of P.L.1971, c.271 (C.18A:46-31) is amended to read as follows:

C.18A:46-31 Powers and duties of special services school district board of education.

3. a. Any school established pursuant to this act shall accept all eligible pupils within the county, so far as facilities permit. Pupils residing outside the county may be accepted should facilities be available only after provision has been made for all eligible pupils within the county. Any child accepted shall be classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

b. The board of education of any county special services school district may receive such funds as may be appropriated by the county pursuant to section 13 of P.L.1971, c.271 (C.18A:46-41) and shall be entitled to collect and receive from the sending districts in which the pupils attending the county special services school reside, for the tuition of such pupils, a sum not to exceed the lesser of:

(1) the actual cost per pupil as determined for each special education category, according to rules prescribed by the commissioner and approved by the State board; or

(2) the foundation amount per pupil plus the appropriate per pupil special education aid.

Whenever funds have been appropriated by the county, the county special services school district may charge a fee in addition to tuition for any pupils who are not residents of the county. The fee shall not exceed the amount of the county's per pupil appropriation to the county special services school district. For each special education category, the tuition shall be at the same rate per pupil for each sending district whether within or without the county. Ten percent of the tuition amount and the nonresident fee amount, if any, shall be paid on the first of each month from September to June to the receiving district by each sending district. The annual aggregate amount of all tuition may be anticipated by the board of education of the county special services school district with respect to the annual budget of the county special services school district. The amounts of all annual payments or tuition to be paid by any such other school district shall be raised in each year in the annual budget of such other school district and paid to the county special services school district.

c. The board of education of any county special services school district, with the approval of the board of chosen freeholders of the county, may provide for the establishment, maintenance and operation of dormitory and other boarding care facilities for pupils in conjunction with any one or more of its schools for spe-

cial services, and the board shall provide for the establishment, maintenance and operation of such health care services and facilities for the pupils as the board shall deem necessary.

d. The State shall deduct from each sending district's foundation aid and special education aid an amount equal to the foundation aid and special education aid payable to the district for each county special services school district pupil, and shall pay that amount to the board of education of the county special services school district on behalf of the sending district. In the event that the amount deducted is less than the tuition due pursuant to subsection b. of this section, the county special services school district shall advise the board of education of the sending district of the total amount due and the balance due after deducting the aid payable by the State pursuant to this subsection. This balance shall be paid by the board of education of the sending district. All payments shall be made pursuant to the schedule established by subsection b. of this section.

61. Section 13 of P.L.1971, c.271 (C.18A:46-41) is amended to read as follows:

C.18A:46-41 Appropriation for current expenses.

13. a. Between March 25 and April 8 in each year the board of school estimate shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the county special services school district for the ensuing school year.

b. The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificates shall be delivered to the board of education of the county special services school district and the other to the board of chosen freeholders of the county.

c. The board of chosen freeholders shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise hereinafter provided in this act.

62. Section 2 of P.L.1977, c.192 (C.18A:46A-2) is amended to read as follows:

C.18A:46A-2 Definitions.**2. As used in this act:**

- a. "Commissioner" means the State Commissioner of Education.
- b. "Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (Pub.L.88-352).
- c. "Auxiliary services" means supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability; supplementary instruction services; and, home instruction services.
- d. (Deleted by amendment, P.L.1990, c.52.)

63. Section 4 of P.L.1977, c.192 (C.18A:46A-4) is amended to read as follows:

C.18A:46A-4 Eligibility for auxiliary services.

4. Auxiliary services shall be provided only to those children who would be eligible for such services if they were enrolled in the public schools of the State.

64. Section 7 of P.L.1977, c.192 (C.18A:46A-7) is amended to read as follows:

C.18A:46A-7 Contract with certain agencies for provision of auxiliary services.

7. Any board of education may contract with an educational improvement center, an educational services commission or other public or private agency, other than a church or sectarian school, approved by the commissioner for the provision of auxiliary services.

65. Section 9 of P.L.1977, c.192 (C.18A:46A-9) is amended to read as follows:

C.18A:46A-9 Apportionment of State aid; calculation.

9. The apportionment of State aid among local school districts shall be calculated by the commissioner as follows:

- a. The per pupil aid amount for providing the equivalent service to children enrolled in the public schools, shall be determined by multiplying the bilingual program weight from section 81 of P.L.1990, c.52 (C.18A:7D-21) or the appropriate

cost factor from section 14 of P.L.1990, c.52 (C.18A:7D-16) by the State foundation amount as defined in section 6 of P.L.1990, c.52 (C.18A:7D-6).

b. The appropriate per pupil aid amount shall then be multiplied by the number of pupils enrolled in the nonpublic schools who have been identified as eligible to receive each auxiliary service as of the last school day of October of the current school year, to obtain each district's State aid for the next school year.

66. Section 13 of P.L.1977, c.192 (C.18A:46A-10) is amended to read as follows:

C.18A:46A-10 Annual report; contents.

Annually, on or before November 5, each board shall file a report on the number of such pupils who have been identified as eligible to receive each auxiliary service as of the last school day in October.

67. Section 15 of P.L.1977, c.192 (C.18A:46A-12) is amended to read as follows:

C.18A:46A-12 Notification to districts.

15. By December 15 the commissioner shall notify each district of the amount of aid apportioned to it pursuant to this act for the next school year and each district shall include such amount in its budget for the next school year.

68. N.J.S.18A:50-11 is amended to read as follows:

Appropriations; estimating and budgeting.

18A:50-11. On or before November 15 of each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this chapter for the succeeding school year, and shall determine for budget purposes the amounts estimated so to be payable to each of the districts for such succeeding school year.

On or before September 15 of the succeeding school year, the commissioner shall make his final determination of the payments to be made under this chapter for said school year. An amount equal to 25% of the sum payable to each district shall be paid to the district on October 1, December 1, March 1 and May 1.

If such payments to any district should exceed the amount to which such district is entitled under section 18A:50-7, such excess shall be deducted by the commissioner from succeeding State aid payments to said district.

69. N.J.S.18A:50-14 is amended to read as follows:

Apportionment of funds; determination of amounts; deduction for excess payment.

18A:50-14. The apportionment of funds available shall be designated according to a plan submitted by the local educational agency to the Office of Adult and Continuing Education and High School Equivalency, of the New Jersey State Department of Education. Such plan submitted by the local educational agency shall include the costs of instructors' salaries, guidance and counseling services, as well as such items as instructional materials and other equipment needed in the operation and promotion of a local program. Payment by the State, in the form of aid to each program, shall be in an amount equal to these annual costs.

On or before November 15 of each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding fiscal year, including costs for adequate State supervisory and administrative control, and needed personnel training.

The commissioner shall determine the amounts to be payable to each of the agencies eligible under this act for the succeeding fiscal year based upon the per student cost per hour of instruction.

On or before September 15 of the succeeding fiscal year, the commissioner shall make this final determination of the payments to be made under this act for said school year. An amount equal to 25% of the sum payable to each eligible agency shall be paid to the eligible agency on October 1, December 1, March 1 and May 1.

If such payments to any agency should exceed the amount to which such agency is entitled under this act, such excess shall be deducted by the commissioner from succeeding State aid payments to said agencies.

70. N.J.S.18A:51-7 is amended to read as follows:

Assessments for maintenance of audiovisual aids center.

18A:51-7. The commission shall assess against the participating school districts a sum which, together with any anticipated State aid

and private donations, shall be required for the establishment and maintenance of the county educational audiovisual aids center during the first year and for the maintenance and operation of the same, during each year thereafter, which total annual assessment shall be apportioned among the participating school districts in the proportion which the resident enrollment of the pupils of each such district shall bear to the total resident enrollment of the pupils of all of the participating school districts, as determined by the commissioner.

C.18A:54-20.1 Enrollment of pupils in county vocational schools, funding.

71. a. The board of education of each school district or regional school district in any county in which there is a county vocational school district shall send to any of the schools of the county vocational school district each pupil who resides in the school district or regional school district and who has applied for admission to and has been accepted for attendance at any of the schools of the county vocational school district. The board of education shall pay tuition for each of these pupils to the county vocational school district pursuant to subsection c. of this section. The provisions of this section shall not apply to the board of education of a school district or regional school district maintaining a vocational school or schools pursuant to article 2 of chapter 54 of Title 18A of the New Jersey Statutes.

b. The board of education of a county vocational school district shall receive pupils from districts without the county so far as their facilities may permit.

c. The board of education of a county vocational school district shall receive such funds as may be appropriated by the county pursuant to N.J.S.18A:54-29.2 and shall be entitled to collect and receive from the sending districts in which each pupil attending the vocational school resides, for the tuition of that pupil, a sum not to exceed the lesser of:

(1) the actual cost per pupil as determined for each vocational program classification, according to rules prescribed by the commissioner and approved by the State board; or

(2) the weighted per pupil foundation amount established for the pupil's vocational program classification, according to the provisions of section 6 of P.L.1990, c.52 (C.18A:7D-6).

Whenever funds have been appropriated by the county, the county vocational school district may charge a fee in addition to tuition for any pupils who are not residents of the county. The fee shall not exceed the amount of the county's per pupil appropriation to the county vocational school district.

d. The tuition and nonresident fee, if any, shall be established not later than January 15 in advance of the school year by the board of education. The tuition for each program category shall be at the same rate per pupil for each sending district whether within or without the county, and 10% of the tuition amount and nonresident fee, if any, shall be paid on the first of each month from September to June by or on behalf of the board of education of each sending district.

e. The State shall deduct from each sending district's foundation aid and special education aid an amount equal to the foundation aid and special education aid payable to the district for each county vocational school pupil, and shall pay that amount to the board of education of the county vocational school district on behalf of the sending district. In the event that the amount deducted is less than the tuition due pursuant to subsection c. of this section, the county vocational school district shall advise the board of education of the sending district of the total amount due and the balance due after deducting the aid payable by the State pursuant to this subsection. This balance shall be paid by the board of education of the sending district. All payments shall be made pursuant to the schedule established by subsection d. of this section.

72. N.J.S.18A:54-20 is amended to read as follows:

Powers of board.

18A:54-20. The board of education of a county vocational school district may:

a. Purchase, sell, and improve school grounds, erect, purchase, lease, enlarge, improve, and repair school buildings, including any building or buildings for school purposes owned by any municipality or school district in such county, with or without furnishings and equipment, and purchase school furniture and other necessary equipment;

b. Take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned and taken for public uses. If either party shall feel aggrieved by any proceedings and award thereunder, he may appeal in the manner provided by law for appeals from such proceedings and award;

c. Insure school buildings, furniture, and other school property, and receive, lease, and hold in trust any and all real and personal property for the benefit of the school district;

d. Employ and dismiss principals, teachers, janitors, mechanics, and laborers; fix, alter, and order paid their salaries and compensation, and prescribe the course of study to be pursued;

e. Appoint a treasurer, who shall not be a member of the board of education and fix his salary and term of office. The treasurer shall give bond in such amounts and with such security as the board shall determine;

f. Make, amend, and repeal rules, not inconsistent with this title, or with the rules of the State board, for its own government, for the transaction of business, and for the government and management of the school and school property under its control;

g. Suspend and expel pupils from school;

h. Provide textbooks and other necessary supplies and apparatus;

i. Adopt an official seal by which all its official acts may be authenticated;

j. Make an annual report to the commissioner on or before August 1 in the manner and form prescribed by him;

k. Appoint a secretary and fix his salary and term of office; and

l. Borrow by temporary loan such sum as may be necessary to meet the current expenses of such school district, not exceeding 80% of the anticipated tuition payments to be received from sending districts. Such temporary obligation, if any, shall be paid first out of the moneys received under this chapter.

C.18A:54-20.2 County vocational school district, eligibility for State aid for debt service; calculation.

73. A county vocational school district shall be eligible to receive State aid for debt service pursuant to section 18 of P.L.1990, c.52 (C.18A:7D-22). For the purpose of calculating this aid, the district's maximum foundation budget shall be the sum of the maximum foundation budgets of all the districts in the county and the district's local fair share shall be the sum of the local fair shares of all the districts in the county.

74. Section 1 of P.L.1983, c.341 (C.18A:54C-4) is amended to read as follows:

C.18A:54C-4 Marine Academy of Science and Technology, transfer of assets, payment of costs.

1. The assets of the Marine Academy of Science and Technology operating under the auspices of an area vocational technical school in a county of the fifth class having a population of not

less than 450,000 shall be transferred to the county vocational technical school board and shall continue to operate as a full-time program as provided under P.L.1982, c.146 (C.18A:54C-1 et seq.) and the costs shall be paid in the same manner as the costs are paid for other county vocational school programs pursuant to the provisions of chapter 54 of Title 18A of the New Jersey Statutes.

75. Section 5 of P.L.1983, c.341 (C.18A:54C-6) is amended to read as follows:

C.18A:54C-6 Admission policies of Marine Academy of Science and Technology.

5. The board of education of the county vocational technical school shall determine the admission policies of the Marine Academy of Science and Technology, except that the places available shall be allocated in a fair and equitable manner. Pupils from other counties may be admitted so far as the facilities permit.

76. Section 5 of P.L.1974, c.79 (C.18A:58-37.5) is amended to read as follows:

C.18A:58-37.5 Appropriation of aid.

5. The commissioner shall, upon request of the local board and pursuant to the rules and regulations of the State Board of Education distribute to each school district an amount equal to the cost of textbooks purchased and loaned by the school district pursuant to this act, but in no event shall the aid appropriated to the district exceed the following amount:

a. The expenditures for the purchase of textbooks pursuant to this act made during the school year 1979-80 shall not exceed an average of \$10.00 for each student residing in the district, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school; and,

b. The expenditures for the purchase of textbooks made during the school year 1980-81, and in any subsequent year shall not exceed the State average budgeted textbook expense per public school pupil for the prebudget year for each student residing in the district, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school.

77. Section 6 of P.L.1974, c.79 (C.18A:58-37.6) is amended to read as follows:

C.18A:58-37.6 Expenditure of aid.

6. State aid provided pursuant to P.L.1990, c.52 (C.18A:7D-1 et al.) may be expended for the purchase and loan of textbooks for public school pupils in an amount which shall not exceed the State average budgeted textbook expense for the prebudget year per pupil in resident enrollment. Nothing contained herein shall prohibit a board of education in any district from purchasing textbooks in excess of the amounts provided pursuant to this act.

78. N.J.S.18A:66-33 is amended to read as follows:

Employer and State contributions.

18A:66-33. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund and the maintenance of retirement allowances and other benefits granted by the board of trustees under the provisions of this article are hereby made obligations of each employer. Except as provided in N.J.S.18A:66-27, all income, interest, and dividends derived from deposits and investments authorized by this article shall be used for payment of these obligations.

Upon the basis of each actuarial determination and appraisal provided for in this article, the board of trustees shall annually certify, on or before the date of the Governor's annual budget message, to the Commissioner of Education, the State Treasurer, and to each employer, including the State, the contributions due on behalf of its employees for the ensuing fiscal year and payable by the employer to the contingent reserve fund. The amounts payable into the contingent reserve fund for each employer, including the State, shall be paid by the State Treasurer, upon the certification of the commissioner and the warrant of the Director of the Division of Budget and Accounting, to the contingent reserve fund not later than July 1 of the ensuing fiscal year. The commissioner shall deduct the amount so certified from any State aid payable to the employer. In the event that no State aid is payable to the employer or in the event that the amount deducted is less than the amount certified as due, the commissioner shall certify the net amount due on behalf of the members to the chief fiscal officer of the employer. Each employer shall pay the net amount due, if any, to the State pursuant to a payment schedule established by the commissioner. The payment schedule shall provide for interest penalties for late payments.

79. N.J.S.18A:66-66 is amended to read as follows:

Employer to pay employer's social security obligations.

18A:66-66. The employer shall pay the employer's share of social security contribution upon all wages.

C.18A:7D-20 Formula for calculation of State aid for at-risk pupils.

80. Each district's State aid for programs for at-risk pupils shall be calculated as follows:

$$A = F \times R$$

where

A is the district's aid for at-risk pupils;

F is the State foundation amount as defined pursuant to section 6 of this amendatory and supplementary act; and

R is the number of pupil units for at-risk pupils as determined as follows:

The number of pupil units shall be determined by multiplying the number of pupils eligible for free meals or free milk in each grade category by the appropriate weight.

<u>Grade</u>	<u>Weight</u>
Grades preschool - 5	0.18
Grades 6-8	0.20
Grades 9-12	0.24

For the purpose of determining State aid for programs for at-risk pupils, pupils in ungraded classes shall be assigned to the most appropriate grade category in accordance with procedures to be established by the commissioner and aid for pupils attending half-day programs shall be determined by reducing the appropriate weight by one-half.

C.18A:7D-21 Formula for calculation of State aid for bilingual pupils.

81. Each district's State aid for programs for bilingual pupils shall be calculated as follows:

$$A = F \times BL \times BF$$

where

A is the district's aid for bilingual pupils;

F is the State foundation amount as defined pursuant to section 6 of this amendatory and supplementary act;

BL is the number of pupils in bilingual education programs; and

BF is the bilingual aid weight which shall equal 0.18.

82. Section 4 of P.L.1988, c.105 (C.18A:38-7.13) is amended to read as follows:

C.18A:38-7.13 Designation of district for pupils residing in multi-district federal enclave.

4. The county superintendent of schools shall, within 120 days of the effective date of this act, certify to the Commissioner of Education which local school district shall be the designated district for persons of school age residing in a multi-district federal enclave. The district certified as the designated district shall count all pupils who reside in a multi-district federal enclave in the resident enrollment of the district for all State aid purposes and shall be designated by the commissioner to receive State aid and all federal funds provided under Pub.L.81-874, 20 U.S.C. § 236 et seq.

For the purposes of calculating State aid pursuant to P.L.1990, c.52 (C.18A:7D-1 et al.), whenever pupils residing in one district are attending the schools of the designated district, the district income of the resident district shall be allocated between the resident district and the designated district in proportion to the number of pupils residing in the resident district attending the schools of the resident district and designated district.

C.18A:7D-11 Plan to ensure district will spend at maximum foundation budget level.

83. a. Any special needs district in which the 1991-92 school year local levies for current expense and capital outlay are less than the district's local fair share, as determined pursuant to section 7 of this amendatory and supplementary act, shall develop a plan, in consultation with the commissioner, to ensure that the district will spend at its maximum foundation budget level not later than the 1995-96 school year.

b. Any school district, other than a special needs district, in which the 1991-92 school year local levies for current expense

and capital outlay are less than the district's local fair share, as determined pursuant to section 7 of this amendatory and supplementary act, shall develop a plan, in consultation with the commissioner, to ensure that the district will spend at its maximum foundation budget level not later than the 1995-96 school year, unless the district can demonstrate to the satisfaction of the commissioner that the district can provide a thorough and efficient education at a spending level below the maximum foundation budget level.

C.18A:7D-23 Criteria for special needs districts.

84. a. Not later than July 1, 1992 the commissioner shall evaluate the criteria for special needs districts as defined in section 3 of this amendatory and supplementary act and shall recommend modification of those criteria if the commissioner determines that the criteria do not accurately delineate the districts with special needs.

b. Not later than July 1, 1995 the commissioner shall report to the Governor and the Legislature on the impact of the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.). In this report the commissioner shall indicate whether the per pupil expenditures in poorer urban school districts are substantially equal to those in the wealthy suburban districts and whether the special disadvantages in the poorer urban districts are being addressed adequately. If the commissioner determines that substantial equality has not been attained or that the special disadvantages are not being addressed adequately, the commissioner shall recommend to the Governor and Legislature statutory changes which will accomplish those objectives.

C.18A:7D-28 "Local levy budget," defined, formula for calculation.

85. a. As used in this section "local levy budget" means the sum of the foundation aid received by a school district and the district's local levy for current expense and capital outlay.

b. Whenever a district's local levy budget for the prebudget year exceeds the district's maximum foundation budget, as determined pursuant to section 6 of this amendatory and supplementary act, by more than 50%, the district's local levy budget for the budget year shall not exceed the district's local levy budget for the prebudget year by more than the product of the local levy budget for the prebudget year and the PCI.

c. In all other instances, except as provided in subsection d. of this section, the district's local levy budget for the budget year shall not exceed the district's local levy budget for the prebudget year by more than the amount calculated as follows:

$$LB = PCI \times (4 - (2 \times PBY/MB)) \times PBY$$

where

LB means the maximum increase in the local levy budget;

PBY means the local levy budget for the prebudget year;

MB means the maximum foundation budget for the budget year as determined pursuant to section 6 of this amendatory and supplementary act; and

PCI means the average annual increase in per capita income as defined pursuant to section 3 of this amendatory and supplementary act.

d. If, for the 1991-92 school year, a district's local levy budget for the prebudget year does not exceed the district's maximum foundation budget, as determined pursuant to section 6 of this amendatory and supplementary act or if, in any school year, the district is classified as a special needs district, the provisions of this section are not applicable to the district.

e. The commissioner may approve the request of a local board of education for a greater increase, having adjudged that (1) a reallocation of resources or any other action taken within the permissible level of spending would be insufficient to provide a thorough and efficient education, or (2) an increased enrollment may reasonably be anticipated in the district.

86. For the purpose of calculating the budget growth limitation in section 85 of this amendatory and supplementary act for the 1991-92 school year, each district's local levy budget for the 1990-91 school year shall equal the balance in the current expense and capital outlay budgets after deducting (1) State aid for handicapped pupils pursuant to section 20 of P.L.1975, c.212 (C.18A:7A-20), (2) State aid for approved transportation, (3) all other revenue in the current expense and capital outlay budgets except the amount to be provided by local taxation, equalization support, budgeted capital outlay support, and State support for bilingual education, compensatory education and local vocational education. This amount shall be increased to include State support paid on the district's behalf in the 1990-1991 school year pursuant to

N.J.S.18A:66-33 and N.J.S.18A:66-66. In addition, the commissioner shall adjust this amount for each district which sent or received pupils during the 1990-91 school year to reflect the change in the definition of resident enrollment contained in this amendatory and supplementary act. All of the expenses of and aid for a county vocational school district or a county special services school district shall be reallocated to the districts of residence on a per pupil basis. Aid paid on behalf of receiving districts pursuant to N.J.S.18A:66-33 and N.J.S.18A:66-66 shall be reallocated to districts of residence on a per pupil basis. Aid payments pursuant to N.J.S.18A:66-66 shall be estimated for each district.

C.18A:7D-31 Formula for calculation of minimum equalized local school tax rate for current expense, capital outlay in special needs districts.

87. a. For the 1991-92 school year, the minimum equalized local school tax rate for current expense and capital outlay in special needs districts shall be calculated as follows:

If $TR \geq FR$, then $LL = FR$;

If $TR < FR$ and $TR \geq VM$, then $LL = TR$;

If $TR < FR$ and $TR < VM$, then $LL = FR$ or VM , whichever is less;

where

TR is the district's equalized school tax rate for current expense and capital outlay in the prebudget year;

FR is the quotient resulting from the division of district's local fair share as determined pursuant to section 7 of this amendatory and supplementary act by the district's equalized valuation for the prebudget year;

LL is the district's minimum equalized local school tax rate for current expense and capital outlay; and

VM is the property value multiplier as determined pursuant to section 8 of this amendatory and supplementary act.

b. For the 1992-93 school year and thereafter, the minimum local school tax rate for current expense and capital outlay in special needs districts shall be determined in accordance with the plan established pursuant to section 89 of this amendatory and supplementary act.

c. As used in this section equalized school tax rate means the sum of the district's local levies for current expense and capital outlay for the prebudget year divided by the district's equalized valuation for the year prior to the prebudget year.

C.18A:7D-12 Calculation of foundation aid.

88. For the purpose of calculating foundation aid, pursuant to section 4 of this amendatory and supplementary act, in special needs districts, the value of the district's foundation budget shall equal the district's maximum foundation budget and the value of the district's local levy shall equal its local fair share. Notwithstanding the provisions of this section, foundation aid for special needs districts shall remain subject to the limitations contained in section 23 of this amendatory and supplementary act.

C.18A:7D-32 Special needs school district, procedures established, improvement plan, implementation.

89. For each school district which is a special needs school district as defined pursuant to section 3 of this amendatory and supplementary act, the commissioner shall establish procedures whereby a representative group of parents of students in the district may meet with the commissioner or the commissioner's designee to discuss their concerns and the county superintendent shall appoint an external review team whose members shall be qualified by training and experience to examine the conditions in the specific district. In conjunction with the Department of Education, the team shall examine all aspects of the district's operations including, but not limited to, education, governance, management and finance. The team shall report its findings and conclusions, including recommendations to be utilized by the district in the preparation of an educational improvement plan and recommendations as to the technical assistance which the district will require in order to effectively implement the improvement plan, to the commissioner. The commissioner shall direct the district to respond to the report of the external review team in establishing an educational improvement plan. The plan shall be submitted to and approved by the commissioner. The commissioner shall assure that the local district's budget provides the resources necessary to implement the approved plan, including the necessary technical assistance. The entire cost of those activities associated with the review team shall be paid by the Department of Education. If the commissioner finds that the district is unsuccessful in implementing the educational improvement plan, the commissioner shall direct that the district enter level II monitoring, as defined pursuant to law and regulation.

The provisions of this section shall not apply to special needs school districts which are in level II or level III monitoring pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the effective date of this amendatory and supplementary act.

90. The following sections are repealed:

Repealer.

P.L.1985, c.372, s.8 (C.18A:6-33.13)
P.L.1988, c.168, s.6 (C.18A:7A-20.1)
P.L.1975, c.212, s.17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 (C.18A:7A-17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28)
P.L.1987, c.266, s.4 (C.18A:7A-27.1)
P.L.1979, c.207, s.7 (C.18A:7B-3)
P.L.1976, c.21, s.1 (C.18A:13-23.1)
P.L.1976, c.138, s.1 (C.18A:13-23.2)
P.L.1979, c.424, s.1 (C.18A:13-24.3)
P.L.1985, c.321, s.9 (C.18A:29-5.8)
P.L.1985, c.321, s.10 (C.18A:29-5.9)
P.L.1982, c.155 (C.18A:38-7.1 through 18A:38-7.6)
P.L.1971, c.271, s.16 (C.18A:46-44)
P.L.1977, c.192, s.14 (C.18A:46A-11)
P.L.1973, c.365, s.1 (C.18A:54-11.4)
N.J.S.18A:54-15
P.L.1983, c.396, s.3 (C.18A:54-16.10)
P.L.1984, c.165, s.3 (C.18A:54-16.13)
N.J.S.18A:54-23
P.L.1982, c.146, s.4 (C.18A:54C-3)
P.L.1983, c.341, s.2 (C.18A:54C-5)
N.J.S.18A:58-6
N.J.S.18A:58-7
N.J.S.18A:58-15
N.J.S.18A:58-16
N.J.S.18A:58-17
N.J.S.18A:58-25
N.J.S.18A:58-26
N.J.S.18A:58-32
P.L.1971, c.336 (C.18A:58-59 through 18A:58-67)

91. This act shall take effect on July 1, 1990 and be applicable to State school aid for the 1991-92 school year and thereafter. School aid for the 1990-91 school year shall be paid in accordance with the appropriate laws in effect on June 30, 1990.

Approved July 3, 1990.

CHAPTER 53

AN ACT concerning payment of child support and alimony 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:17-56.13a Alimony, maintenance, child support payments; electronic funds transfer, credit card.

1. a. Every probation department may establish a system to accept alimony, maintenance or child support payments through electronic funds transfer, credit card, or any other method deemed feasible by the department.

b. The Supreme Court of the State of New Jersey shall adopt Rules of Court appropriate or necessary to effectuate the purpose of this act.

2. This act shall take effect immediately.

Approved July 3, 1990.

CHAPTER 54

AN ACT concerning host municipality benefits for solid waste transfer stations, and amending P.L.1987, c.449.

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

1. Section 2 of P.L.1987, c.449 (C.13:1E-28.1) is amended to read as follows:

C.13:1E-28.1 Transfer station payments.

2. a. Any municipality within which a transfer station is located pursuant to an adopted and approved district solid waste management plan shall be entitled to an annual economic benefit to be paid or adjusted not less than quarterly in an amount established by agreement with the owner or operator of the transfer station or by order of the Board of Public Utilities, but not less than the equivalent of

\$0.50 per ton of all solid waste accepted for transfer at the transfer station during the 1987 calendar year and each year thereafter.

The owner or operator of the transfer station shall, not less frequently than quarterly, pay to the relevant municipality the full amount due under this subsection and each relevant municipality is empowered to anticipate this amount for the purposes of preparing its annual budget. For the purposes of calculating the payments, the owner or operator of the transfer station may, subject to the prior agreement of the relevant municipality and the approval of the Board of Public Utilities, provide the municipality with any of the following benefits in consideration for the use of land within its municipal boundaries as the location of a transfer station:

- (1) The receipt of quarterly payments of annual sums of money in lieu of taxes on the land used for the transfer station;
- (2) The exemption from all fees and charges for the acceptance for transfer of solid waste generated within its boundaries;
- (3) The receipt of quarterly lump sum cash payments; or
- (4) Any combination thereof.

b. Every owner or operator of a transfer station required to make payments not less frequently than quarterly to a municipality pursuant to subsection a. of this section may petition the Board of Public Utilities for an increase in its tariff which reflects these payments. The board, within 60 days of the receipt of the petition, shall issue an order that these payments shall be passed along to the users of the transfer station as an automatic surcharge on any tariff filed with, and recorded by, the board for the solid waste disposal operations of the transfer station.

c. The board, within 60 days of the computation of any increase in a solid waste disposal tariff for a transfer station pursuant to subsection b. of this section, shall issue an appropriate order increasing current tariffs established pursuant to law for solid waste collectors using the transfer station by an amount equal to the total amount of the increase in the relevant solid waste disposal tariff calculated pursuant to subsection b. of this section.

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

2. This act shall take effect immediately.

Approved July 3, 1990.

CHAPTER 55

AN ACT concerning the keeping of domesticated animals in certain housing projects, and supplementing chapter 42 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:42-103 Definitions.

1. As used in this act:

“Continuing nuisance” means the keeping of a domesticated animal in a manner which interferes with the health, security and comfort of the other residents of a senior citizen housing project, or the keeping of domesticated animals of a number, size, breed or species inappropriate for the type or size of senior citizen housing project or a dwelling unit within that senior citizen housing project.

“Domesticated animal” means a dog, cat, bird, fish or other animal which does not constitute a health or safety hazard.

“Landlord” means, in the case of a senior citizen housing project in which dwelling units are rented or offered for rent under either a written or oral lease, the person or persons who own or purport to own the building, structure or complex of buildings or structures in which those rental dwelling units are situated. In the case of a senior citizen housing project that is organized or operated as a planned real estate development, landlord means the governing board or body of that development.

“Planned real estate development” means any real property situated within the State, whether contiguous or not, which consists of, or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interests, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. It shall include, but not be limited to, property subject to the “Condominium Act,” P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners’ association, any housing cooperative or any community trust or other trust device.

“Senior citizen” means a person 62 years of age or over and shall include a surviving spouse if that surviving spouse is 55 years of age or over.

“Senior citizen housing project” or “project” means any building or structure, and any land appurtenant thereto, having three or

more dwelling units, be they rental or owner-occupied, intended for, and solely occupied by, senior citizens; except that, it shall not include owner-occupied premises having not more than three dwelling units that are rented or offered for rent, or any health care facility as defined in the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

C.2A:42-104 Resident of senior citizen housing project permitted to have domesticated animal.

2. Any senior citizen residing in a senior citizen housing project shall, upon providing written notice to the landlord, be permitted to own, harbor or care for a domesticated animal while a resident of that project.

C.2A:42-105 Arbitrary refusal to renew lease; penalty.

3. a. A landlord shall not arbitrarily refuse to renew a lease for a dwelling unit in a senior citizen housing project to any senior citizen who owns, harbors or cares for a domesticated animal in accordance with the provisions of section 2 of this act, except as provided in section 5 of this act.

Any landlord who so refuses to renew any such lease shall be subject to a civil penalty of not more than \$500 for each offense, recoverable by the senior citizen resident in a civil action in a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The municipal court or the Special Civil Part of the Law Division of the Superior Court of the county in which the senior citizen housing project is located shall have jurisdiction to enforce the penalty.

b. A landlord shall not require any senior citizen who resides in a senior citizen housing project to remove, by sale, donation, gift, or otherwise, any domesticated animal which that senior citizen owns, harbors or cares for in accordance with the provisions of section 2 of this act, except as provided in section 5 of this act.

C.2A:42-106 Landlord immunity.

4. a. A landlord who is in compliance with the provisions of this act shall not be liable to respond in damages in any civil action for injury to persons or property caused by a domesticated animal owned, harbored or cared for by a senior citizen who is in compliance with the provisions of this act.

b. Nothing in this section shall grant the landlord immunity for a willful or wanton act of commission or omission.

C.2A:42-107 Allowable circumstances for refusal to renew lease.

5. Under the following circumstances, a landlord may refuse to renew a senior citizen's lease for a dwelling unit in a senior citizen housing project or may require that a senior citizen remove, by sale, donation, gift, or otherwise, a domesticated animal from a dwelling unit in a senior citizen housing project:

a. When the existence of a domesticated animal or the senior citizen's refusal to comply with the rules and regulations governing domesticated animals constitutes a violation of federal, State or local building, health or use codes;

b. When the senior citizen fails to properly care for the domesticated animal;

c. When the senior citizen fails to properly control the domesticated animal by using a leash, if appropriate, or other necessary safety devices when walking or taking the domesticated animal to or from his dwelling unit or while on the land appurtenant thereto, or fails to take prompt action to remove any animal waste when requested by the landlord; or

d. When the senior citizen fails to confine the domesticated animal's body waste functions to areas that do not interfere with the ingress and egress of any person to or from the senior citizen housing project, or with the use of common areas in and about the senior citizen housing project by the other residents thereof and their invitees.

C.2A:42-108 Guard dog.

6. The presence of a guard dog used by the landlord shall not constitute a waiver of the provisions of this act.

C.2A:42-109 Rights of handicapped.

7. Nothing in this act shall impair the rights of a handicapped person to own, harbor or care for a domesticated animal, including guide dogs and service dogs, in accordance with the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

C.2A:42-110 Removal of continuing nuisance.

8. Nothing in this act shall limit the legal rights and remedies of a landlord under the lease or the master deed and bylaws, as the case may be, to remove a domesticated animal that constitutes a continuing nuisance to the welfare or property of either the landlord or the other residents of a senior citizen housing project, nor shall it limit the legal rights and remedies of that landlord or other residents.

In any action to remove a domesticated animal or to evict a senior citizen from a senior citizen housing project for violating a lease due to the presence of a domesticated animal that is alleged to be a continuing nuisance, the plaintiff shall have the burden of proving that the domesticated animal is a continuing nuisance.

C.2A:42-111 Rules, regulations.

9. a. A landlord shall have the right to promulgate reasonable written rules and regulations, in accordance with the provisions of this act, relating to the care and maintenance of domesticated animals by senior citizens, except that a landlord may not require that the domesticated animal be spayed or neutered. All such rules and regulations shall be transmitted, in writing, to the residents of each dwelling unit in the senior citizen housing project and shall be incorporated within each lease upon its subsequent renewal and the master deed and bylaws, as the case may be.

b. A landlord may require that a senior citizen remove from the senior citizen housing project any offspring of his domesticated animal within eight weeks of their birth; except that, the landlord may require their removal at an earlier date if the offspring of that domesticated animal may be so removed without unreasonable danger to their health.

C.2A:42-112 Rights of municipality not limited.

10. Nothing in this act shall limit the rights of a municipality to prohibit, by ordinance, the owning, harboring or keeping of certain species of animals within the municipality.

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

Approved July 6, 1990.

CHAPTER 56

AN ACT concerning primary elections, amending P.L.1988, c.126, and supplementing Title 19 of the Revised Statutes.

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

C.19:13-20.1 Candidate vacancy not filled.

1. If there is no candidate on the primary election ballot of a political party for nomination for election to a public office in the general election and no write-in candidate for nomination for that office receives the minimum number of write-in votes necessary for nomination at a primary election pursuant to section 1 of P.L.1981, c.264 (C.19:14-2.1) and R.S.19:23-8, a vacancy shall not be deemed to exist and the provisions of R.S.19:13-20 shall not be applicable.

2. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to read as follows:

C.19:27-11.1 Filling of vacancies in Legislature.

7. When any vacancy happens in the Legislature otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 51 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of this Title. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, a political party may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the Secretary of State not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the Secretary of State at least 55 days prior to the primary election; and if no candi-

date of any party will be chosen at a primary election, such petition shall be filed with the Secretary of State not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

When the vacancy occurs in the Senate or General Assembly, the county clerk of each county which is comprised in whole or part in the Senate or General Assembly district shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

3. This act shall take effect immediately.

Approved July 6, 1990.

CHAPTER 57

AN ACT concerning the filling of certain vacancies in municipal government and among candidates in municipal elections, amending N.J.S.40A:16-11 and 40A:16-13 and supplementing Title 19 of the Revised Statutes.

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

1. N.J.S.40A:16-11 is amended to read as follows:

Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy.

40A:16-11. Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy. If the incumbent whose office has become vacant was elected to office as the nominee of a political party, the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body

the names of three nominees for the selection of a successor to fill the vacancy. The governing body shall, within 30 days after the occurrence of the vacancy, appoint one of the nominees as the successor to fill the vacancy. If the governing body fails to appoint one of the nominees within the time prescribed herein, the municipal committee that named the three nominees shall, within the next 15 days, appoint one of the nominees as the successor to fill the vacancy, and such person shall be sworn in immediately. If the municipal committee which nominated the incumbent fails to submit the names of the nominees within the time prescribed herein, the governing body may, within the next 15 days, fill the vacancy by the appointment of a successor from the same political party which had nominated the incumbent whose office has become vacant.

If, on the effective date of this act, the governing body had previously received from the municipal committee the names of three nominees to fill any such vacancy and had not filled the vacancy, the governing body, within 30 days after the effective date of this act, shall appoint one of the nominees as the successor to fill the vacancy.

2. N.J.S.40A:16-13 is amended to read as follows:

Failure of governing body to fill vacancy in membership of governing body.

40A:16-13. Failure of governing body to fill vacancy in membership of governing body. If a governing body shall fail or decline to fill a vacancy in the membership of the governing body by appointment as provided in N.J.S.40A:16-4 or 40A:16-5 within the time prescribed by N.J.S.40A:16-12, the office shall remain vacant for the remainder of the term or until the election and qualification of a successor, as the case may be.

C.19:13-14.1 Primary candidate for municipal office may not serve as other political party candidate in general election.

3. A person whose name appears on the ballot at a primary election as a candidate for nomination by a political party for any municipal office shall not be eligible to serve as the candidate of any other political party for that office in that municipality at the general election following that primary.

4. This act shall take effect immediately.

Approved July 6, 1990.

CHAPTER 58

AN ACT to reconstitute the New Jersey Railroad and Transportation Museum Study Commission and supplementing P.L.1987, c.41.

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

1. The New Jersey Railroad and Transportation Museum Study Commission, created pursuant to P.L.1987, c.41, as amended by P.L.1988, c.5, is reconstituted with the same membership, powers and duties as provided in those laws.
2. The commission shall continue its study authorized under section 4 of P.L.1987, c.41 and submit the report of its findings, conclusions and recommendations required under section 6 of P.L.1987, c.41 on or before September 1, 1991.
3. Any unexpended balances remaining from sums appropriated under section 7 of P.L.1987, c.41 or section 3 of P.L.1988, c.5, and carried forward under the annual appropriations law, are appropriated to the New Jersey Railroad and Transportation Museum Study Commission to effectuate its purposes.
4. This act shall take effect immediately, shall be retroactive to September 30, 1989, and shall expire on September 30, 1991.

Approved July 9, 1990.

CHAPTER 59

AN ACT empowering the waterfront and airport commission of New York and New Jersey to implement a telecommunications hiring system for longshoremen and checkers, and supplementing P.L.1953, c.202 (C.32:23-1 et seq.).

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

C.32:23-105.1 Implementation of telecommunications hiring system for longshoremen and checkers and registration of telecommunications system controllers.

1. Implementation of Telecommunications Hiring System for Longshoremen and Checkers and Registration of Telecommunications System Controllers.

(1) The commission may designate one of the employment information centers it is authorized to establish and maintain under Part I, Article XII of P.L.1953, c.202 (C.32:23-52 et seq.) for the implementation of a telecommunications hiring system through which longshoremen and checkers may be hired and accept employment without any personal appearance at the center. The telecommunications hiring system shall incorporate hiring and seniority agreements between the employers of longshoremen and checkers and the labor organizations representing longshoremen and checkers in the Port of New York district, provided the agreements are not in conflict with the provisions of the compact, P.L.1953, c.202 (C.32:23-1 et seq.).

(2) The commission shall permit employees of the management organizations representing employers of longshoremen and checkers in the Port of New York district, and of the labor organizations representing longshoremen and checkers in the Port of New York district, or of a joint board of these management and labor organizations, to participate in the operation of the telecommunications hiring system, if these employees are registered by the commission as "telecommunications system controllers" in accordance with the provisions of Part III of the compact, section 6 of P.L.1956, c.194 (C.32:23-105), with respect to the registration of checkers. A person shall not act as a "telecommunications system controller" unless he or she is registered. An application for registration and a registration made or issued may be denied, revoked, cancelled or suspended, as the case may be, only in the manner prescribed in Part I of Article XI of the compact, P.L.1953, c.202 (C.32:23-45 et seq.). Participation in the operation of the telecommunications hiring system shall be monitored by the commission.

(3) The records, documents, tapes, discs and other data compiled, collected or maintained by a management organization, a labor organization, and a joint board of these management and labor organizations pertaining to the telecommunications hiring system shall be available for inspection, investigation and duplication by the commission.

C.32:23-105.2 Severability.

2. If any part or provision of this act or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment is rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of the provisions or application thereof been apparent.

C.32:23-105.3 Liberal construction.

3. This act constitutes an agreement between the states of New Jersey and New York supplementary to the waterfront commission compact, and shall be liberally construed to effectuate the purposes of the compact and the powers vested in the waterfront commission hereby shall be construed to be in aid of and supplemental to and not in limitation of or in derogation of any of the powers heretofore conferred upon or delegated to the waterfront commission.

4. 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 shall have already enacted such legislation, then it shall take effect immediately.

Approved July 9, 1990.

CHAPTER 60

AN ACT concerning voter registry lists and amending P.L.1947, c.347.

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

1. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to read as follows:

C.19:31-18.1 Registry lists; distribution.

2. a. The county clerk in all counties shall cause copies of the registry lists, certified and transmitted under R.S.19:31-18, to be printed in handbill form, and shall furnish to any voter applying for the same such copies, charging therefor \$0.25 per copy of the list of voters of each election district. He shall also furnish five printed copies thereof to each district board, which shall within two days post two such registry lists, one in the polling place and one in another conspicuous place within the election district. The county clerk shall also forthwith deliver to the superintendent of elections of the county, if any there be, and to the chairmen of the county committees of each of the several political parties in the county, five copies of the lists of voters of each election district in the county; and to the municipal clerk of each of the municipalities in the county five copies of the lists of voters of each election district in such municipality; and to the county board 10 copies of the lists of voters of each election district in each of such municipalities. The county clerk shall also, upon the request of the chairman of the State committee of any of the several political parties, but not more than once in each calendar year, forthwith deliver a copy of the lists of voters of each election district in each of the municipalities in his county. In any county where the voter registration lists are recorded on magnetic tape, the county clerk shall satisfy the request by delivery of a copy of the magnetically recorded lists, including with the tape, where available, a statement of the number of records on the tape and the length, layout and block size of those records.

b. In any county where the voter registration lists are recorded on magnetic tape or electronic data processing cards, the commissioner of registration shall furnish a copy of such tape or cards to any voter requesting such tape or cards, for which copy such commissioner shall make a charge which shall be uniform in any calendar year and which shall reflect only the cost of reproducing such tape or cards.

c. No person shall use voter registration lists or copies thereof prepared pursuant to this section as a basis for commercial solicitation of the voters listed thereon. Any person making such use of such lists or copies thereof shall be a disorderly person, and shall be punished by a fine not exceeding \$500.00.

2. This act shall take effect immediately.

Approved July 10, 1990.

CHAPTER 61

AN ACT concerning the gross income tax and property tax relief for individuals, amending P.L.1981, c.239, P.L.1977, c.273, N.J.S.54A:2-1, 54A:8-3.1, 54A:2-4, 54A:3-1, 54A:6-10, supplementing Title 54 of the Revised Statutes and repealing various parts of the statutory law.

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

C.54:4-8.57 Short title.

1. Sections 1 through 10 of this act shall be known and may be cited as the "Homestead Property Tax Rebate Act of 1990."

C.54:4-8.58 Definitions.

2. As used in sections 2 through 10 of this act:

"Condominium" means the form of real property ownership provided for under the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.);

"Continuing care retirement community" means a residential facility primarily for retired persons where lodging and nursing, medical or other health related services at the same or another location are provided as continuing care to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges;

"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, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association;

"Director" means the Director of the Division of Taxation in the Department of the Treasury;

"Dwelling house" means any residential property assessed as real property which consists of not more than four units, of which not more than one may be used for commercial purposes, but shall not include a unit in a condominium, cooperative, horizontal property regime or mutual housing corporation;

"Homestead" means:

a. (1) a dwelling house and the land on which that dwelling house is located which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(2) a dwelling house situated on land owned by a person other than the claimant which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(3) a condominium unit or a unit in a horizontal property regime which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(4) for purposes of this definition as provided in this subsection, in addition to the generally accepted meaning of owned or ownership, a homestead shall be deemed to be owned by a person if that person is a tenant for life or a tenant under a lease for 99 years or more and is entitled to and actually takes possession of the homestead under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan, or is a resident of a continuing care retirement community pursuant to a contract for continuing care for the life of that person which requires the resident to bear, separately from any other charges, the proportionate share of property taxes attributable to the unit that the resident occupies;

b. a unit in a cooperative or mutual housing corporation which constitutes the place of domicile of a residential shareholder or lessee therein, or of a lessee, or shareholder who is not a residential shareholder therein, and which is used by the claimant as the claimant's principal residence; and

c. a unit of residential rental property which unit constitutes the place of the claimant's domicile and is used by the claimant as the claimant's principal residence;

"Horizontal property regime" means the form of real property ownership provided for under the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.);

"Gross income" means all New Jersey gross income required to be reported pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., other than income excludable from the gross income tax return, but before reduction thereof by any applicable exemptions, deductions and credits, received during the taxable year by the owner or residential shareholder in, or lessee of, a homestead;

“Mutual housing corporation” means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the Lanham Act (National Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. §1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act;

“Principal residence” means a homestead actually and continually occupied by a claimant as the claimant’s permanent residence, as distinguished from a vacation home, property owned and rented or offered for rent by the claimant, and other secondary real property holdings;

“Rent constituting property taxes” means 18% of the rent paid by the claimant during the tax year on a unit of residential rental property which constitutes the claimant’s homestead;

“Resident” means an individual:

a. who is domiciled in this State, unless he maintains no permanent place of abode in this State, maintains a permanent place of abode elsewhere, and spends in the aggregate no more than 30 days of the tax year in this State; or

b. who is not domiciled in this State but maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the tax year in this State, unless the individual is in the Armed Forces of the United States;

“Residential rental property” means:

a. any building or structure or complex of buildings or structures in which dwelling units are rented or leased or offered for rental or lease for residential purposes;

b. a rooming house, hotel or motel, if the rooms constituting the homestead are equipped with kitchen and bathroom facilities; and

c. any building or structure or complex of buildings or structures constructed under the following sections of the National Housing Act (Pub.L.73-479) as amended and supplemented: section 202, Housing Act of 1959 (Pub.L.86-372) and as subsequently amended, section 231, Housing Act of 1959;

“Residential shareholder in a cooperative or mutual housing corporation” means a tenant or holder of a membership interest in that cooperative or corporation, whose residential unit therein constitutes the tenant or holder’s domicile and principal residence, and who may deduct real property taxes for purposes of federal income tax pursuant to section 216 of the federal Internal Revenue Code of 1986, 26 U.S.C. §216; and

“Tax year” means the calendar year in which property taxes are due and payable.

C.54:4-8.59 Rebates for homestead property taxes.

3. a. Except for a resident of this State who is allowed a rebate pursuant to subsection b. of this section which exceeds the minimum rebate provided for in this subsection, or who is allowed a rebate pursuant to section 4 or 5 of this act, a resident of this State shall be allowed:

(1) a minimum rebate of \$150 for property taxes paid on one homestead for the tax year if the claimant's gross income does not exceed \$70,000 for that year; or

(2) a minimum rebate of \$100 for property taxes paid on one homestead for the tax year if the claimant's gross income exceeds \$70,000 but does not exceed \$100,000 for that year.

If a claimant who is eligible for the minimum rebate pursuant to this subsection paid property taxes on homesteads maintained as such in this State for less than the full tax year, the minimum rebate shall be prorated in the proportion which the number of days that the homesteads were maintained during the tax year bears to 365 days. A claim for the minimum rebate pursuant to this subsection shall be subject to any further proportionate reduction as may be required pursuant to subsections d. and e. of this section. A minimum rebate subject to any proportionate reduction shall be rounded to the nearest whole dollar. A claim for a minimum rebate based upon a homestead maintained by both spouses shall be determined based upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

b. Except for a resident of this State who is allowed a rebate pursuant to subsection a. of this section, or who is allowed a rebate pursuant to section 4 or 5 of this act, a resident of this State shall be allowed a rebate for the tax year equal to the amount by which property taxes paid by the claimant in that tax year on the claimant's homestead exceed 5% of the claimant's gross income, up to a maximum rebate of \$500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed \$70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed \$35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed \$70,000, but in no event shall the rebate claimed under this subsection exceed one-half of the amount of the rebate allowable had the spouses filed a joint return and rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed \$35,000.

c. A rebate shall be allowed pursuant to subsection b. of this section in relation to the amount of the property taxes actually paid by or allocable to a resident property taxpayer who is a claimant on more than one homestead, but the aggregate amount of the property taxes claimed shall not exceed the total of the proportionate amounts of property taxes assessed and levied against or allocable to each homestead for the portion of the tax year the claimant occupied it as the claimant's principal residence.

d. If title to a homestead is held by more than one individual as joint tenants or tenants in common, each individual shall be allowed a rebate pursuant to this section only in relation to the individual's proportionate share of the property taxes assessed and levied against the homestead. The individual's proportionate share of the property taxes on that homestead shall be equal to the share of that individual's interest in the title. Title may be presumed to be held in equal shares among all co-owners, but if the conveyance under which the title is held provides for unequal interests therein, a claimant's share of the property taxes paid on that homestead shall be in proportion to the claimant's interest in the title.

e. If the homestead of a claimant is a residential property consisting of more than one unit, that claimant shall be allowed a rebate pursuant to this section only in relation to the proportionate share of the property taxes assessed and levied against the residential unit occupied by that claimant, as determined by the local tax assessor.

f. Nothing in this section shall preclude a co-owner, other than a husband or wife claiming a rebate on the same homestead, from claiming a minimum rebate pursuant to subsection a. of this section

if another co-owner claims a rebate pursuant to subsection b. of this section, provided however, that each such claim shall be separately subject to the provisions of subsections d. and e. of this section.

C.54:4-8.60 Rebates for residential rental property units.

4. a. Except for a resident of this State who is allowed a rebate pursuant to subsection b. of this section which exceeds the minimum rebate provided for in this subsection, or who is allowed a rebate pursuant to section 3 or 5 of this act, a resident of this State whose homestead is a unit of residential rental property shall be allowed:

(1) a minimum rebate of \$65 for property taxes paid through rent on the homestead for the tax year if the claimant's gross income does not exceed \$70,000 for that year; or

(2) a minimum rebate of \$35 for property taxes paid through rent on the homestead for the tax year if the claimant's gross income exceeds \$70,000 but does not exceed \$100,000 for that year.

If a claimant who is eligible for the minimum rebate pursuant to this subsection paid rent for less than the full tax year on one or more homesteads in this State maintained as such for less than the full tax year, the minimum rebate shall be prorated in the proportion which the number of days that the homestead was maintained during the tax year bears to 365 days. A claim for a minimum rebate pursuant to this subsection shall be subject to such further proportionate reduction as may be required pursuant to subsections c. and d. of this section. A minimum rebate subject to any proportionate reduction shall be rounded to the nearest whole dollar. A claim for a minimum rebate based upon a homestead maintained by both spouses shall be determined based upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

b. Except for a resident of this State who is allowed a rebate pursuant to subsection a. of this section, or who is allowed a rebate pursuant to section 3 or 5 of this act, a resident of this State whose homestead is a unit of residential rental property shall be allowed a rebate for the tax year equal to the amount by which the claimant's rent constituting property taxes in that tax year exceeds 5% of the claimant's gross income, up to a maximum rebate of \$500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed \$70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed \$35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed \$70,000, but in no event shall the rebate claimed under this subsection exceed one-half of the amount of the rebate allowable had the spouses filed a joint return and rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed \$35,000.

c. If more than one resident, other than a husband and wife, qualify for a rebate by reason of their having occupied the same unit of residential rental property as their homestead, it shall be presumed that each claimant shall be allowed a rebate pursuant to either subsection a. or subsection b. of this section only in relation to the individual's proportionate share of the total rent constituting property taxes paid by that claimant which rebate shall be in proportion to the percentage that the total rent paid by that claimant bears to the total rent paid by all tenants of the same unit. For the purposes of a rebate claimed by an individual subject to this subsection, the names and social security numbers of each co-tenant shall be reported by the claimant and the total rent paid shall be presumed to be paid in equal parts among all co-tenants.

d. If a claimant for a rebate either pursuant to subsection a. or subsection b. of this section has no other homestead in this State other than a unit of residential rental property, and that claimant was not a resident of this State for the full tax year, but paid rent for the full tax year for one or more units of residential rental property in this State, the claimant's total rebate otherwise calculated pursuant to subsection a. or subsection b. of this section shall be prorated in the proportion which the number of days the claimant occupied residential rental property in this State as a homestead during the tax year bears to 365 days.

e. Nothing in this section shall preclude a co-tenant, other than a husband or wife claiming a rebate on the same homestead, from claiming a minimum rebate pursuant to subsection a. of this section if another co-tenant claims a rebate pursuant to subsection b. of this section, provided however, that each such claim shall be separately subject to the provisions of subsections c. and d. of this section.

C.54:4-8.61 Rebates for property taxes and rent.

5. a. Except for a resident of this State who is allowed a rebate pursuant to subsection b. of this section which exceeds the minimum rebate provided for in this subsection, or who is allowed a rebate pursuant to section 3 or 4 of this act, a resident of this State for the full tax year for which a rebate is claimed, who has paid property taxes on a homestead other than a unit of residential rental property for a part of the tax year and has paid property taxes through rent on a unit of residential rental property for the remainder of that year, shall be allowed a minimum rebate for that tax year equal to:

(1) the sum of that portion of \$150 which the number of days that the claimant's homestead was other than a unit of residential rental property bears to 365 days and that portion of \$65 which the number of days that the claimant's homestead was a unit of residential rental property bears to 365 days, if the claimant's gross income does not exceed \$70,000 for that year; or

(2) the sum of that portion of \$100 which the number of days that the claimant's homestead was other than a unit of residential rental property bears to 365 days and that portion of \$35 which the number of days that the claimant's homestead was a unit of residential rental property bears to 365 days, if the claimant's gross income exceeds \$70,000 but does not exceed \$100,000 for that year.

A claim for a minimum rebate pursuant to this subsection shall first be subject to such further proportionate reductions to the respective portions of the sums determined pursuant to paragraph (1) or (2) hereinabove as may be required pursuant to subsections d. and e. of section 3 and subsections c. and d. of section 4 of this act. A minimum rebate determined pursuant to this subsection shall be rounded to the nearest whole dollar. A claim for a minimum rebate based upon a homestead maintained by both spouses shall be determined based upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

b. Except for a resident of this State who is allowed a rebate pursuant to subsection a. of this section, or who is allowed a rebate pursuant to section 3 or 4 of this act, a resident of this State for the full tax year for which a rebate is claimed, whose homestead has been other than a unit of residential rental property for a part of the tax year and has been a unit of residential rental property for the remainder of that year, shall be allowed a rebate for that tax year equal to the amount by which the sum of the actual property taxes paid by the claimant and the rent constituting property taxes paid by the claimant in that tax year exceeds 5% of the claimant's gross income, up to a maximum rebate of \$500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed \$70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed \$35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed \$70,000, but in no event shall the rebate claimed under this subsection exceed one-half of the amount of the rebate allowable had the spouses filed a joint return and rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed \$35,000.

C.54:4-8.62 Rebate applications.

6. a. No rebate shall be allowed pursuant to this act except upon annual written application therefor, in a manner and on a form prescribed by the director. The director may require a claimant to attach to the rebate application a copy of the appropriate property tax bill or proof of rent paid for the prior tax year. The director may require such other verification of eligibility for a rebate as the director may deem necessary. The application form shall be submitted (1) as part of the claimant's gross income tax return filed pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or , (2) on any other form and at any time

as the director shall prescribe if (a) the claimant is not required to file a gross income tax return or (b) the claimant has filed an application for extension of time to file the claimant's gross income tax return. The director shall, for good cause shown, extend the time of any applicant to file a claim for a rebate for a reasonable period, and in such case, the application shall be processed and payment of a rebate made in accordance with the procedures established in the case of applications timely filed. The director may require sworn applications. In the event that the director waives the requirement of sworn applications, all declarations by claimants shall be considered as if made under oath and claimants, as to false declarations, shall be subject to the penalties as provided by law for perjury.

b. Upon approval of rebate applications by the director, the director shall prepare lists of persons entitled to a rebate, together with the respective amounts due each claimant and shall forward such lists, on or before September 1, and on or before September 30 with respect to rebate applications submitted pursuant to (b) of subparagraph (2) of subsection a. of this section, to the State Treasurer, the Director of the Division of Budget and Accounting and any other officials as the director deems appropriate. The director may inspect the records in the office of the tax collector of a municipality with respect to claims for rebates.

c. If a rebate application contains a claim for a rebate that is incorrectly determined by the claimant or is based upon incorrect or insufficient information from which the director is to approve the claim, the director may determine the eligibility of the claimant for a rebate and the correct amount of a rebate to be paid to that claimant from such other information as may be available to the director. In addition, the director may adjust the amount of any rebate to which a claimant may be entitled by any part of the amount of any previous rebate erroneously claimed by and paid to that claimant.

d. In the case of a claimant whose homestead is a unit in a cooperative, mutual housing corporation or continuing care retirement community, the application shall include the name and address of the location of the property and the amount of real property taxes attributed to the cooperative, mutual housing residential unit or continuing care retirement community residential unit, as shall be indicated in an official notice which shall be furnished by the cooperative, mutual housing corporation or continuing care retirement community for the same year.

e. A rebate shall be allowed pursuant to this act for a claimant whose ownership of an interest in a homestead is satisfied by the holding of the beneficial interest if legal title thereto or share therein is held by another for the benefit of the claimant.

C.54:4-8.63 Rebate distribution.

7. The State Treasurer annually on or before October 31, upon certification of the director and upon warrant of the State Comptroller, shall pay and distribute the amount of the rebate claimed for the prior tax year to each claimant whose rebate is approved by the director.

C.54:4-8.64 Property tax delinquency; withholding of rebate.

8. a. The tax collector of each municipality shall, on or before July 1 of each year, furnish the director with a list of property taxpayers in the district delinquent for taxes due and payable for the year immediately preceding and the amounts of such delinquencies. The collector shall report on such list the name, lot and block number on the property tax duplicate as may be applicable, and the address of each owner to whom a delinquency is attributable together with the amount of such delinquency so identified. No rebate payment under this act shall be made to a property owner while that property owner's delinquency remains, provided however that for the purposes of this act, property which is on appeal and for which the statutory percentage of the tax as provided in R.S.54:3-27 has been paid shall not be regarded as delinquent.

b. If a property tax delinquency remains for the preceding tax year on July 1, the director shall ascertain the amount of the rebate required to be withheld because of such delinquency in each municipality in the State, and shall certify such amounts to the State Treasurer as soon thereafter as may be practicable.

c. On or before November 15, the director shall notify each rebate claimant whose rebate has been withheld because of delinquency that the amount of the rebate to which the claimant otherwise would have been entitled has been sent to the tax collector in the municipality to be credited against the claimant's delinquency.

d. Upon certification by the director as to the amount of rebates required to be withheld because of delinquency in the several municipalities, the State Treasurer upon the warrant of the State Comptroller, shall pay such amount on or before October 30 to the tax collector in each municipality.

e. The tax collector in each municipality shall credit the tax delinquency of each property taxpayer who appears on the delinquency list set forth in subsection a. of this section in the amount that otherwise would have been returned to the property taxpayer as a rebate. In the event that the amount so credited exceeds the amount of delinquency, the tax collector may return the difference to the taxpayer or credit such amount to the subsequent property tax bill.

f. In the case of delinquency in the payment of property taxes by a cooperative, mutual housing corporation or continuing care retirement community, a rebate that may be due an individual resident shall be paid by the State Treasurer to the tax collector of the municipality. The tax collector shall credit the property owner with such payment and the property owner shall, in turn, credit the individual unit owner to the extent of the rebate. The tax collector shall notify the property owner of the amount to be credited.

C.54:4-8.65 Rebates not subject to legal process; exceptions.

9. The property tax rebate authorized under this act shall not be subject to garnishment, attachment, execution or other legal process, except as provided in section 1 of P.L.1981, c.239 (C.54A:9-8.1), or except for an income withholding order issued pursuant to P.L.1981, c.417 (C.2A:17-56.7 et seq.), nor shall the payment thereof be anticipated.

C.54:4-8.66 Appeal to tax court.

10. a. A claimant aggrieved by the disapproval of a claim for a rebate or a determination of the amount of a rebate by the director, may, within 30 days after notification of such decision indicating the reason therefor, 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. The tax court shall render its judgment within 90 days from the date the appeal is filed.

b. The appeal provided by this section shall be the exclusive remedy available to a claimant for review of a decision of the director in respect of the denial of or determination of the amount of a rebate.

11. Section 1 of P.L.1981, c.239 (C.54A:9-8.1) is amended to read as follows:

C.54A:9-8.1 Precedence of child support indebtedness.

1. Whenever any taxpayer or homeowner shall be entitled to any refund of taxes pursuant to the "New Jersey Gross Income Tax" (N.J.S.54A:1-1 et seq.) or a homestead property tax rebate pursuant to P.L.1990, c.61 (C.54:4-8.57 et al.), and at the same time the taxpayer or homeowner shall be indebted to any agency or institution of State Government or for child support under Title IV-A, Title IV-D, or Title IV-E of the federal Social Security Act (42 U.S.C. §601 et seq.), the Department of the Treasury shall apply or cause to be applied the refund or rebate, or both, or so much of either or both as shall be necessary, to satisfy the indebtedness. Child support indebtedness shall take precedence over all other indebtedness. The Department of the Treasury shall retain a percentage of the proceeds of any collection setoff as shall be necessary to provide for any expenses of the collection effort.

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

Imposition of tax.

54A:2-1. Imposition of tax. There is hereby imposed a tax for each taxable year (which shall be the same as the taxable year for federal income tax purposes) on the New Jersey gross income as herein defined of every individual, estate or trust (other than a charitable trust or a trust forming part of a pension or profit-sharing plan), subject to the deductions, limitations and modifications hereinafter provided, determined in accordance with the following tables with respect to taxpayers' taxable income:

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

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

Over \$80,000.00 but not over \$150,000.00	\$2,350.00 plus 6.5% of the excess over \$80,000.00
Over \$150,000.00	\$6,900.00 plus 7.0% of the excess over \$150,000.00

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

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

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

13. N.J.S.54A:3-1 is amended to read as follows:

Personal exemptions and deductions.

54A:3-1. Personal exemptions and deductions. Each taxpayer shall be allowed personal exemptions and deductions against his gross income as follows:

(a) Taxpayer. Each taxpayer shall be allowed a personal exemption of \$1,000.00 which may be taken as a deduction from his New Jersey gross income.

(b) Additional exemptions. In addition to the personal exemptions allowed in (a), the following additional personal exemptions shall be allowed as a deduction from gross income:

1. For the taxpayer's spouse who does not file separately—\$1,000.00.

2. For each dependent who qualifies as a dependent of the taxpayer during the taxable year for federal income tax purposes—\$1,500.00.

3. Taxpayer 65 years of age or over at the close of the taxable year—\$1,000.00.

4. Taxpayer's spouse 65 years of age or over at the close of the taxable year—\$1,000.00.

5. Blind or disabled taxpayer—\$1,000.00.

6. Blind or disabled spouse—\$1,000.00.

(c) Special Rule. The personal exemptions allowed under this section shall be limited to that percentage which the total number of months within a taxpayer's taxable year under this act bears to 12. For this purpose 15 days or more shall constitute a month.

(d) Nonresidents. A nonresident taxpayer shall be allowed the same deduction for personal exemptions as a resident taxpayer. However, if (1) the nonresident's gross income which is subject to tax under this act is exceeded by (2) his gross income which he would be required to report under this act if he were a resident by more than \$100.00, his deduction for personal exemptions shall be limited by the percentage which (1) is to (2).

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

Minimum taxable income.

54A:2-4. Minimum taxable income. Notwithstanding any other provisions of this act, a taxpayer filing as an unmarried individual, an estate or trust, a taxpayer determining tax pursuant to subsection a. of N.J.S.54A:2-1, or a married couple filing a joint return, with a gross income of \$3,000.00 or less (\$1,500.00 or less in the case of a married person filing separately), shall not be subject to tax under this act. In the case of a nonresident, gross income shall mean gross income which such nonresident would have reported if he had been a resident.

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

Persons required to file.

54A:8-3.1. Persons required to file. a. On or before the filing date prescribed in section 1 of this chapter (N.J.S.54A:8-1), an income tax return shall be made and filed by or for an individual, whether

filing as unmarried or determining tax pursuant to subsection a. of N.J.S.54A:2-1, an estate or trust, having a gross income in excess of \$3,000.00, and by or for a married couple filing a joint return and having joint gross income in excess of \$3,000.00 (\$1,500.00 or more in the case of a married person filing separately).

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

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

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

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

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

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

16. N.J.S.54A:6-10 is amended to read as follows:

Pensions and annuities.

54A:6-10. Pensions and annuities. Gross income shall not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract as of the annuity starting date bears to the expected return under the contract as of such date. Where (1) part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and (2) during the three-year period beginning on the date on which an amount is first received under the contract as an annuity, the aggre-

gate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee, then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded an amount equal to the consideration for the contract contributed by the employee.

In addition to that part of any amount received as an annuity which is excludable from gross income as herein provided, gross income shall not include payments of up to \$10,000.00 for a married couple filing jointly, \$5,000.00 for a married person filing separately, or \$7,500.00 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, which are received as an annuity, endowment or life insurance contract, or payments of any such amounts which are received as pension, disability, or retirement benefits, under any public or private plan, whether the consideration therefor is contributed by the employee or employer or both, by any person who is 62 years of age or older or who, by virtue of disability, is or would be eligible to receive payments under the federal Social Security Act.

Gross income shall not include any amount received under any public or private plan by reason of a permanent and total disability.

Gross income shall not include distributions from an employees' trust described in section 401(a) of the Internal Revenue Code of 1986, as amended (hereinafter referred to as "the Code"), which is exempt from tax under section 501(a) of the Code if the distribution, except the portion representing the employees' contributions, is rolled over in accordance with section 402(a)(5) or section 403(a)(4) of the Code. The distribution shall be paid in one or more installments which constitute a lump-sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to subsection (e)(4)(B)), or be on account of a termination of a plan of which the trust is a part or, in the case of a profit-sharing or stock bonus plan, a complete discontinuance of contributions under such plan.

17. Section 3 of P.L.1977, c.273 (C.54A:6-15) is amended to read as follows:

C.54A:6-15 Other retirement income.

3. Other retirement income. a. Gross income shall not include income of up to \$10,000.00 for a married couple filing jointly,

\$5,000.00 for a married person filing separately, or \$7,500.00 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, when received in any tax year by a person aged 62 years or older who received no income in excess of \$3,000.00 from one or more of the sources enumerated in subsections a., b. and k. of N.J.S.54A:5-1, provided, however, that the total exclusion under this subsection and that allowable under N.J.S.54A:6-10 shall not exceed the amounts of the exclusions set forth in this subsection.

b. In addition to the exclusion provided under N.J.S.54A:6-10 and subsection a. of this section, gross income shall not include income of up to \$6,000.00 for a married couple filing jointly or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, or \$3,000.00 for a single person or a married person filing separately, who is not covered under N.J.S.54A:6-2 or N.J.S.54A:6-3, but who would be eligible in any year to receive payments under either section if he or she were covered thereby.

18. The Director of the Division of Taxation in the Department of the Treasury is empowered to promulgate rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and to prescribe forms to administer the provisions of this act.

19. The following are repealed:

Repealer.

P.L.1976, c.72 (C.54:4-3.80 through 54:4-3.94);

Section 6 of P.L.1977, c.242 (C.54:4-3.80a);

Sections 13 and 14 of P.L.1977, c.17 (C.54:4-3.89a and 54:4-3.92a);

N.J.S.54A:4-3; and

Sections 1 through 14 of P.L.1985, c.304 (C.54A:3A-1 through 54A:3A-14);

provided however, that the repeal of the several provisions of statutory law provided in this section shall first apply to homestead tax relief deductions and credits, tenant credits and homestead rebates applied for, claimed or payable after the effective date of this section; provided further, however, that the repeal of those provisions shall not affect the right of a taxpayer to obtain a credit or refund for any overpayment as a result of the failure to properly claim or otherwise calculate a homestead tax relief deduction or credit or tenant credit prior to the effective

date of this section, and shall not affect the right of a claimant to obtain a homestead rebate as a result of the failure to properly claim or otherwise appeal the denial of a homestead rebate for a tax year prior to the effective date of this section.

20. Sections 1 through 17 and section 19 of this act shall take effect January 1, 1991. Sections 18 and 20 shall take effect immediately.

Approved July 12, 1990.

CHAPTER 62

AN ACT concerning the retirement of certain elected public officials, amending P.L.195, c.414 and repealing P.L.1983, c.316.

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

1. Section 1 of P.L.1985, c.414 (C.43:15A-47.2) is amended to read as follows:

C.43:15A-47.2 Retirement of elected officials.

1. Notwithstanding any contrary provision of P.L.1954, c.84 (C.43:15A-1 et seq.), and except as may be otherwise provided in P.L.1972, c.167 (C.43:15A-135 et seq.), a member of the retirement system shall be eligible to retire while holding public office to which he was elected and receiving the full salary for that office if his retirement allowance is not based solely on his service in the public office to which he was elected, and no contributions shall be required of the member covering that service.

Repealer.

2. P.L.1983, c.316 (C.43:15A-47.1) is repealed.

3. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 63

AN ACT concerning the admissibility of evidence of mental disease or defect in criminal cases and amending N.J.S.2C:4-2.

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

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

Evidence of mental disease or defect admissible when relevant to element of the offense.

2C:4-2. Evidence of mental disease or defect admissible when relevant to element of the offense.

Evidence that the defendant suffered from a mental disease or defect is admissible whenever it is relevant to prove that the defendant did not have a state of mind which is an element of the offense. In the absence of such evidence, it may be presumed that the defendant had no mental disease or defect which would negate a state of mind which is an element of the offense.

2. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 64

AN ACT concerning compensation for victims of crime and victims of drunk driving, amending P.L.1979, c.396 and P.L.1971, c.317.

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

1. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to read as follows:

C.2C:43-3.1 Victim, witness funds.

2. a. (1) In addition to any disposition made pursuant to the provisions of N.J.S.2C:43-2, any person convicted of a crime of violence resulting in the injury or death of another person shall be assessed a penalty of at least \$30.00, but not to exceed \$10,000.00 for each such crime for which he was convicted. In imposing this penalty, the court shall consider factors such as the severity of the crime, the defendant's criminal record, defendant's ability to pay and the economic impact of the penalty on the defendant's dependents.

(2) (a) In addition to any other disposition made pursuant to the provisions of N.J.S.2C:43-2 or any other statute imposing sentences for crimes, any person convicted of any disorderly persons offense, any petty disorderly persons offense, or any crime not resulting in the injury or death of any other person shall be assessed a penalty of \$30.00 for each such offense or crime for which he was convicted.

(b) In addition to any other disposition made pursuant to the provisions of section 20 of P.L.1973, c.306 (C.2A:4-61) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent, according to the definition of "delinquency" established in section 3 of P.L.1973, c.306 (C.2A:4-44), shall be assessed a penalty of at least \$15.00 for each such adjudication, but shall not exceed the amount which could be assessed if the offense was committed by an adult.

(c) In addition to any other penalty imposed pursuant to the provisions of R.S.39:4-50, any person convicted of operating a motor vehicle while under the influence of liquor or drugs shall be assessed a penalty of \$30.00.

(3) All penalties provided for in this section shall be collected as provided for collection of fines and restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Violent Crimes Compensation Board for use as provided in paragraph (4) hereof.

(4) All moneys collected pursuant to paragraphs (1) and (2) shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in a separate account for use by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs, pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.), except that after the Violent Crimes Compensation Board shall have received the first \$25.00 of each penalty assessment per count for an adult offender or the first \$10.00 of each penalty assessment per count for a juvenile offender, then the next \$5.00 of each penalty assessment

collected shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in a separate account to be known as the Victim and Witness Advocacy Fund to be administered by the Department of Law and Public Safety as provided herein. If the initial penalty assessment is greater than \$30.00 for an adult offender or \$15.00 for a juvenile offender then any penalty assessment money collected after the \$5.00 allocated to the Victim and Witness Advocacy Fund shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in the separate account for use by the Violent Crimes Compensation Board as provided for in this subsection. The parties responsible for collection of the penalty assessment, the municipal court clerks, the county probation departments and the Department of Corrections shall provide the Violent Crimes Compensation Board with a monthly accounting of the penalty assessment collections which enables the Violent Crimes Compensation Board to accurately identify the \$5.00 share allocable to the Victim and Witness Advocacy Fund.

(5) The Department of Law and Public Safety through the Division of Criminal Justice shall be responsible for administering the Victim and Witness Advocacy Fund. This fund shall be used to support the development and provision of services to victims and witnesses of crimes and for related administrative costs. The Director of the Division of Criminal Justice shall promulgate rules and regulations in order to effectuate the purposes of this fund.

(6) The Division of Criminal Justice shall report annually to the Governor and the Legislature concerning the implementation of this fund.

b. All moneys, including fines and restitution, collected from a person convicted of any disorderly persons offense, any petty disorderly persons offense, from any juvenile adjudicated delinquent, or from a person convicted of operating a motor vehicle while under the influence of liquor or drugs or any crime shall be applied first to any penalty imposed pursuant to this section upon such a person.

c. An adult prisoner of a State correctional institution who has not paid a penalty imposed pursuant to this section shall have the penalty deducted from any income the inmate receives as a result of labor performed at the institution or any type of work release program.

d. If any person, including an inmate, fails to comply with any of the terms or penalties imposed pursuant to this section the court may, in addition to any other penalties it may impose, order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or

obtaining a license until the terms or penalties are complied with. The court shall notify the Director of the Division of Motor Vehicles of the action. Prior to any action being taken pursuant to this subsection, the person shall be afforded notice and a hearing before the court to contest the charge of failure to comply.

2. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to read as follows:

C.52:4B-11 Victim compensation.

11. The board may order the payment of compensation in accordance with the provisions of this act for personal injury or death which resulted from:

(a) an attempt to prevent the commission of crime or to arrest a suspected criminal or in aiding or attempting to aid a police officer so to do, or

(b) the commission or attempt to commit any of the following offenses:

1. aggravated assault;
2. mayhem;
3. threats to do bodily harm;
4. lewd, indecent, or obscene acts;
5. indecent acts with children;
6. kidnapping;
7. murder;
8. manslaughter;
9. rape;
10. any other crime involving violence including domestic violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3);
11. burglary;
12. tampering with a cosmetic, drug or food product; or
- (c) the commission of a violation of R.S.39:4-50.

3. 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 two 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:

- a. Compensation to the victim proves to be substantial unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating,
- b. (Deleted by amendment, P.L.1990, c.64.)
- c. The victim 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, or
- d. The victim was injured as a result of the operation of a motor vehicle, except as provided in subsection (c) of section 11 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the same was used as a weapon in a deliberate attempt to run the victim down, or
- e. The victim suffered personal injury or death while an occupant of a motor vehicle where the victim knew or reasonably should have known that the driver was operating the vehicle in violation of R.S.39:4-50.

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. § 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.

4. This act shall take effect immediately, and shall apply only to injuries which occur after the effective date.

Approved July 17, 1990.

CHAPTER 65

AN ACT concerning boards of public works in municipalities operating under the borough form of government and supplementing chapter 60 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:60-8.1 Continuation of certain borough boards.

1. Any board of public works which was in existence at the time P.L.1987, c.379 was enacted in a municipality with a population greater than 12,500 but not more than 13,000 according to the 1980 federal decennial census, in a county of the first class, and operating under the borough form of government may continue to operate unless the borough dissolves the board in the manner prescribed by law prior to the enactment of P.L.1987, c.379.

2. All actions taken since the effective date of P.L.1987, c.379 by a board of public works in a municipality meeting the requirements of section 1 of this act are valid and confirmed.

3. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 66

AN ACT concerning the regulation of and payment for certain social and welfare services and amending and supplementing parts of the statutory law.

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

1. R.S.30:1-12 is amended to read as follows:

General policy; rules and regulations.

30:1-12. a. The Legislature finds that the Commissioner of Human Services is obligated by State and federal law to assure that programs that serve eligible, low-income, handicapped, elderly, abused, and disabled persons are provided in an accessible, efficient, cost-effective and high quality manner. In order to meet these ends, the commissioner must have sufficient authority to require institutions and agencies that are under his direct or indirect supervision to meet State and federal mandates. This authority is especially necessary given the manner in which certain services are provided by county or local agencies, but are funded in whole or part by the State. The Legislature finds that the commissioner must have the authority to establish rules, regulations and directives, including incentives and sanctions, to assure that these institutions and agencies are providing services in a manner consistent with these mandates.

b. The commissioner shall have power to determine all matters relating to the unified and continuous development of the institutions and noninstitutional agencies within his jurisdiction. He shall determine all matters of policy and shall have power to regulate the administration of the institutions or noninstitutional agencies within his jurisdiction, correct and adjust the same so that each shall function as an integral part of a general system. The rules, regulations, orders and directions issued by the commissioner pursuant thereto, for this purpose shall be accepted and enforced by the executive having charge of any institution or group of institutions or noninstitutional agencies or any phase of the work within the jurisdiction of the department.

In order to implement the public policy of this State concerning the provision of charitable, hospital, relief and training institutions established for diagnosis, care, treatment, training,

rehabilitation and welfare of persons in need thereof, for research and for training of personnel, and in order that the personnel, buildings, land, and other facilities provided be most effectively used to these ends and to advance the public interest, the commissioner is hereby empowered to classify and designate from time to time the specific functions to be performed at and by any of the aforesaid institutions under his jurisdiction and to designate, by general classification of disease or disability, age or sex, the classes of persons who may be admitted to, or served by, these institutions or agencies.

In addition to and in conjunction with its general facilities and services for the mentally ill, mentally retarded and tuberculous, the department may at its discretion establish and maintain specialized facilities and services for the residential care, treatment and rehabilitation of persons who are suffering from chronic mental or neurological disorders, including, but not limited to alcoholism, drug addiction, epilepsy and cerebral palsy.

The commissioner shall have the power to regulate the administration of agencies under his supervision including, but not limited to, municipal and county welfare agencies. The commissioner may issue rules, regulations, orders and directions to assure that programs administered by the agencies are financially and programmatically efficient and effective, and to establish incentives and impose sanctions to assure the appropriate operation of programs and compliance with State and federal laws and regulations.

In addition, the commissioner shall have the authority to:

(1) review and approve county and municipal welfare agency budgets; and

(2) take over and operate county or municipal welfare operations in situations in which the commissioner determines that the welfare board is failing to substantially follow federal or State law, thereby placing clients, who are dependent on public assistance benefits to survive in a humane and healthy manner, at serious risk. In this situation, the commissioner shall have the authority to bill the county for the cost of such operations and for necessary changes to assure that services are provided to accomplish federal and State mandates in an effective and efficient manner.

No rule, regulation, order or direction shall abridge the authority of a county or municipal welfare agency to establish wages and terms and conditions of employment for its employees through collective negotiation with an authorized employee organization pursuant to P.L.1984, c.14 (C.44:7-6.1 et seq.).

2. Section 86 of P.L.1965, c.59 (C.30:4-165.3) is amended to read as follows:

C.30:4-165.3 Notification of county adjuster.

86. Whenever any developmentally disabled person is admitted to residential services the commissioner or his designated agent shall notify the county adjuster of the county in which that person is resident who shall proceed to determine legal settlement in accordance with R.S.30:4-49 and 30:4-73. The State, the person or his estate and his legally responsible relatives shall be responsible for the costs of his care in residential services, except that any order for payment shall be issued independently of any order of commitment to the care and custody of the commissioner or to guardianship.

If arrangements are made which are satisfactory to the institution for payment of the cost of care and treatment of the person and if the chief executive officer or his designated agent is satisfied that the person requires residential services and should be admitted then he shall be so admitted without reference of the matter to the county adjuster for presentation to the court.

3. Section 27 of P.L.1951, c.138 (C.30:4C-27) is amended to read as follows:

C.30:4C-27 Expenses of maintenance chargeable against State funds.

27. Pursuant to the providing of care, custody or guardianship for any child, in accordance with the provisions of this act, the Division of Youth and Family Services may expend such sums as may be necessary for the reasonable and proper cost of maintenance, including board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service as the needs of any such child may require, except that the division shall not maintain a clothing warehouse for the distribution of clothing to children under its jurisdiction. In lieu thereof, the division may pay foster parents caring for children under their supervision a sufficient amount to enable them to purchase necessary clothing items required by the children from the local merchants of the locality in which they reside. Such maintenance costs and the total cost of hospital care for children as provided for herein shall be borne by the State. However, no costs shall be chargeable if incurred earlier than the date of the child's acceptance in care as provided in section 12 hereof, or earlier than the date of an order of commitment to guardianship as provided in section 20 hereof.

Whenever a medical or psychological examination shall be required for any child as a condition to providing care or custody, or whenever the division avails itself of the facilities and services of any privately sponsored agency or institution, the cost of the examination or service shall be a proper charge against State funds, within the limits of available appropriations, in the same manner and extent as expenditures for maintenance.

In providing care, custody or guardianship for any child or in the course of determining the eligibility of any child for care, custody or guardianship in accordance with the provisions of this act, the division may avail itself of the facilities and services of any privately sponsored agency or institution, with due regard to the religious background of the child, which complies with those rules and regulations as established pursuant to this act, paying such fees for service as may be mutually agreed upon by the division and the privately sponsored agency or institution providing service.

Whenever a child under care, custody or guardianship is in need of operation, anaesthesia, diagnostic tests or treatment, the division may give its consent thereto. A consent to operation, anaesthesia, diagnostic tests or treatment when given by the division on behalf of any child receiving care, custody or guardianship shall be deemed legal and valid for all purposes with respect to any person or hospital affording service to such child pursuant to and in reliance upon such consent.

Nothing contained herein shall modify the provisions of section 6 of the act of which this act is amendatory.

4. Section 30 of P.L.1951, c.138 (C.30:4C-30) is amended to read as follows:

C.30:4C-30 Costs borne by State, provisions for payment.

30. The cost of maintenance provided under this act for or on behalf of any child shall be borne by the State.

The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount required to carry into effect the provisions of this act, together with the deficiencies, if any, incurred in the previous year. The Legislature shall include the amount so determined and stated, in the annual appropriations bill.

The division may fix the rate of per capita payment for the maintenance of children in each State program and subprogram, including the allowance for clothing.

5. Section 32 of P.L.1951, c.138 (C.30:4C-32) is amended to read as follows:

C.30:4C-32 Burial of child receiving care, etc.

32. Whenever a child receiving care, custody, or guardianship as provided by this act has died, and an investigation by the Division of Youth and Family Services discloses that there are insufficient funds from any other source to provide proper burial, such division shall authorize the expenditure of an amount reasonably necessary to provide proper burial for such child, and such amount shall be a proper charge against State funds, within the limits of available appropriations, in the same manner and extent as expenditures for maintenance.

The amount reasonably necessary to provide proper burial shall be determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried.

6. Section 23 of P.L.1947, c.156 (C.44:8-129) is amended to read as follows:

C.44:8-129 Determining amount of State aid.

23. In each year the commissioner shall determine the amount of State aid which each municipality shall receive in such year, and the same shall be distributed by the commissioner among the various municipalities making application therefor to the commissioner before July 1 of such year, except those in which public assistance shall be administered by the commissioner for all or any part of such year, by the payment to each municipality of 100% of its "current year's public assistance load."

7. Section 2 of P.L.1959, c.86 (C.44:10-2) is amended to read as follows:

C.44:10-2 Assistance for dependent children.

2. Eligible dependent children living in New Jersey and the parent or parents or relative or relatives with whom they are living shall be entitled to financial assistance, to be paid for by the county, State and federal governments in accordance with the provisions of section 5 of P.L.1959, c.86 (C.44:10-5), and other services from the county welfare agency of the county in which they reside, which shall be administered in accordance with and

governed by requirements, conditions, limitations and procedures similar to those established by chapter 7 of Title 44 of the Revised Statutes excepting R.S.44:7-3, 44:7-5, 44:7-14 to 44:7-16, inclusive and R.S.44:7-25. Notwithstanding any provision to the contrary, no natural or adoptive parents with a dependent child as defined in section 1(c)(1)(iii) shall be eligible to receive assistance where the insufficiency of income or resources is the direct result of (a) a voluntary cessation of employment within 90 days prior to the date of application which such voluntary cessation shall include unemployment due to inappropriate work habits resulting in discharge from employment or (b) a voluntary assignment or transfer of property within one year prior to the time of application for the purpose of qualifying for public assistance.

Additionally, application for or receipt of aid to families with dependent children shall operate as an assignment, pursuant to Titles IV-A and IV-D of the Social Security Act, to the county welfare agency of any rights to support from any other person that the applicant or recipient may have on his own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance. The assignment shall terminate with respect to current support rights upon a determination by the director of the county welfare agency that the person is no longer eligible for aid to families with dependent children except with respect to the amount of any unpaid support obligation that has accrued.

8. Section 5 of P.L.1959, c.86 (C.44:10-5) is amended to read as follows:

C.44:10-5 State payments to county welfare agencies.

5. The State shall pay to each county welfare agency the full amount of any funds received by the State from the federal government as federal participation with respect to expenditures made by such county welfare agency for aid to families with dependent children (AFDC), plus an additional amount, to bring the total federal and State share of expenditures for AFDC to 95%, plus, for aid provided to families with dependent children as defined in section 1(c)(1)(ii) and (iii) of this act (C.44:10-1), the entire amount of such expenditures that exceed the level of expenditures in 1976 for aid to families of the working poor pursuant to P.L.1971, c.209 (C.44:13-1 et seq.), after deduction for federal participation.

The State shall also pay to each county welfare agency the full amount of any funds received by the State from the federal gov-

ernment as federal participation with respect to the costs of administration of the program of aid to families with dependent children by such county welfare agency.

9. Section 3 of P.L.1951, c.139 (C.44:7-40) is amended to read as follows:

C.44:7-40 Payments by State.

3. The State shall pay to each county welfare board the full amount of any funds received by the State from the federal government as federal participation with respect to expenditures made by such county welfare board for assistance for the permanently and totally disabled, plus the balance of such expenditures after deducting the amount of such federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the federal government as federal participation with respect to the costs of administration of the program of assistance for the permanently and totally disabled by such county welfare board.

10. Section 44 of P.L.1962, c.197 (C.44:7-46) is amended to read as follows:

C.44:7-46 Payments to county welfare boards.

44. The State shall pay to each county welfare board the full amount of any funds received by the State from the federal government as federal participation with respect to expenditures made by such county welfare board for assistance for the blind, plus the balance of such expenditures after deducting the amount of such federal participation.

The State shall also pay to each county welfare board the full amount of any funds received by the State from the federal government as federal participation with respect to the costs of administration of the program of assistance for the blind by such county welfare board.

11. R.S.44:7-25 is amended to read as follows:

State's share; additional payment.

44:7-25. State's share; additional payment. The State shall pay to each county welfare board the full amount of any funds

received by the State from the federal government as federal participation with respect to expenditures made by such county welfare board for old age assistance, including burial and funeral expenses and terminal medical and nursing costs, plus the balance of such expenditures after deducting the amount of such federal participation. The State shall also pay to each county welfare board the full amount of any funds received by the State from the federal government as federal participation with respect to the costs of administration of the program of old age assistance by such county welfare board.

12. Section 3 of P.L.1973, c.256 (C.44:7-87) is amended to read as follows:

C.44:7-87 Duties of commissioner.

3. The commissioner shall:

a. Enter into agreements with the government to secure the administration of supplementary payments by the government for such time and upon such conditions as the commissioner may in his discretion deem appropriate.

b. Promulgate, alter and amend such rules, regulations and directory orders as are necessary and proper:

(1) To implement the terms of the agreement with the government for the administration by the government of supplementary payments; and

(2) To secure social services for eligible persons, and for such other aged, blind or disabled persons as the commissioner may designate.

c. Transfer State or welfare board funds, or both, currently appropriated for this State's participation in the federal categorical assistance programs of "Old Age Assistance," R.S.44:7-3 to R.S.44:7-37; "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43 to 44:7-49) and "Permanent and Total Disability Assistance," P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds which may in the future be appropriated for the payment of supplementary payments, to the government in such amounts and at such times as the commissioner shall deem appropriate in order to provide for supplementary payments to eligible persons in this State.

d. Pay to the government such funds as are necessary to reimburse the government's expenses in collecting additional information needed for the State to make eligibility determinations for medical assistance under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 to 30:4D-19).

e. Require welfare boards to perform such eligibility determinations as the commissioner may deem necessary for the continuation of the New Jersey Medical Assistance Program under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413. The commissioner shall pay to the counties a reasonable amount to reimburse the welfare boards for their expenses in making such eligibility determinations.

f. (Deleted by amendment, P.L.1990, c.66.)

g. Take appropriate steps to secure maximum federal financial participation in providing assistance to eligible persons residing in residential health care facilities.

h. Ensure that any eligible person residing in a rooming or boarding house or residential health care facility has reserved to him a monthly amount, from payments received under the provisions of the act to which this act is a supplement or from any other income, as a personal needs allowance. The personal needs allowance may vary according to the type of facility in which an eligible person resides, but in no case shall be less than \$25.00 per month.

i. Ensure that any eligible person who receives medical assistance under subparagraph (4)(a) of subsection a. or under paragraph (11), (13) or (14) of subsection b. of section 6 of P.L.1968, c.413 (C.30:4D-6) receives \$10.00 per month, in addition to benefits received pursuant to 42 U.S.C. § 1382(e)(1)(B). If the government cannot administer this \$10.00 monthly increase, the commissioner shall administer this increase and shall ensure that this increase is not considered income for Supplemental Security Income program purposes. However, if the government increases the benefit level under 42 U.S.C. § 1382(e)(1)(B), the commissioner shall allow the government to administer this increase and shall reduce its payment to an eligible recipient by an equal amount.

13. Section 4 of P.L.1973, c.256 (C.44:7-88) is amended to read as follows:

C.44:7-88 Duties and responsibilities of welfare boards.

4. Welfare boards shall:

a. Be relieved of those duties and responsibilities, under "Old Age Assistance," R.S.44:7-3 to 44:7-37, "Permanent and Total Disability Assistance," P.L.1951, c.139 (C.44:7-38 to 44:7-42), and "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43 to 44:7-49), that the government has assumed under the Supplemental Security Income Program and under the agreement between the government and this

State. Welfare boards shall retain, to the extent determined by the commissioner, the responsibility for the performance of all the functions under the above laws that the government will not perform pursuant to the agreement between the State and the government.

b. Provide social services to those persons designated to receive such services pursuant to section 3b.(2) of this act.

c. (Deleted by amendment, P.L.1990, c.66.)

C.40A:4-45.2b Deduction from county appropriation for services assumed by State.

14. For each local fiscal year, or portion thereof, in which a service or function associated with the provisions of this act is assumed by the State, the county shall deduct from its final appropriations upon which its permissible county tax levy is calculated the amount which the county expended for that service or function during the last full budget year, or portion thereof, for which the service or function so transferred was funded from appropriations in the county budget.

C.30:1-12.2 Commissioner's authority to assure compliance.

15. If the commissioner determines that any municipal Local Assistance Board or County Welfare Board has failed to administer their respective programs in accordance with applicable State and federal laws and regulations, the commissioner shall have the authority to take the following action:

a. Take the necessary administrative and programmatic changes necessary to ensure compliance with State and federal law and regulation and bill the municipality and county for the reasonable expenses incurred by the department in ensuring compliance;

b. Hire any consultant or undertake any studies of the agency operations deemed appropriate;

c. Direct expenditures of the county or municipal welfare agency in a reasonable and prudent manner to effectuate the purposes of their respective programs, including reallocating funds within the county or municipal welfare agency budget and determine additional amounts of revenue needed to implement the programs within the agency's budget;

d. Operate the county or municipal welfare agency; and

e. Do all acts necessary or appropriate to ensure that the needs of eligible public assistance recipients are met pursuant to State and federal law.

16. Section 3 of P.L.1947, c.156 (C.44:8-109) is amended to read as follows:

C.44:8-109 Public policy.

3. It is hereby declared to be the public policy of this State that every needy person shall, while in this State, be entitled to receive such public assistance as may be appropriate with reference to need of a category of persons and whether or not such persons are employable, and that the funding of such public assistance is the responsibility of the State and the administration is primarily the duty of the municipalities and of civic and charitable organizations but that all needy persons not otherwise provided for under the laws of this State shall hereafter receive public assistance pursuant to law and the provisions of this act.

It is also the public policy of this State that there are two distinct categories of persons who may be eligible for financial assistance in accordance with the provisions of this act, those who are employable and those who are unemployable, as those terms are defined in section 2 of this act (C.44:8-108). The commissioner may set differing levels of assistance for these categories.

17. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to read as follows:

C.44:8-114 Administration and funding of public assistance.

8. The State shall provide, through each municipality, public assistance to the persons eligible therefor, residing therein or otherwise when so provided by law, which assistance shall be fully funded by the State and administered by a local assistance board according to law and in accordance with this act and with such rules and regulations as may be promulgated by the commissioner.

As hereinafter provided, employable persons receiving public assistance shall be required, except when good cause exists, to perform such public work as shall be assigned to them by the Division of Employment Services in the Department of Labor or, in the manner described herein, by the director of welfare of the municipality providing public assistance.

The division shall provide for the establishment of public work programs for the assignment of employable persons in receipt of public assistance. Public work may include the performance of work for the municipality providing public assistance, or the performance of work in the operation of or in an activity of a nonprofit agency or

institution pursuant to a contract with the municipality. Public work projects to which employable persons are assigned by the division may include work for other levels of government besides the municipality, and shall be approved by the Commissioner of Labor. If a recipient is injured while performing work assigned by the division or a municipal welfare director pursuant to this act, liability for such injury shall be assumed by the State, pursuant to the Workers' Compensation Act, R.S.34:15-1 et seq. No State agency, municipality or any governmental or nonprofit agency or institution which has contracted with the division or a municipality pursuant to this act, or its employees, shall be liable in a civil suit for damages for any injury sustained by a recipient while performing work required by this act.

The director of welfare in the municipality shall notify the division of persons in receipt of public assistance who, in his judgment, and in accordance with the regulations established by the Commissioner of Human Services, are able to perform work. From the time that he has so notified the division until such time as the division shall assign such persons to a public work project, the director of welfare shall assign such employable persons to perform public work if such work is available, and shall notify the division. The division may approve any such employment assigned by the director of welfare without further need for assignment or reassignment or may make another assignment. In assigning public work, the director of welfare or the division, as the case may be, shall be satisfied that such employable persons will not be used to replace any regular employees of any department or unit of such municipality.

In assigning persons to public work in a nonprofit agency or institution, the division or the director of welfare, as the case may be, shall also be satisfied that such assignment will not result in the displacement of regular employees of the agency or institution.

The Commissioner of Labor shall establish regulations concerning the appropriateness of work-site assignments.

Persons performing such work assigned by the division or the director of welfare shall work only the number of hours equal to the amount of their grant divided by an hourly wage rate commensurate with beginning regular employees similarly employed. Performance of such work shall result in payment to the person of his public assistance grant.

Any person who without good cause fails or refuses to report for or to perform work to which he has been assigned by the director of welfare or the division shall thereupon become ineligible for public assistance for a period of 90 days, which shall

commence at the end of the current benefit period and at the end of which the person shall again become eligible for public assistance; provided that he reports for and performs work to which he has been assigned or shows his willingness to do so.

Good cause for failure or refusal to report for or to perform work shall include, but shall not be limited to: working conditions which are a substantial risk to health and safety; physical inability to engage in a particular type of work; or lack of a reasonable means of transportation.

Willingness to report for or to perform work shall be demonstrated by maintaining a current registration with the division; by reporting to a division office upon request and providing all required information; by reporting for employment interviews as scheduled by the division; by accepting employment or better employment when offered, whether or not the offer is made through or referred by the division; by accepting training for employment as offered when the person is unemployed; and by continuing in employment training, unless the person has good cause to fail or refuse to report for or to perform the work to which the person has been assigned.

18. This act shall take effect July 1, 1991, except for section 14, which shall take effect immediately.

Approved July 17, 1990.

CHAPTER 67

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, 1990 and regulating the disbursement thereof," approved June 30, 1989 (P.L.1989, c.122).

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 in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

18-1430 Law Enforcement Planning \$4,700,000

Special Purpose:

Drug Control and System

Improvement Grant (\$4,700,000)

2. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 68

AN ACT concerning the application of physical modalities to the patients of physicians, chiropractors, physical therapists and podiatrists and supplementing chapters 5 and 9 of Title 45 of the Revised Statutes.

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

C.45:5-11.1 Administration of physical modalities to patients by employees of podiatrists.

1. a. A podiatrist licensed pursuant to chapter 5 of Title 45 of the Revised Statutes shall not use an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State.

As used in this subsection, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy, and ultrasound.

b. Nothing in this section shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

C.45:9-22.10 Administration of physical modalities to patients by employees of physicians.

2. a. A physician licensed pursuant to chapter 9 of Title 45 of the Revised Statutes shall not use an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State.

As used in this subsection, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy, and ultrasound.

b. Nothing in this section shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

C.45:9-14.5a Administration of physical modalities to patients by employees of chiropractors.

3. a. A chiropractor licensed pursuant to P.L.1989, c.153 (C.45:9-41.17 et seq.) or chapter 9 of Title 45 of the Revised Statutes shall not use an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State.

As used in this subsection, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy, and ultrasound.

b. Nothing in this section shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

C.45:9-37.34a Administration of physical modalities to patients by employees of physical therapists.

4. a. A physical therapist licensed pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.) shall not use an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State.

As used in this subsection, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy, and ultrasound.

b. Nothing in this section shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

5. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 69

AN ACT concerning mortgage escrow accounts, amending R.S.54:4-64, supplementing Title 17 of the Revised Statutes, and repealing P.L.1977, c.353.

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

C.17:16F-15 Definitions.

1. As used in this act:

“Commissioner” means the Commissioner of Community Affairs.

“Duplicate copy” means a duplicate of the original property tax bill which duplicate is generated by the collector of a taxing district.

“Mortgagee” means the holder of a mortgage loan.

“Mortgage escrow account” or “escrow account” means an account which is part of a mortgage loan agreement, whether incorporated into the agreement or as part of a separately executed document, whereby: the mortgagor is obligated to make periodic payment to the mortgagee or his agent for taxes, insurance premiums, or other charges with respect to the real property which secures the mortgage loan; and the mortgagee or his agent is obligated to make payments for taxes, insurance premiums or other charges with respect to the real property which secures the mortgage loan.

“Mortgage loan” means a loan made to a natural person or persons to whom credit is offered or extended primarily for personal, family or household purposes which is secured by a mortgage constituting a lien upon real property located in this State on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may be used for nonresidential purposes, in the making

of which the mortgagee relies primarily upon the value of the mortgaged property.

“Mortgagor” includes any person liable for the payment of a mortgage loan, and the owner of real property which secures the payment of a mortgage loan.

“Original tax bill” means the property tax bill as originally prepared and mailed by the collector of a taxing district pursuant to subsection a. of R.S.54:4-64.

“Property tax processing organization” means an organization which, under contract with a mortgagee or a servicing organization, collects and processes property tax information with respect to properties securing mortgage loans.

“Purchasing servicing organization” means a person or entity to whom or which a mortgagee or a selling servicing organization sells, assigns or transfers the servicing of a mortgage loan.

“Replacement bill” means a property tax bill made or generated by a mortgagee, servicing organization or tax processing organization subject to the restrictions provided pursuant to subsection a. of section 5 of this act and regulations promulgated by the Commissioner of Community Affairs pursuant to subsection a. of section 5 of this act.

“Selling servicing organization” means a person or entity who sells, assigns or transfers the servicing of a mortgage loan.

“Servicing organization” means a mortgagee or an agent of the mortgagee, pursuant to a written agreement between the agent and the mortgagee, which is responsible for one or more mortgage escrow accounts.

“Tax authorization form” means a form approved by the Commissioner of Community Affairs whereby the mortgagor authorizes the municipal tax collector to send the original municipal tax bill to the mortgagee or the mortgagee’s servicing organization pursuant to R.S.54:4-64.

C.17:16F-16 Sums deposited in escrow accounts by mortgagor.

2. If a mortgagee or its servicing organization with respect to a mortgage loan agreement, requires a mortgagor to deposit sums in one or more escrow accounts such sums shall not exceed the following:

a. On or before the date of settlement:

(1) A sum that will be sufficient to pay that portion of each charge payable from the escrow account which is attributable to a period beginning on the last date on which each such charge would have been paid under the normal lending practice of the

mortgagee and local custom and ending on the due date of the first full installment payment under the mortgage loan; and

(2) One-sixth of an amount which the mortgagee reasonably estimates will be the total amount of charges payable from the escrow account during the 12-month period following the date of settlement under the normal lending practice of the mortgagee and local custom.

b. In any month, during the ensuing 12-month period, including the month in which the first full installment payment under the mortgage loan is due and each ensuing 12-month period thereafter:

(1) One-twelfth of an amount which the mortgagee reasonably estimates will be the total amount of such charges payable from the escrow account under the normal lending practice of the mortgagee and local custom;

(2) An amount necessary to maintain an additional balance in the escrow account not to exceed twice the amount calculated under paragraph (1) of this subsection; and

(3) Any additional amount which the mortgagee reasonably determines is necessary to avoid or eliminate a deficiency which would preclude full payment from the escrow account on the date a charge would be paid under the normal lending practice of the mortgagee and local custom.

For the purposes of this section, "normal lending practice" does not mean a lending practice which results in escrow accounts in excess of amounts required by ordinarily prudent lending practices in the locality.

C.17:16F-17 Transfer of mortgage loan to purchasing servicing organization.

3. If the servicing of a mortgage loan for which a mortgage escrow account has been established is sold, assigned or transferred to a purchasing servicing organization:

a. The selling servicing organization shall notify the mortgagor of the sale, assignment or transfer not more than 45 days after the actual date of the sale, assignment or transfer or not less than 10 days prior to the date the next payment of property taxes is due, whichever is earlier. The notification shall contain the name, address and telephone number of the purchasing servicing organization and any special instructions for the handling of payments during the conversion period.

b. The selling servicing organization shall notify the tax collector of the taxing district in which the mortgaged property is

located of the sale, assignment or transfer not more than 45 days after the actual date of the sale, assignment or transfer or not less than 10 days before the date the next payment of property taxes is due, whichever is earlier. The notification provided to the tax collector shall be on a form approved by the commissioner. The selling servicing organization shall also forward to the purchasing servicing organization the tax bill and stubs for the property securing the mortgage loan.

c. The purchasing servicing organization shall issue corrected coupon or payment books, if such are used, not later than 20 days after the first mortgage escrow payment to the purchasing servicing organization is due and shall provide the mortgagor with the name, address and telephone number of the purchasing servicing organization and information regarding the purchasing servicing organization's procedures for responding to questions from a mortgagor.

d. The purchasing servicing organization shall notify the tax collector of the taxing district in which the mortgaged property is located of the sale, assignment or transfer of the servicing of the mortgage loan not later than 45 days after the actual date of the sale, assignment or transfer or not less than 10 days prior to the date the next payment of property taxes is due, whichever is earlier. This notice shall include the purchasing servicing organization's procedure for responding to questions regarding a mortgage escrow account it manages.

e. A mortgagee or servicing organization which has been authorized to receive the original tax bill from the tax collector of the taxing district in which the mortgagor's property is located pursuant to R.S.54:4-64, may request the tax collector to send the original tax bill to its property tax processing organization. This request shall be made in writing on a form approved by the commissioner.

For the purposes of this section, "the date the next payment of property taxes is due" means either the first day of February, May, August or November, as applicable, and shall not include any grace period.

For the purposes of this section, the terms, "purchasing servicing organization" and "selling servicing organization" shall not include the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation, if the assignment, sale, or transfer of the servicing of the mortgage loan is preceded by:

(1) Termination of the contract for servicing the loan for cause;

- (2) Commencement of proceedings for bankruptcy of the servicer; or
- (3) Commencement of proceedings by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation for conservatorship or receivership of the servicer, or an entity by which the servicer is owned or controlled.

C.17:16F-18 Disbursement of escrow funds by mortgagee or servicing organization.

4. a. Each mortgagee or servicing organization requiring a mortgagor to make payments into an escrow account shall make each disbursement from the escrow account before the amount due becomes delinquent, provided that funds paid into the escrow account by the mortgagor are sufficient for the disbursement. If there is a shortage of funds which will result in a failure to make a payment on behalf of the mortgagor, the mortgagee or servicing organization shall promptly notify the mortgagor of the shortage. The mortgagee or servicing organization is permitted, but not required, to make a payment on behalf of the mortgagor even though there are not sufficient funds in the particular escrow account to cover the payment. Penalties or interest, or both, for late payments for amounts due and payable from an escrow account shall be paid, but shall not be charged to the mortgagor unless it can be shown that the penalty was a direct result of the mortgagor's error or omission.

b. A mortgagee or servicing organization shall notify a mortgagor in writing within 30 days after his escrow account is charged a penalty for late payment.

c. If a mortgagor is aggrieved by a violation of this section, which violation is not remedied in a reasonable, timely, and good faith manner by the mortgagee or the servicing organization, after a good faith effort to resolve the dispute is made by the mortgagor, the mortgagor may bring an action in a court of competent jurisdiction, and, if the court finds that actual damages have occurred, the court shall award, in addition to actual damages, the amount of \$500, together with court costs and reasonable attorneys' fees. No selling servicing organization shall be liable under this section for any act or omission of the purchasing servicing organization.

C.17:16F-19 Payment of mortgagor's property tax.

5. a. Payments for a mortgagor's property tax shall be made using the original tax bill, a duplicate copy thereof, or a replacement bill containing at least the lot and block number, street address, name of the property owner and amount of tax due and

which replacement bill is subject to regulations promulgated by the commissioner establishing procedures for its use.

b. A mortgagee, servicing organization or property tax processing organization which requests a duplicate copy of a tax bill from the tax collector of the taxing district and which is charged for the duplicate pursuant to subsection d. of R.S.54:4-64, shall not assess a mortgagor for the cost of obtaining a duplicate copy of the tax bill except under the conditions set forth in subsection d. of this section.

c. The cost of each duplicate tax bill shall be set by municipal ordinance in accordance with subsection d. of R.S.54:4-64 and shall be borne by the party requesting the duplicate.

d. Notwithstanding the provisions of subsection b. of this section, the mortgagor's escrow account may be charged for a duplicate bill if:

(1) The bill as originally prepared contained the mortgagor's name and was mailed to the mortgagor at his last known address; and

(2) The mortgagor did not forward the original tax bill to the mortgagee or the servicing organization in time for the mortgagee or the servicing organization to prepare the property tax payment for disbursement to meet the requirements of section 4 of this act.

C.17:16F-20 Periodic analysis of mortgage escrow account.

6. Not later than the end of the second loan year, the mortgagee or servicing organization shall establish a system for the periodic analysis of the mortgage escrow account, which analysis shall be accomplished at least once a year thereafter. After such analysis, and subject to the limitations set forth in subsection b. of section 2 of this act, the scheduled escrow account payments shall be adjusted to provide a sufficient accumulation of funds in the escrow account to make anticipated disbursements on the appropriate dates during the ensuing year. The mortgagor shall be given 10-days' advance notice of any adjustment in scheduled payments to the escrow account and shall be provided a full explanation of the reasons for any change. When the escrow account is analyzed in accordance with this subsection, any surplus or shortage shall be refunded to or collected from the mortgagor as provided by the contract. If there is a surplus in the escrow account, application of the surplus to delinquent payments shall be considered a cash refund to the mortgagor.

C.17:16F-21 Annual escrow account statement provided to mortgagor.

7. a. A mortgagee or servicing organization which requires a mortgagor to pay into a mortgage escrow account shall furnish to the

mortgagor, within 45 days after the end of each calendar year, a written statement providing: the balance of the account at the beginning of the calendar year; total payments credited to the account during the calendar year, including interest credited to the account, if any; an itemized statement of all expenditures from the account during the calendar year; and the balance in the account at the end of the calendar year. The mortgagor shall be entitled to receive one written statement for each calendar year without charge.

b. The annual statement provided for in subsection a. of this section is not required if the mortgagor is provided with at least a monthly statement or mortgagor passbook which provides the balance in the escrow account and an itemized record of disbursements from the account.

C.17:16F-22 Written instructions on information requests to mortgagor.

8. A mortgagee or its servicing organization shall provide each mortgagor whose escrow account it manages with written instructions concerning the procedures used by the mortgagee or servicing organization to respond to requests for information from a mortgagor.

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

Delivery of tax bills.

54:4-64. a. As soon as the tax duplicate is delivered to the collector of the taxing district, as provided in R.S.54:4-55, he shall at once begin the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed, and shall complete that work at least 47 days before the third installment of taxes falls due. He shall also, at least two months before the first installment of taxes for the year falls due, prepare and mail, or otherwise deliver to the individuals assessed, a tax bill for such following first and second installments, computed as hereinafter provided at one-half of the complete tax last previously levied. When any individual assessed has authorized the collector to mail or otherwise deliver his tax bill to a mortgagee or any other agent, the collector shall, at the same time, mail or otherwise deliver a duplicate tax bill to the individual assessed and shall print across the face of such duplicate tax bill the following inscription: "This is not a bill—for advice only." The validity of any tax or assessment, or the time at which it shall be payable, shall not be affected by the failure of a taxpayer to

receive a tax bill, but every taxpayer is put on notice to ascertain from the proper official of the taxing district the amount which may be due for taxes or assessments against him or his property.

b. As provided in subsection a. of this section, a mortgagor as the individual assessed for property taxes or other municipal charges with respect to the property securing a mortgage loan, may authorize the tax collector to mail or otherwise deliver his tax bill to a mortgagee or servicing organization. This tax authorization form shall be assignable in the event the mortgagee or servicing organization sells, assigns or transfers the servicing of the mortgage loan to another mortgagee or servicing organization.

c. The tax collector of the taxing district shall, upon receipt of a written request from a mortgagee or servicing organization on a form approved by the commissioner, mail or otherwise deliver a mortgagor's tax bill to a property tax processing organization. The commissioner shall provide by regulation for a procedure by which the tax collector of a taxing district may request the Director of the Division of Local Government Services in the Department of Community Affairs to review the appropriateness of the request to mail or otherwise deliver a mortgagor's tax bill to a property tax processing organization.

d. If a mortgagee, servicing organization, or property tax processing organization requests a duplicate copy of a tax bill, the tax collector of a taxing district shall issue a duplicate copy and may charge a maximum of \$5 for the first duplicate copy and a maximum of \$25 for each subsequent duplicate copy of the same tax bill in the same tax year, the actual charge being set by municipal ordinance. The commissioner shall promulgate regulations to effectuate the provisions of this subsection d. which regulations shall include a procedure by which a mortgagee, servicing organization, or property tax processing organization may appeal and be reimbursed for the amount it has paid for a duplicate copy of a tax bill, or any part thereof.

e. As used in subsections b., c., and d. of this section, "mortgagee," "mortgagor," "mortgage loan," "servicing organization" and "property tax processing organization" shall have the same meaning as the terms have pursuant to section 1 of P.L.1990, c.69 (C.17:16F-15).

C.17:16F-23 Written notice of property tax delinquency to mortgagor.

10. a. The tax collector of a taxing district shall send a written notice of a property tax delinquency to the mortgagor and the

applicable servicing organization within 60 days after the tax payment on the property is delinquent. However, the validity of the tax delinquency and the time it is due shall not be affected by the failure of the mortgagor or the servicing organization to receive the notice.

b. If the tax payments of the mortgagor are to be made by the mortgagee or its servicing organization from an escrow account; the mortgagee or its servicing organization has been authorized to receive and has been sent the original tax bill in time to make the property tax payment without being delinquent; and the mortgagor has made escrow account payments in accordance with the schedule provided by the mortgagee or the servicing organization; then, upon notification pursuant to subsection a. of this section, a mortgagor may:

(1) Pay the delinquent property taxes including interest using the copy of the tax bill sent him pursuant to R.S.54:4-64;

(2) Notify the mortgagee or the servicing organization that payment for the mortgagor's property taxes has been made and include a copy of the paid tax bill; and

(3) Stop making scheduled payments into the escrow account until the total amount paid by the mortgagor pursuant to paragraph (1) of this subsection is equaled.

C.17:16F-24 Notification to mortgagee of tax delinquency.

11. a. If a mortgagor's property taxes remain unpaid so as to subject the mortgagor's property to a tax sale pursuant to Article 4 of the "tax sale law" (R.S.54:5-19 et seq.), and if the property tax payments are to be made or are made by the mortgagee or a servicing organization which receives the original tax bill, the tax collector of the taxing district shall send a written notice by mail to the mortgagee or the servicing organization, of the tax delinquency status. This notice shall include the mortgagor's name, an identification of the property, the total amount of property taxes and interest due and an attachment which contains the provisions of section 12 of this act and an interpretive statement of that section provided by the commissioner.

b. A copy of the notice required by subsection a. of this section shall be mailed to the mortgagor at the same time it is mailed to the mortgagee or the servicing organization.

C.17:16F-25 Failure to resolve tax payment delinquency, mortgagor options.

12. Upon failure by the mortgagee or the servicing organization to resolve the tax payment delinquency within 30 days of the date of the notice provided pursuant to section 11 of this act a mortgagor may:

- a. Make payment for the tax delinquency including interest;
- b. Send a copy of the paid bill to the mortgagee or the servicing organization;
- c. Notify the mortgagee or the servicing organization that the mortgagor will stop making payments into the escrow account; and
- d. Make arrangement to make all future payments for taxes, insurance and other charges with respect to the property which secures the mortgage loan, making payments to the mortgagee or the servicing organization for only the principal and interest still due on the mortgage loan.

C.17:16F-26 Unpaid property taxes, mortgagor may sue mortgagee.

13. If a mortgagor's property taxes remain unpaid so as to subject the mortgagor's property to a tax sale pursuant to Article 4 of the "tax sale law" (R.S.54:5-19 et seq.), and if the mortgagor's property tax payments are made by a mortgagee or a servicing organization which receives the original tax bill, and a mortgagor's name appears in the notice which the collector of taxes is required to print pursuant to R.S.54:5-25 due to the failure of the mortgagee or the servicing organization to resolve the delinquency, the mortgagor may sue the mortgagee or the servicing organization in a court of competent jurisdiction for damages, including court costs and attorneys' fees and the cost of printing a correction in the same newspaper or newspapers in which the notice of tax delinquency appeared.

Repealer.

14. P.L.1977, c.353 (C.17:9A-65.2) is repealed.

15. This act shall take effect immediately and shall apply to mortgage escrow accounts maintained on or after the effective date, but section 5 and subsections b., c., and d. of section 9 shall remain inoperative until the 90th day after enactment during which time the commissioner shall promulgate regulations to implement the provisions of this act.

Approved July 17, 1990.

CHAPTER 70

AN ACT concerning illegal solid waste facilities, and amending and supplementing 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 Codes, rules and regulations; enforcement; penalties.

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. These 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 required pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5), 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. The fees shall be established in accordance with a fee schedule regulation adopted by the department, pursuant to law, 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. Whenever the commissioner finds that a person has violated any provision of P.L.1970, c.39 (C.13:1E-1 et seq.), or any rule or regulation adopted, permit issued, or district solid waste management plan adopted pursuant to P.L.1970, c.39, he shall:

(1) Issue an order requiring the person found to be in violation to comply in accordance with subsection c. of this section;

(2) Bring a civil action in accordance with subsection d. of this section;

(3) Levy a civil administrative penalty in accordance with subsection e. of this section;

(4) Bring an action for a civil penalty in accordance with subsection f. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection g. of this section.

c. Whenever the commissioner finds that a person has violated any provision of P.L.1970, c.39, or any rule or regulation adopted, permit issued, or district solid waste management plan adopted pursuant to P.L.1970, c.39, he may issue an order specifying the provision or provisions of P.L.1970, c.39, or the rule, regulation, permit or district solid waste management plan of which the person is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the person of his right to a hearing on the matters contained in the order. The ordered party shall have 20 calendar days from receipt of the order within which to deliver to the commissioner a written request for a hearing. Such order shall be effective upon receipt and any person to whom such order is directed shall comply with the order immediately. A request for hearing shall not automatically stay the effect of the order.

d. 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 violation of this act, or of any code, rule or regulation adopted, permit issued, district solid waste management plan adopted or order issued 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.

e. The commissioner is authorized to assess a civil administrative penalty of not more than \$50,000.00 for each violation provided that each day during which the violation continues shall constitute an additional, separate and distinct offense. The commission shall not assess a civil administrative penalty in excess of \$25,000.00 for a single violation, or in excess of \$2,500.00 for each day during which a violation continues, until the department has adopted, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations requiring the commissioner, in assessing a civil administrative penalty, to consider the operational history of the solid waste facility at which the violation occurred, the severity of the violation, the measures taken to mitigate or prevent further violations, and whether the penalty will maintain an appropriate deterrent. No assessment shall be levied pursuant to this section until after the violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, rule, reg-

ulation, order, permit condition or district solid waste management plan violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of the civil administrative penalties to be imposed, and a statement of the party's right to a hearing. The ordered party shall have 20 calendar days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in P.L.1970, c.39, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. The department may compromise any civil administrative penalty assessed under this section in an amount the department determines appropriate.

f. Any person who violates the provisions of P.L.1970, c.39, or any code, rule or regulation adopted pursuant thereto shall be liable to a penalty of not more than \$50,000.00 per day, to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner.

Any person who violates an administrative order issued pursuant to subsection c. of this section, or a court order issued pursuant to subsection d. of this section, or who fails to pay an administrative assessment in full pursuant to subsection e. of this section is subject upon order of a court to a civil penalty not to exceed \$100,000.00 per day of such violations.

Of the penalty imposed pursuant to this subsection, 10% or \$250.00, whichever is greater, shall be paid to the department from the General Fund if the Attorney General determines that a person is entitled to a reward pursuant to section 2 of P.L.1987, c.158 (C.13:1E-9.2).

Any penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with this act.

g. 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 \$50,000.00 for the first offense and not more than \$100,000.00 for the second and each subsequent offense and restitution, in addition to any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

h. 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.

i. 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 provi-

sions of this act or any rule or regulation adopted pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

j. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.), of any solid waste, or hazardous waste as defined in P.L.1976, c.99 (C.13:1E-38 et seq.) are subject to forfeiture to the State pursuant to the provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

k. The provisions of N.J.S.2C:1-6 to the contrary notwithstanding, a prosecution for a violation of the provisions of subsection g., subsection h. or subsection i. of this section shall be commenced within five years of the date of discovery of the violation.

l. Pursuit of any remedy specified in this section shall not preclude the pursuit of any other remedy provided by any other law. Administrative and judicial remedies provided in this section may be pursued simultaneously.

C.13:1E-9.5 Issuance of emergency order.

2. a. If the commissioner determines that any activity occurring at a solid waste facility, recycling center, or any other site at which solid waste is placed, processed, stored, or disposed of presents an imminent threat to the environment or public health and safety, the commissioner may issue an emergency order to the owner or operator of the solid waste facility, recycling center or other site, which order shall include:

(1) The specific activity or activities occurring at the solid waste facility, recycling center, or other site which present an imminent threat to the environment or public health and safety;

(2) A description of the specific threats to the environment or public health and safety which the activity or activities present;

(3) The specific measures which the owner or operator of the solid waste facility, recycling center or other site is directed to undertake immediately to abate or eliminate the imminent threat to the environment or public health and safety; and

(4) The actions which the department will take upon the signing of the emergency order, or at any time thereafter, which may include, but need not be limited to, the immediate revocation or suspension of a registration statement in the case of a solid waste facility, or a license in the case of a recycling center, or the limitation of physical access to, or egress from, the solid waste facility, recycling center, or other site by vehicles or persons.

b. An emergency order issued pursuant to this section shall take effect upon the signing of the emergency order by the commissioner,

and the person to whom the emergency order is directed shall comply with the emergency order immediately upon receipt thereof.

c. Any action brought by a person seeking a temporary or permanent stay of an emergency order issued pursuant to this section shall be brought in the Superior Court. Any person bringing such an action shall have the burden of demonstrating, by clear and convincing evidence, that the activity or activities specified in the emergency order as presenting an imminent threat to the environment or public health and safety do not present an imminent threat to the environment or public health and safety.

3. This act shall take effect upon the enactment of P.L. _____, c. _____ (C. _____) (now before the Legislature as Senate Bill No. 2262 of 1990).

Approved July 17, 1990.

CHAPTER 71

AN ACT requiring health insurance benefits for certain treatments for Wilm's tumor and supplementing P.L.1938, c.366 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985, c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of the New Jersey Statutes, chapter 27 of Title 17B of the New Jersey Statutes, and P.L.1973, c.337 (C.26:2J-1 et seq.).

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

C.17:48-6f Hospital service corporation to pay benefits for treatment of Wilm's tumor.

1. Every group or individual hospital service corporation contract providing hospital or medical expense benefits shall provide benefits to any subscriber or other person covered thereunder for expenses incurred in the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experimental or investigational. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17:48A-7e Medical service corporation to pay benefits for treatment of Wilm's tumor.

2. Every group or individual medical service corporation contract providing hospital or medical expense benefits shall provide benefits to any subscriber or other person covered thereunder for expenses incurred in the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experimental or investigational. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17:48E-35.3 Health service corporation to pay benefits for treatment of Wilm's tumor.

3. Every group or individual health service corporation contract providing hospital or medical expense benefits shall provide benefits to any subscriber or other person covered thereunder for expenses incurred in the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experimental or investigational. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17B:26-2.1d Individual health insurance policy to pay benefits for treatment of Wilm's tumor.

4. Every individual health insurance policy providing hospital or medical expense benefits shall provide benefits to any named insured or other person covered thereunder for expenses incurred in the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experimental or investigational. These benefits shall be provided to the same extent as for any other sickness under the policy.

C.17B:27-46.1e Group health insurance policy to pay benefits for treatment of Wilm's tumor.

5. Every group health insurance policy providing hospital or medical expense benefits shall provide benefits to any named insured or other person covered thereunder for expenses incurred in the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experi-

mental or investigational. These benefits shall be provided to the same extent as for any other sickness under the policy.

C.26:2J-4.1 Health maintenance organization to pay benefits for treatment of Wilm's tumor.

6. Notwithstanding any provision of law to the contrary, every health maintenance organization for which a certificate of authority to establish and operate a health maintenance organization in this State has been issued or continued shall provide health care services to any enrollee for the treatment of Wilm's tumor, including autologous bone marrow transplants when standard chemotherapy treatment is unsuccessful, notwithstanding that any such treatment may be deemed experimental or investigational. These health care services shall be provided to the same extent as for any other sickness.

7. This act shall take effect immediately and shall apply to service corporation contracts and health insurance policies in effect in this State on or after January 1, 1990 in which the service corporation, or insurer, as the case may be, has reserved the right to change the premium, and to health maintenance organizations operating in this State pursuant to a certificate of authority in effect on or after January 1, 1990 in which the health maintenance organization has reserved the right to change the schedule of charges for enrollee coverage.

Approved July 17, 1990.

CHAPTER 72

AN ACT concerning the use of credit cards and supplementing P.L.1974, c.146 (C.56:11-1 et seq.).

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

C.56:11-16 Definitions.

1. As used in this act:

“Consumer” means a natural person.

“Credit card” means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without

fee by an issuer for the use of the credit card holder in obtaining money, goods, services or anything else of value on credit.

“Credit card holder” means a consumer named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

“Consumer transaction” means the sale of goods, services or anything of value to a consumer, primarily for personal, family or household purposes.

“Issuer” means the person which issues a credit card or its duly authorized agent.

C.56:11-17 Personal identification information not required for credit card transaction.

2. No person which accepts a credit card for a consumer transaction shall require the credit card holder, as a condition of using a credit card in completing the consumer transaction, to provide for recordation on the credit card transaction form or any other form, any personal identification information that is not required by the issuer to complete the credit card transaction, including, but not limited to, the credit card holder’s address or telephone number, or both; provided, however, that the credit card holder’s telephone number may be required on a credit card transaction form if the credit card transaction is one for which the credit card issuer does not require authorization.

C.56:11-18 Violations, penalties.

3. Any person who violates any provision of this act shall be liable to a civil penalty of not more than \$250 for the first offense and not more than \$1,000 for the second and each subsequent offense. Any penalty imposed pursuant to this section shall be collected by summary proceedings instituted by the Attorney General in accordance with “the penalty enforcement law,” N.J.S.2A:58-1 et seq.

C.56:11-19 Regulations.

4. The Attorney General of the State of New Jersey may promulgate 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.

5. This act shall take effect on the 180th day following enactment.

Approved July 17, 1990.

CHAPTER 73

AN ACT concerning the regulation of county psychiatric facilities and amending and supplementing parts of the statutory law.

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

1. R.S.30:1-12 is amended to read as follows:

Findings; general policy; rules and regulations.

30:1-12. a. The Legislature finds that the Commissioner of Human Services is obligated by State and federal law to assure that programs that serve eligible, low-income, handicapped, elderly, abused, and disabled persons are provided in an accessible, efficient, cost-effective and high quality manner. In order to meet these ends, the commissioner must have sufficient authority to require institutions and agencies that are under his direct or indirect supervision to meet State and federal mandates. This authority is especially necessary given the manner in which certain services are provided by county or local agencies, but are funded in whole or part by the State. The Legislature finds that the commissioner must have the authority to establish rules, regulations and directives, including incentives and sanctions, to assure that these institutions and agencies are providing services in a manner consistent with these mandates.

b. The commissioner shall have power to determine all matters relating to the unified and continuous development of the institutions and noninstitutional agencies within his jurisdiction. He shall determine all matters of policy and shall have power to regulate the administration of the institutions or noninstitutional agencies within his jurisdiction, correct and adjust the same so that each shall function as an integral part of a general system. The rules, regulations, orders and directions issued by the commissioner pursuant thereto, for this purpose shall be accepted and enforced by the executive having charge of any institution or group of institutions or noninstitutional agencies or any phase of the work within the jurisdiction of the department.

In order to implement the public policy of this State concerning the provision of charitable, hospital, relief and training institutions established for diagnosis, care, treatment, training, rehabilitation and welfare of persons in need thereof, for research

and for training of personnel, and in order that the personnel, buildings, land, and other facilities provided be most effectively used to these ends and to advance the public interest, the commissioner is hereby empowered to classify and designate from time to time the specific functions to be performed at and by any of the aforesaid institutions under his jurisdiction and to designate, by general classification of disease or disability, age or sex, the classes of persons who may be admitted to, or served by, these institutions or agencies.

In addition to and in conjunction with its general facilities and services for the mentally ill, mentally retarded and tuberculous, the department may at its discretion establish and maintain specialized facilities and services for the residential care, treatment and rehabilitation of persons who are suffering from chronic mental or neurological disorders, including, but not limited to alcoholism, drug addiction, epilepsy and cerebral palsy.

The commissioner shall have the power to regulate the administration of agencies under his supervision including, but not limited to, municipal and county welfare agencies. The commissioner may issue rules, regulations, orders and directions to assure that programs administered by the agencies are financially and programmatically efficient and effective, and to establish incentives and impose sanctions to assure the appropriate operation of programs and compliance with State and federal laws and regulations.

In addition, the commissioner shall have the authority to:

- (1) review and approve county and municipal welfare agency budgets; and
- (2) take over and operate county or municipal welfare operations in situations in which the commissioner determines that the welfare board is failing to substantially follow federal or State law, thereby placing clients, who are dependent on public assistance benefits to survive in a humane and healthy manner, at serious risk. In this situation, the commissioner shall have the authority to bill the county for the cost of such operations and for necessary changes to assure that services are provided to accomplish federal and State mandates in an effective and efficient manner.

No rule, regulation, order or direction shall abridge the authority of a county or municipal welfare agency to establish wages and terms and conditions of employment for its employees through collective negotiation with an authorized employee organization pursuant to P.L.1984, c.14 (C.44:7-6.1 et seq.).

The commissioner shall have the power to promulgate regulations to assure that services in State and county psychiatric facilities are provided in an efficient and accessible manner and are of the highest quality. Regulations shall include, but shall not be limited to, the transfer of patients between facilities; the maintenance of quality in order to obtain certification by the United States Department of Health and Human Services; the review of the facility's budget; and the establishment of sanctions to assure the appropriate operation of facilities in compliance with State and federal laws and regulations.

The commissioner shall have the power to promulgate regulations to assure that county adjusters effectively and efficiently conduct investigations, notify legally responsible persons of amounts to be assessed against them, petition the courts, represent patients in psychiatric facilities, and as necessary reopen the question of payment for maintenance of persons residing in psychiatric facilities or facilities for developmentally disabled persons. Regulations may include minimum standards for determining payment of care by legally responsible persons; a uniform reporting system of findings, conclusions and recommendations; and the establishment of sanctions to assure compliance with State laws and regulations.

2. R.S.30:4-60 is amended to read as follows:

Payments by patient; determination of amounts.

30:4-60. If the court shall determine that the patient is mentally ill and, basing its determination upon a formula of financial ability to pay as promulgated annually by the Department of the Treasury, that the patient has sufficient estate to pay for his maintenance as fixed by the State Board of Human Services or board of chosen freeholders, as the case may be, or is able to pay a sum in excess of that chargeable to the county of legal settlement, if any, or if the person or persons legally liable for his support, as herein provided, using the same formula, are able to pay such amount of maintenance, fixed as aforesaid, the court, after determining the legal settlement of such patient may, in its discretion, commit or direct the admission or hospitalization of such patient to any State, county, or private mental hospital in this State. In the final judgment of commitment or order directing admission or hospitalization it shall direct that the cost of the care and maintenance of such patient in the institution designated in the

judgment, determined by utilizing the aforesaid formula, shall be paid out of the estate of the patient or by the person chargeable by law with his support, or by contract, as the case may be, and the judgment shall specify the amount of maintenance as fixed from time to time for such institution, which shall be paid thereunder, and shall, in the discretion of the court, contain such direction as may seem proper concerning security to be given for such payment. As long as the amount contributed by the patient's estate or his legally responsible relatives for the maintenance of the patient exceeds the amount chargeable as fixed pursuant to R.S.30:4-78, no order shall be entered against the county of legal settlement for any part of such maintenance.

If on final hearing a patient and his chargeable relatives are found unable to pay an amount for maintenance in excess of the amount chargeable to the county of legal settlement, the court shall direct that such patient be committed to the institution as a patient chargeable to the county of legal settlement, if any, or to the State, as provided in this article, and on reasonable notice to the persons to be charged, may further direct that such patient or his or her chargeable relatives, or any of them, pay monthly in advance to the institution in which such patient is confined in the case of State patients, or to the county treasurer of the county chargeable in the case of county patients, such part of the cost of the maintenance of such patient as the court may direct in the manner provided herein.

3. Section 1 of P.L.1980, c.8 (C.30:4-68.1) is amended to read as follows:

C.30:4-68.1 Medicaid and Medicare eligible patients.

1. In the case of Medicaid and Medicare eligible patients residing in the State psychiatric facilities, the maintenance costs to be paid by the counties shall be satisfied by federal Medicaid or Medicare Part A payments to the State. Should a State psychiatric facility lose its accreditation and subsequently not receive federal Medicaid and Medicare Part A payments, the counties shall not be liable for the maintenance of Medicaid or Medicare eligible county patients.

4. R.S.30:4-78 is amended to read as follows:

Rates for maintenance of State patients and convict and criminal mentally ill and payment thereof.

30:4-78. The State House Commission shall fix the rate or rates of per capita payment for the maintenance and clothing of patients in State psychiatric facilities chargeable to the counties.

The State House Commission shall fix the per capita cost rate or rates to be paid by the State to the several counties on behalf of the maintenance of State patients in any county psychiatric facility, including outpatient psychiatric services, which payments shall be made by the State Treasurer on the warrant of the Comptroller to the board of chosen freeholders, upon a statement furnished by such board to the department, giving the name and number of such county or State patients who may have been thus supported in such psychiatric facilities during the preceding month, computing from November 1. This statement shall set forth the amount, if any, received by the county from any person or persons for or on behalf of the maintenance of any such patients in such county psychiatric facilities. To the extent that such amount exceeds the county's share for maintenance and clothing for a patient, that excess amount shall be credited to the amount to be paid to the county by the State.

The State House Commission shall likewise fix the per capita rate or rates which each county shall pay to the treasurer for the maintenance and clothing of each patient residing in a State psychiatric facility having a legal settlement in such county. If the State shall directly receive funds in support of the patient, including but not limited to federal social security benefits, the State shall credit the funds to the county of settlement, but no credit shall exceed the county's share of maintenance and clothing costs for the patient.

If the State shall receive private insurance payments for the patient, the State shall credit the county of settlement for its full cost for the days for which payment was received, but the credit shall not exceed the county's share of maintenance and clothing cost for the patient.

The State House Commission shall likewise fix the rate or rates to be paid for the maintenance and clothing of the convict and criminal mentally ill in any State psychiatric facility, which rate or rates shall be paid by the State in the case of State patients, and in the case of county patients, the same rate or rates shall be paid, to be divided between the State and county in the proportion of nine on the part of the State and one on the part of the county.

No change shall be made by the State House Commission in the rate or rates to be paid by the counties to the State for the maintenance of

county patients in State psychiatric facilities, except between January 1 and November 15 in any year, and any such change of rate or rates shall not become effective until January 1 next succeeding the making of such change, except that any change that reduces the rate or rates to be paid by the counties may become effective sooner as the commission shall determine. Notice of any such change in rate or rates to be paid by the counties shall be given in writing by the State House Commission to the commissioner and by him transmitted to the clerk of the respective boards of chosen freeholders on or before December 1 of the year in which such change is made.

The rate to be paid by the State to the several county psychiatric facilities on behalf of the maintenance of patients shall be 90% of the actual per capita cost of maintenance of such patients, including patients in outpatient psychiatric services.

The rate to be paid by the counties to the State in behalf of the maintenance of county patients in State psychiatric facilities shall be 10% of the actual per capita cost of maintenance of such patients.

The per capita cost of maintenance of patients in county and State psychiatric facilities, as aforesaid, shall be reported to the State Comptroller upon forms to be prescribed from time to time by the State Comptroller.

C.30:4-78.1 County to submit financial and management plan for psychiatric facility.

5. The governing body of each county that operates a county psychiatric facility shall submit to the Commissioner of Human Services no later than December 31, 1991 a financial and management plan, in accordance with guidelines established by the Commissioner of Human Services. The plan shall ensure that the county incur all financial obligations necessary for improvements to bring the facility in compliance with all State and federal standards.

C.30:4-78.2 State assumption of management and operation of psychiatric facility.

6. If the commissioner determines that the plan submitted pursuant to section 5 of this amendatory and supplementary act is appropriate, the commissioner shall enter into negotiations with the governing body of the county to provide for the State assumption of the management and operation of the psychiatric facility, in which case the State shall operate and maintain the psychiatric facility, provided that the funding ratios shall not change.

Any agreement for the assumption shall include, but not be limited to, such matters as personnel salaries, benefits, tenure or other rights; debt obligations of the facility; existing vendor contracts; lease, purchase or other arrangements for the State's operation of the facility; purchase of services from the county; capital improvements; staffing arrangements; and insurance payments and receivables, including Medicare and Medicaid payments. When negotiating an agreement the Commissioner of Human Services shall consult with the State Department of Personnel concerning personnel salaries, benefits, tenure or other rights. If the commissioner and the governing body of the county agree to the State assumption of the management and operation of a county psychiatric facility, any changes in salaries, benefits, tenure or other rights of employees will recognize the rights and responsibilities under appropriate collective bargaining agreements.

C.30:4-78.3 Determination of eligibility for State reimbursement for costs.

7. Any costs or obligations incurred by a county psychiatric facility in the 13 months prior to the effective date of this act that are determined not to be reasonable by the Commissioner of Human Services shall not be eligible for reimbursement from the State after the effective date of this act.

C.30:4-78.4 State authority over county psychiatric facility to replace certain administrators.

8. In the event a county continues to operate and maintain a county psychiatric facility, the Commissioner of Human Services shall have the power to replace the chief executive officer, the chief financial officer, the medical director and other appropriate administrative personnel upon the commissioner's determination that financial expenditures of the facility are repeatedly and substantially in excess of similar expenditures in other State and county psychiatric facilities or the quality of care provided in the facility is repeatedly and substantially below State and federal standards.

C.30:4-78.5 Deduction of State services from county appropriation.

9. For each local fiscal year, or portion thereof, in which a service or function associated with the provisions of this act is assumed by the State, the county shall deduct from its final appropriations upon which its permissible county tax levy is calculated the amount which the county expended for that service or function during the last full budget year, or portion thereof, for which the service or function so transferred was funded from appropriations in the county budget.

10. This act shall take effect July 1, 1991, except that section 9 shall take effect immediately.

Approved July 17, 1990.

CHAPTER 74

AN ACT concerning the Petroleum Overcharge Reimbursement Fund and amending P.L.1987, c.231.

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

1. Section 5 of P.L.1987, c.231 (C.52:18A-210) is amended to read as follows:

C.52:18A-210 Eligibility guidelines; distribution procedures.

5. a. The commissioner of any department receiving an appropriation pursuant to this act shall issue guidelines concerning the eligibility for available funds and procedures for the distribution of funds, and may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this act.

b. The sums appropriated pursuant to this act shall be obligated on or before August 3, 1993 by the departments receiving an appropriation pursuant to this act.

c. If any department, agency, commission, board or governmental body politic and corporate in but not of a principal executive department of State government, has unobligated funds on August 3, 1990, from moneys appropriated pursuant to P.L.1987, c.231, the department, agency, commission, board or body shall report to the Governor and the Legislature on January 1 of each of the next succeeding three years concerning the proposed and actual expenditure of the sums appropriated pursuant to P.L.1987, c.231.

2. This act shall take effect immediately.

Approved July 17, 1990.

CHAPTER 75

AN ACT concerning penalties under the "Spill Compensation and Control Act," and amending and supplementing P.L.1976, c.141.

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

1. Section 22 of P.L.1976, c.141 (C.58:10-23.11u) is amended to read as follows:

C.58:10-23.11u Violations; remedies; enforcement.

22. a. (1) Whenever, on the basis of available information, the department determines that a person is in violation of a provision of P.L.1976, c.141 (C.58:10-23.11 et seq.), including any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant thereto, or that a person knowingly has given false testimony, documents or information to the department, the department may:

(a) bring a civil action in accordance with subsection b. of this section;

(b) levy a civil administrative penalty in accordance with subsection c. of this section; or

(c) bring an action for a civil penalty in accordance with subsection d. of this section.

Use of any remedy specified in this section shall not preclude use of any other remedy. The department may simultaneously pursue administrative and judicial remedies provided in this section.

b. The department may commence a civil action in Superior Court for, singly or in combination:

(1) a temporary or permanent injunction;

(2) the costs of any investigation, cleanup or removal, and for the reasonable costs of preparing and successfully litigating an action under this subsection;

(3) the cost of restoring, repairing, or replacing real or personal property damaged or destroyed by a discharge, any income lost from the time the property is damaged to the time it is restored, repaired or replaced, and any reduction in value of the property caused by the discharge by comparison with its value prior thereto;

(4) the cost of restoration and replacement, where practicable, of any natural resource damaged or destroyed by a discharge; and

(5) any other costs incurred by the department pursuant to P.L.1976, c.141.

Compensatory damages for damages awarded to a person other than the State shall be paid to the person injured by the discharge.

c. (1) The department may assess a civil administrative penalty of not more than \$50,000 for each violation, and each day of violation shall constitute an additional, separate and distinct violation. A civil administrative penalty shall not be levied until a violator has been notified by certified mail or personal service of:

- (a) the statutory or regulatory basis of the violation;
- (b) the specific citation of the act or omission constituting the violation;
- (c) the amount of the civil administrative penalty to be imposed;
- (d) the right of the violator to a hearing on any matter contained in the notice and the procedures for requesting a hearing.

(2) (a) A violator shall have 20 calendar days following receipt of notice within which to request a hearing on any matter contained in the notice, and shall comply with all procedures for requesting a hearing. Failure to submit a timely request or to comply with all departmental procedures shall constitute grounds for denial of a hearing request. After a hearing and upon a finding that a violation has occurred, the department shall issue a final order assessing the amount of the civil administrative penalty specified in the notice. If a violator does not request a hearing or fails to satisfy the statutory and administrative requirements for requesting a hearing, the notice of assessment of a civil administrative penalty shall become a final order on the 21st calendar day following receipt of the notice by the violator. If the department denies a hearing request, the notice of denial shall become a final order upon receipt of the notice by the violator.

(b) A civil administrative penalty may be settled by the department on such terms and conditions as the department may determine.

(c) Payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement remedy in connection with the violation for which the penalty was levied.

(3) If a civil administrative penalty imposed pursuant to this section is not paid within 30 days of the date that the penalty is due and owing, and the penalty is not contested by the person against whom the penalty has been assessed, or the person fails to make a payment pursuant to a payment schedule entered into with the department, an interest charge shall accrue on the amount of the penalty from the 30th day that amount was due and owing. In

the case of an appeal of a civil administrative penalty, if the amount of the penalty is upheld, in whole or in part, the rate of interest shall be calculated on that amount as of the 30th day from the date the amount was due and owing under the administrative order. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(4) The department may assess and recover, by civil administrative order, the costs of any investigation, cleanup or removal, and the reasonable costs of preparing and successfully enforcing a civil administrative penalty pursuant to this subsection. The assessment may be recovered at the same time as a civil administrative penalty, and shall be in addition to the penalty assessment.

d. Any person who violates a provision of P.L.1976, c.141 (C.58:10-23.11 et seq.), or a court order issued pursuant thereto, or who fails to pay a civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty not to exceed \$50,000.00 per day for each violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the Superior Court or a municipal court.

e. All conveyances used or intended for use in the willful discharge of any hazardous substance are subject to forfeiture to the State pursuant to the provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

C.58:10-23.11u1 Additional civil penalties.

2. In addition to the penalties, charges, or other liabilities imposed pursuant to the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), any person whose intentional or unintentional act or omission proximately results in an unauthorized releasing, spilling, pumping, pouring, emitting, emptying, or dumping of 100,000 gallons or more of a hazardous substance, or combination of hazardous substances, into the waters or onto the lands of the State, or entering the lands or waters of the State from a discharge occurring outside the jurisdiction of the State, is liable to a civil administrative penalty or civil penalty of not more than \$10,000,000, to be collected in accordance with the procedures set forth in section 22 of P.L.1976, c.141 (C.58:10-23.11u). The penalty provisions of this section are in addition to assessments authorized by law for costs incurred by the State or local govern-

mental agencies in the cleanup and removal of an unauthorized release or discharge, including supervision or oversight of the violator's cleanup activities, or compensation or damages recoverable for the loss of wildlife or destruction of the environment, and the restoration thereof. In assessing a penalty pursuant to this section, the department shall take into account the circumstances of the discharge, the conduct and culpability of the discharger, or both, prior to, during, and after the discharge, and the extent of the harm resulting from the discharge to persons, property, wildlife, or natural resources.

The provisions of this section shall not apply to any discharge which is contained in a containment area or areas approved by, or otherwise meeting the requirements of, the department, or which containment area is designed to, and reasonably capable of preventing the hazardous substance from entering the waters of the State or otherwise entering the lands of the State, except where 100,000 or more gallons of one or more hazardous substances escape beyond the containment area.

3. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 76

AN ACT concerning certain safety measures for vessel transfers of hazardous liquids, and supplementing P.L.1976, c.141 (C.58:10-23.11 et seq.)

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

C.58:10-23.11f2 Transfer of hazardous liquids regulated.

1. a. On the 31st day following the adoption of rules and regulations pursuant to section 5 of this act, no owner or operator of a refinery, storage, transfer terminal, or pipeline facility, or a vessel while in the waters of the State, shall transfer, or authorize or allow to be transferred any hazardous liquid between any such facility and a vessel, or among two or more vessels, unless, as

prescribed by the department, either a boom or other containment device is in place as hereinafter provided, or the containment device is available, along with trained personnel, at the site of transfer operations on a stand-by basis for immediate deployment in the event of a discharge, spill or release during the transfer.

In the case of (1) a transfer of a hazardous liquid between a land-based facility and a vessel, or between two or more vessels at a facility, the owner or operator of the facility shall be responsible for the containment device, trained personnel, or other containment or mitigation measures required by the department, or (2) a vessel-to-vessel transfer occurring away from a land-based facility, the owner or operator of each of the vessels involved shall be responsible therefor.

b. If a containment device is required by the department to be in place during a transfer of a hazardous liquid, the device shall be deployed not less than 15 feet from the vessel or vessels prior to commencement of the transfer operation, except that in the case of a docked vessel the dock may be used to complete the encirclement of a vessel with a containment device.

The provisions of this act shall not apply to the transfer of a hazardous liquid to be used solely as fuel to power a vessel.

As used in this act, "hazardous liquid" shall mean a hazardous substance as such term is defined in section 3 of P.L.1976, c.141 (C.58:10-23.11b) that is in liquid form at the time of transfer of the hazardous substance from facility to vessel or from vessel-to-vessel; "list hazardous liquid" means a hazardous liquid placed on a list prepared by the department pursuant to subsection a. of section 2 of this act.

C.58:10-23.11f3 Identification of hazardous liquids; use of containment device; prevention, response measures.

2. a. The department shall identify individual or categories or classes of hazardous liquids, or the circumstances of a transfer of a hazardous liquid for which a containment device may be usefully and safely deployed without posing a substantial danger to the safety of a vessel or its crew. A list of all such hazardous liquids shall be identified and published by the department in the New Jersey Register.

b. The department (1) may require all facilities or vessels either to deploy, or to maintain on a stand-by basis a containment device during a transfer of any hazardous liquid listed by the department pursuant to subsection a. of this section, or (2) may

require a particular facility or vessel to deploy a containment device during transfer operations for one or more list hazardous liquids, based upon the past record of the facility, or the owner or operator of a vessel, the nature of the hazards involved, including the characteristics of the hazardous liquid, the size, complexity or circumstances of the transfer, or the potential dangers to public health and safety, or to environmentally sensitive areas in reasonable proximity to the transfer operations.

c. In addition to requiring a containment device to be deployed or maintained on a stand-by basis during transfer operations for a list hazardous liquid, the department shall require such other equipment or chemicals to be maintained on a stand-by basis at the site of the transfer during the transfer of a hazardous liquid from any facility or vessel for purposes of minimizing the amount of a discharge, spill or release, and containing, removing or mitigating the adverse effects therefrom. The provisions of this subsection shall also apply to any hazardous liquid whether or not a list hazardous liquid.

d. The discharge prevention, control and countermeasure plan, and the discharge response, cleanup and removal contingency plan of a major facility shall set forth all of the prevention and response measures required by the department pursuant to this act. The department may, at any time, require amendments to plan provisions for transfer operations at a major facility in order to improve the discharge prevention and response capabilities of a facility.

C.58:10-23.11f4 County, municipal ordinances etc., superseded.

3. Any ordinance, resolution, or regulation of a county or municipality inconsistent with the provisions of this act, including rules and regulations adopted hereunder, shall be of no effect upon final adoption of rules and regulations by the department pursuant to section 5 of this act.

C.58:10-23.11f5 Violations, penalties.

4. Any person violating the provisions of this act shall be subject to the penalty and injunctive relief provisions of section 22 of P.L.1976, c.141 (C.58:10-23.11u).

C.58:10-23.11f6 Rules, regulations.

5. Within one year of the effective date of this act, the department shall adopt, in accordance with the "Administrative

Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement the provisions of this act. Nothing in this act shall be construed to limit the authority of the department pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.) to require a major facility, as defined in section 3 of P.L.1976, c.141 (C.58:10-23.11b), to take all necessary measures pursuant thereto to improve the discharge or prevention capabilities of the facility prior to, or after the adoption of rules and regulations by the department pursuant to this act.

C.58:10-23.11f7 Use of New Jersey Spill Compensation Fund monies for program costs.

6. The department may use monies from the New Jersey Spill Compensation Fund, as authorized pursuant to paragraph (2) of subsection b. of section 9 of P.L.1976, c.141 (C.58:10-23.11h), for program costs incurred in implementing the provisions of this act.

7. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 77

AN ACT concerning the transportation of hazardous liquids through certain pipeline facilities and supplementing Title 58 of the Revised Statutes.

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

C.58:10-46 Definitions.

1. As used in this act:

“Department” means the Department of Environmental Protection;

“Federal act” means the “Hazardous Liquid Pipeline Safety Act of 1979,” 49 U.S.C. §2001 et seq.;

“Hazardous liquid” means a hazardous liquid as defined pursuant to the federal act;

“Intrastate pipeline facilities” means pipeline facilities that a state may regulate pursuant to the federal act;

“Leak detection system” means a system consisting of sensing devices or monitoring devices capable of detecting leaks in pipeline facilities and designed to automatically shut off flow or initiate procedures to shut off flow in a pipeline facility if a leak is detected;

“Pipeline facility” means new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids that are intrastate;

“Secondary containment” means an additional layer of impervious material creating a space around a pipeline facility wherein a leak of a hazardous liquid from a pipeline facility may be detected before it enters the environment;

“Transportation of hazardous liquids” means the movement of hazardous liquids by pipeline, or their storage incidental to that movement.

C.58:10-47 Adoption of regulations requiring registration of pipeline facility.

2. Within 18 months of the effective date of this act, the department shall adopt regulations requiring that the owner or operator of each pipeline facility register with the department. Every owner or operator of a pipeline facility shall register the pipeline facility with the department within six months of the adoption of the registration regulations, and shall renew the registration every five years. The registration and renewal shall be on forms prescribed by the department and shall include at least the following information:

- a. The business name, address, and telephone number, including an operations emergency telephone number, of the operator;
- b. An accurate map or maps, along with any appropriate geographic description, showing the location of each pipeline facility of that owner or operator in the State and the location at which that pipeline facility leaves the State;
- c. A description of the characteristics of the owner’s or operator’s pipeline facilities within the State;
- d. A description of all products transported through the owner’s or operator’s pipeline facility within the State;
- e. An inventory with appropriate information with respect to all types of pipe used for the transmission of hazardous liquids in the owner’s or operator’s pipeline facility, along with additional information, including the repair, maintenance, and leak history of the pipeline facility. This inventory shall exclude equipment associated only with the pipeline pumps or storage facilities; and
- f. Any other information the department considers useful and necessary.

C.58:10-48 Study on feasibility and necessity of certain actions.

3. Within 36 months of the effective date of this act, the department shall complete a study on the feasibility and necessity, if any, of the following actions:

- a. Adopting the pipeline facility safety standards regulations adopted by the United States Department of Transportation pursuant to the federal act, and of applying to the Secretary of the United States Department of Transportation for certification pursuant to the federal act for the regulation of intrastate pipeline facilities;
- b. Adopting additional standards for accident and safety reporting, design requirements, construction standards, hydrostatic testing, operation and maintenance, and other standards more stringent than those adopted pursuant to the federal act, if otherwise compatible with the standards in the federal act;
- c. Requiring the retrofiting of pipelines with leak detection systems based upon best available technology, industry standards, or federal requirements, whichever may be most stringent;
- d. Requiring standards for the pressure, flow, or other applicable variances at which leak detection systems detect and indicate leaks, and maintenance, repair, and operational requirements for leak detection systems;
- e. Requiring the removal or environmentally sound closure of abandoned pipeline facilities;
- f. Requiring periodic practice drills of emergency leak response procedures and the submittal of reports thereon;
- g. Requiring replacement pipeline facilities to be constructed, to the extent practicable, in a manner so as to accommodate the passage through those pipeline facilities of instrumented internal inspection devices commonly referred to as "smart pigs"; and
- h. Requiring secondary containment for all underwater pipeline facilities.

C.58:10-49 Submission of written report to Governor, Legislature.

4. Within three months of the completion of the study required pursuant to section 3 of this act, the department shall submit to the Governor and the Legislature a written report summarizing the results of the study, including recommendations for administrative or legislative action.

C.58:10-50 Application of act to intrastate pipeline facilities.

5. The provisions of this act shall apply to intrastate pipeline facilities and the transportation of hazardous liquids associated

with those facilities. This act shall not apply to the transportation of a hazardous liquid through onshore production or flow lines, refining or manufacturing facilities, storage terminals, or inplant piping systems associated with those facilities or terminals that are within the boundaries of a pipeline facility.

6. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 78

AN ACT concerning hazardous substance discharge prevention, amending and supplementing P.L.1976, c.141, increasing the fee on hazardous substances and dedicating that increase, and repealing section 5 of P.L.1976, c.141.

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

C.58:10-23.11d1 Definitions.

1. As used in this act:

“Major facility” has the same meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-23.11b);

“Transmission pipeline” means new and existing pipe and any equipment, facility, rights-of-way, or building used or intended for use in the transportation of a hazardous substance by a pipeline and having a throughput capacity as established by regulations adopted by the department. Transmission pipeline does not include the transportation of a hazardous substance through onshore production or flow lines, refining, or manufacturing facilities, or storage terminals or inplant piping systems associated with those facilities that are within the boundaries of a major facility.

C.58:10-23.11d2 Submission of discharge prevention, control and countermeasure plan.

2. a. Each owner or operator of a major facility or a transmission pipeline shall submit to the Department of Environmental Protection a discharge prevention, control, and countermeasure

(DPCC) plan reviewed and certified by a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) who shall attest that the plan complies with all applicable departmental requirements and has been prepared in accordance with sound engineering practices.

b. The DPCC plan shall contain the following information:

- (1) The name of the major facility or transmission pipeline;
- (2) The name and address of the owner or operator of the major facility or transmission pipeline;
- (3) The location of the major facility or transmission pipeline;
- (4) A description of the major facility or transmission pipeline and a general site plan and maps showing, as applicable, the locations of all below-ground or above-ground structures in which hazardous substances are stored, handled, used, or transported, including off-site transmission pipelines from a major facility and respective pipeline terminuses in- or out-of-State, along with flow diagrams of major facility or transmission pipeline operations;
- (5) The number of barrels or other storage capacity of the major facility, or, in the case of transmission pipelines, the transportation capacity of these pipelines, the type and amount of hazardous substances transferred, refined, processed, or stored at the major facility or transmission pipeline, and the average daily throughput of the major facility or transmission pipeline;
- (6) Topographical and other maps of the major facility's or transmission pipeline's site and off-site land and water areas in proximity to the major facility or transmission pipeline that could be adversely affected by a discharge or other emergency. The maps shall identify and delineate residential and other land use areas, as well as all environmentally sensitive areas, and identify the nature of the threats from a discharge thereto;
- (7) Drainage and diversion plans of the major facility or transmission pipeline, including the location of all major sewers, storm sewers, catchment or containment systems or basins, diversion systems, and all watercourses into which surface water run-off from the major facility or transmission pipeline drains, which drainage and diversion plans shall be designed, where applicable, to prevent hazardous substances, including nonpoint source pollutants, from draining off-site or into ground or surface waters of the State;
- (8) A discharge prevention plan and policy statement that identifies (a) leak detection and discharge prevention safety systems, devices, equipment, procedures, or other measures established for the major facility or transmission pipeline to prevent an unauthorized

discharge, (b) the schedules, methods, and procedures for testing, maintaining, and inspecting above-ground and below-ground storage tanks, pipelines, and other structures, and leak detection and other preventive or safety systems, devices, or equipment and (c) the qualifications of personnel specifically charged with implementing the DPCC plan and policy, and the authority delegated thereto;

(9) A summary of the nature, scope, and frequency of discharge prevention and emergency response training programs and requirements for major facility or transmission pipeline personnel;

(10) Any other information deemed necessary or useful by the department.

The department may determine the manner and form in which the above information is to be provided, including the form and technology to be used in complying with the mapping requirements of this subsection.

C.58:10-23.11d3 Submission of discharge response, cleanup and removal contingency plan.

3. a. Each owner or operator of a major facility or transmission pipeline shall submit to the Department of Environmental Protection a discharge response, cleanup, and removal contingency plan, attested to by the owner or operator, who shall certify the maximum emergency response capability at the major facility or transmission pipeline, that the trained personnel and response equipment as specified in the contingency plan are available or are at the disposal for the major facility or transmission pipeline, that the equipment is in good repair, and that the contingency plan is consistent with applicable local, regional, and State emergency response plans.

b. The contingency plan shall contain the following information:

(1) A summary and detailed description of the major facility's or transmission pipeline's action plan used by a major facility's or transmission pipeline's personnel and discharge cleanup contractors, as applicable, in responding to, and minimizing health and environmental dangers from, fires, explosions, or unauthorized discharges or releases of hazardous substances to the air, soil, or waters of the State, including the deployment of personnel and equipment in the event of a discharge or other emergency, and the chain of command for an emergency response action. The action plan shall provide for simulated emergency response drills, to be conducted at least once a year, to determine the currency and adequacy of, and personnel familiarity with, the emergency response action plan;

(2) An identification of all personnel and equipment available for cleanup and response activities, including all equipment and personnel located off-site that are either under the direct control of the owner or operator of the major facility or transmission pipeline, or that are available, by contract, to the major facility or transmission pipeline in the event of discharge or other emergency, and the amount of time that would be required to mobilize and deploy all response personnel and equipment. A copy of all current contracts or agreements between the owner or operator of a major facility or transmission pipeline and a discharge cleanup organization for emergency response service, including containment, cleanup, removal and disposal, shall be maintained at the facility, or in the case of a transmission pipeline, with a registered agent of the owner or operator or the transmission pipeline. Upon request the contracts or agreements shall be made available to the department;

(3) The names, home addresses, and qualifications of major facility or transmission pipeline emergency response coordinators, and alternates, and identification and qualifications of the other emergency response personnel trained and required to respond to a discharge or other emergency, and to operate containment, cleanup, and removal equipment. The contingency plan shall specify the authority and responsibilities of the coordinator or alternate in the event of a discharge or other emergency. A qualified coordinator or alternate shall be present at all times at a major facility;

(4) A plan identifying priorities for the off-site deployment of personnel and equipment to protect residential, environmentally sensitive, or other areas against a discharge or other emergency based on use, seasonal sensitivity, or other relevant factors;

(5) An environmentally sensitive areas and habitats protection plan, reviewed and certified by a marine biologist and an ornithologist, that shall (a) identify all environmentally sensitive areas and wildlife habitats that could be affected by a discharge from the major facility or transmission pipeline, (b) identify the seasonal sensitivity of the areas or habitats, (c) in the event of a discharge, provide for the protection from, and mitigation of, any potentially adverse impact of the discharge on the identified areas or habitats, and (d) provide for an environmental assessment of the impact of any discharge on the identified areas and habitats, including the effects on the habitat's flora, fauna or organisms. The environmentally sensitive areas and habitats protection plan shall, using criteria established by the department for identifying environmentally sensitive areas or habitats, identify any environ-

mentally sensitive area or habitat that could be adversely affected by a discharge from a major facility or transmission pipeline;

(6) A copy of an agreement with the local emergency planning committee or committees that coordinate the emergency responses of the parties to the agreement;

(7) Any other information deemed necessary or useful by the department.

c. The department shall develop base maps, including but not limited to, waterways, wetlands, coastal areas, water supply areas, shellfish growing areas, and endangered and threatened species areas, to provide comprehensive, contiguous coverage of land and water areas.

C.58:10-23.11d4 Renewal of plans.

4. Each DPCC plan and contingency plan shall be renewed every five years with the department unless the department requires a more frequent submission. Applications for plan renewals shall be accompanied by a summary of all unauthorized discharges at a major facility or transmission pipeline, and any other information as may be deemed necessary or useful by the department. Plan renewals may be limited to certifying that the existing plans on file with the department are current. Filing of a revised plan may be required by the department at the time of renewal so as to incorporate into the plan all amendments adopted since the filing of the original plan or its last renewal. Amendments to a DPCC plan, a contingency plan, or any other information required to be filed with the department pursuant to this act shall be filed within 30 days of the date of any modification of a facility or transmission pipeline necessitating a change in a plan or other information filed with the department. Plan renewals or amendments shall be certified in the same manner as the original plan.

C.58:10-23.11d5 Retention of evidence of financial responsibility of cleanups.

5. The owner or operator of a major facility or transmission pipeline shall, at all times, retain on file with the department evidence of financial responsibility for cleaning up and removing a discharge or release of a hazardous substance, and for the removal of any abandoned structure owned or operated, as the case may be, by the owner or operator of a major facility or transmission pipeline. The amount, nature, terms, and conditions of the financial responsibility shall be determined by the department. The owner or operator of a major facility or transmission

pipeline shall file evidence of financial responsibility with the department within 180 days of the effective date of P.L.1990, c.78 (C.58:10-23.11d1 et al.).

C.58:10-23.11d6 Regulation of submitted plans, renewals, amendments.

6. The department shall prescribe, by regulation, the manner, form and contents of the plans, renewals, amendments, and other submissions required to be filed pursuant to P.L.1990, c.78 (C.58:10-23.11d1 et al.) so as to ensure the consistency of plans, specifications, maps or other submissions filed with the department pursuant to this act as to form, content, clarity, geographical reference to State plan coordinates, or any other criteria deemed necessary by the department. The department shall prescribe by regulation the amount, nature, and conditions of financial responsibility of the owner or operator of a major facility or transmission pipeline as required pursuant to section 5 of P.L.1990, c.78 (C.58:10-23.11d5). The department shall establish, as applicable, minimum performance standards or requirements for any of the DPCC or contingency plan elements. Plans, plan renewals and amendments, plan components and any other required submissions to the department shall comply with departmental regulations, and, as applicable, shall be certified by a licensed engineer or land surveyor.

C.58:10-23.11d7 Filing of plans with local emergency prevention or planning committees.

7. A copy of a DPCC plan and contingency plan, or plan renewal, and all plan amendments shall be filed by the owner or operator of a major facility or transmission pipeline with the local emergency prevention or local emergency planning committee or committees.

C.58:10-23.11d8 Distribution of submission, filing of plans.

8. The owner or operator of a major facility or transmission pipeline who has on file with the department as of the date of adoption of rules or regulations pursuant to section 14 of P.L.1990, c.78 (C.58:10-23.11d14) a DPCC plan and a contingency plan reviewed and approved pursuant to section 5 of P.L.1976, c.141 (C.58:10-23.11d), or the owner or operator of a major facility or transmission pipeline who does not have on file with the department a DPCC plan and a contingency plan reviewed and approved by the department, shall file a new DPCC plan and a contingency plan in accordance with a schedule pro-

vided by the department and promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) so as to evenly distribute the submittal and filing of DPCC plans and contingency plans.

The department shall use the following criteria to evenly distribute the submittal and filing of DPCC plans and contingency plans: size of the facility, material being stored, and proximity to environmentally sensitive areas or habitats. The schedule adopted by the department for submitting a DPCC plan or a contingency plan shall not extend beyond three years after the adoption of the rules or regulations pursuant to section 14 of P.L.1990, c.78 (C.58:10-23.11d14).

C.58:10-23.11d9 Review of plans filed.

9. a. Except as otherwise provided in subsection b. of this section, the department shall, as soon as practicable, but not later than six months following a filing of a DPCC plan, contingency plan, or a renewal thereof, or, in the case of plan amendments, within 60 days of the filing of the amendments, review the filing to determine compliance with all statutory requirements, including rules and regulations adopted thereunder.

b. The department may, at any time during the plan, plan renewal or plan amendment review period approve, conditionally approve, or disapprove a plan, plan renewal, or plan amendments. If a plan, plan renewal or plan amendments are disapproved, the owner or operator of the major facility or transmission pipeline shall have 30 days from receipt of written notice of the disapproval, and the reasons therefor, within which to submit a revised plan or plan amendments. The department may, at any time after an on-site inspection of a facility or pipeline, or a discharge or other emergency at a facility or pipeline, direct the owner or operator of the major facility or transmission pipeline to submit amendments to a DPCC plan or contingency plan on file with the department, or to submit additional documentation or information in conjunction with a filed plan or amendments. If within 30 days of receipt of a written request therefor, the owner or operator of the major facility or transmission pipeline fails to file a revised plan, amendments, or requested information satisfactory to the department, or fails to contest the department's request in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the DPCC plan, contingency plan, renewal plan, or plan amendments shall be deemed to have been disap-

proved by the department and the owner or operator of the facility or pipeline shall be in violation of section 2 or section 3, as appropriate, of P.L.1990, c.78 (C.58:10-23.11d2 or 58:10-23.11d3). The department may, for good cause, extend by up to an additional 30 days the time period for filing a revised plan or plan amendments, or for responding to a request for information.

C.58:10-23.11d10 Report of unauthorized discharge, system malfunction.

10. a. The owner or operator of a major facility or transmission pipeline shall immediately report any unauthorized discharge occurring at the major facility or transmission pipeline. Within 30 days of the reporting of a discharge, the owner or operator of a major facility or transmission pipeline shall provide the department with a full report on the nature and causes of the discharge, the nature and chronology of the actions taken by the owner or operator and other parties to clean up and remove the discharged hazardous substance, an evaluation of all pertinent prevention and response plans and policies in light of the discharge, and the owner's or operator's response thereto, and the measures taken to avoid a recurrence of similar discharges and to remedy shortcomings in the prevention, detection, response, containment, cleanup, or removal plan components. The report shall be accompanied by any amendments that may be required to the DPCC and contingency plans. Upon evaluation of the report, the department may direct the owner or operator of the major facility or transmission pipeline to make appropriate amendments to its DPCC or contingency plan in order to prevent a recurrence of similar discharges, to improve the response capability at the major facility or transmission pipeline, or to minimize the possible adverse impacts of any future discharges on public safety and the environment. The owner or operator of the major facility or transmission pipeline shall provide the department with any other information that may be required by the department to evaluate the prevention and response capabilities at the major facility or transmission pipeline.

b. The owner or operator of a major facility or transmission pipeline shall immediately notify the department's environmental action line of any malfunction of a leak detection or other discharge monitoring system, or other discharge prevention, safety system, or device. The owner or operator of the major facility or transmission pipeline shall provide information as to the nature of the malfunction and the measures taken to avoid a recurrence. The department may, at any time, require the installation or replacement of a leak detection, discharge monitoring system, or

other discharge prevention, safety system, or device because of severe or repeated malfunctions or other failures, or that fails to satisfy the standards prescribed therefor pursuant to section 11 of P.L.1990, c.78 (C.58:10-23.11d11).

Nothing in this section shall be construed to limit the authority of the department to direct the owner or operator of a facility or pipeline at any time to take immediate measures to strengthen its prevention or response capabilities.

C.58:10-23.11d11 Compliance with construction, performance standards.

11. a. On or after the effective date of this act, any new, or substantial modification or replacement of an existing, above-ground storage tank or other above-ground enclosed storage space, or of an existing transmission pipeline, including appurtenant structures, or a leak detection or other monitoring system, and prevention or safety system or devices shall comply with construction or performance standards based upon best available technology, industry standards, or federal requirements, whichever may be more stringent, as may be prescribed by the department or required by law. Except in emergency situations as defined by the department, notice of a proposed new construction or installation, substantial modification or replacement of any structure, system, or device subject to the provisions of this subsection shall be provided to the department at least 60 days prior to the commencement of construction, installation, or modification. The department shall also adopt standards and requirements for retrofitting existing structures, systems, or devices subject to the provisions of this subsection in order to prevent, or to minimize the adverse impacts of, unauthorized discharges.

b. (1) The owner or operator of a major facility shall conduct, or cause to be conducted, a structural integrity test of above-ground storage tanks or other above-ground enclosed storage spaces storing hazardous substances, including connecting underground or above-ground pipelines.

(2) The owner or operator of a transmission pipeline shall conduct, or cause to be conducted, a structural integrity test of all parts of the pipeline, including all line pipe, valves, and other appurtenances connected to line pipe, or other facilities that store or transport hazardous substances associated with the pipeline.

The department shall prescribe the size of the tanks to be tested, where applicable, and the nature and frequency of the testing.

c. An above-ground storage tank or other enclosed storage space, and any transmission pipeline existing prior to and on the

effective date of P.L.1990, c.78 (C.58:10-23.11d1 et al.), shall be tested in accordance with this subsection within two years of the adoption by the department of standards and regulations therefor. The sequence of testing of existing tanks, enclosed storage spaces, or transmission pipelines shall be determined by the age or suspected age of the structure, the proximity to potable water supplies, the discharge record of the structure for the preceding five years, and the date of the last structural integrity test performed on the structure. The test results and a summary of any remedial actions taken as a consequence thereof shall be submitted to the department within 30 days of completion.

d. Testing or inspection of leak detection or other monitoring systems, and preventive or safety systems or devices shall be conducted as frequently as may be required by the department.

e. In developing standards or testing procedures or other requirements pursuant to this section, the department shall consider applicable standards and procedures adopted or recommended by the United States Environmental Protection Agency, and the following organizations:

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

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

(3) National Association of Corrosion Engineers (NACE), P.O. Box 218340, Houston, Texas 77218;

(4) National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269; and

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

Standards or other requirements for transmission pipelines shall be at least as stringent as those established for pipeline facilities by the Secretary of the United States Department of Transportation pursuant to the "Hazardous Liquid Pipeline Safety Act of 1979," 49 U.S.C. §2001 et seq.; except that transmission pipeline standards and requirements adopted pursuant to this section shall be consistent with applicable standards and requirements adopted pursuant to any other State law regulating transmission pipelines.

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

C.58:10-23.11d12 Inspection of facility required.

12. The owner or operator of a major facility or transmission pipeline shall visually inspect, or cause to be visually inspected, at least once each month, all above-ground pipelines, above-ground storage tanks, and above-ground enclosed storage spaces for leaks, structural and foundation weaknesses, or other maintenance needs.

C.58:10-23.11d13 Maintenance of records.

13. The owner or operator of a major facility or transmission pipeline shall maintain at the major facility, or in the case of a transmission pipeline, with a registered agent of the owner or operator, for at least 10 years, records of any testing, inspection, maintenance, and repair of all structures, equipment, and detection or monitoring, prevention or safety devices related to discharge prevention and response, and shall make these records available for inspection by the department or appropriate local agencies upon request. Records of employee training and simulated drills for discharge prevention and emergency response shall also be retained and be available for inspection by the department or appropriate local agencies.

C.58:10-23.11d14 Rules, regulations.

14. Within one year of the effective date of P.L.1990, c.78 (C.58:10-23.11d1 et al.), the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of P.L.1990, c.78 (C.58:10-23.11d1 et al.). Pending adoption of rules and regulations, the department may require a major facility or transmission pipeline to take such action to upgrade the discharge and prevention capabilities at the facility or pipeline as the department may deem appropriate.

C.58:10-23.11d15 Compliance not deemed defense.

15. Compliance with any standard or plan required to be submitted or adopted pursuant to P.L.1990, c.78 (C.58:10-23.11d1 et al.) shall not be deemed a defense in addition to the defenses enumerated in subsection d. of section 8 of P.L.1976, c.141 (C. 58:10-23.11g).

C.58:10-23.11d16 Submission of status report.

16. Eighteen months after the adoption of regulations pursuant to section 14 of P.L.1990, c.78 (C.58:10-23.11d14) the department shall prepare and submit to the Senate Environmental

Quality Committee, the Assembly Energy and Environment Committee, or their successors, and to the library of the New Jersey Office of Legislative Services, a status report on the submittals of the DPCC and contingency plans required to be adopted pursuant to P.L.1990, c.78 (C.58:10-23.11d1 et al.). The status report shall contain, but need not be limited to, a copy of the schedule of DPCC and contingency plan submittals, the number of major facilities, the number of submittals received, and the submittal schedule for plans not yet received.

17. Section 9 of P.L.1976, c.141 (C.58:10-23.11h) is amended to read as follows:

C.58:10-23.11h Imposition of tax; measurement; amount; return; filing; failure to file; penalty; presumptive evidence; powers of director.

9. a. There is hereby levied upon each owner or operator of one or more major facilities a tax to insure compensation for cleanup costs and damages associated with any discharge of hazardous substances to be paid by the transferee; provided, however, that in the case of a major facility which operates as a public storage terminal for hazardous substances owned by others, the owner of the hazardous substance transferred to such major facility or his authorized agent shall be considered to be the transferee or transferor, as the case may be, for the purposes of this section and shall be deemed to be a taxpayer for purposes of this act. Where such person has failed to file a return or pay the tax imposed by this act within 60 days after the due date thereof, the director shall forthwith take appropriate steps to collect same from the owner of the hazardous substance. In the event the director is not successful in collecting said tax, then on notice to the owner or operator of the public storage terminal of said fact said owner or operator shall not release any hazardous substance owned by the taxpayer. The director may forthwith proceed to satisfy any tax liability of the taxpayer by seizing, selling or otherwise disposing of said hazardous substance to satisfy the taxpayer's tax liability and to take any further steps permitted by law for its collection. For the purposes of this act, public storage terminal shall mean a public or privately owned major facility operated for public use which is used for the storage or transfer of hazardous substances. The tax shall be measured by the number of barrels or the fair market value, as the case may be, of hazardous substances transferred to the major facility; provided, however, that the same barrel,

including any products derived therefrom, subject to multiple transfers from or between major facilities shall be taxed only once at the point of the first transfer.

When a hazardous substance other than petroleum which has not been previously taxed is transferred from a major in-State facility to a facility which is not a major facility, the transferor shall be liable for tax payment for said transfer.

b. (1) The tax shall be \$0.0150 per barrel transferred and in the case of the transfer of hazardous substances other than petroleum or petroleum products, the tax shall be the greater of \$0.0150 per barrel or 1.0% of the fair market value of the product plus \$0.0025 per barrel; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, the tax shall be \$0.0150 per barrel of the hazardous substance; and provided further, however, that the total aggregate tax due for any individual taxpayer which has paid the tax in the 1986 tax year shall not exceed 125% of the tax due and payable by that taxpayer during the 1986 tax year plus an additional \$0.0025 per barrel; except that for a hazardous substance which is directly converted to, and comprises more than 90% by weight of, a non-hazardous final product, the taxpayer shall pay no more than 100% of the tax due and payable in the 1986 tax year plus an additional \$0.0025 per barrel. For the purposes of this section, "precious metals" means gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium and copper. In the event of a major discharge or series of discharges of petroleum or petroleum products resulting in reasonable claims against the fund exceeding the existing balance of the fund, the tax shall be levied at the rate of \$0.04 per barrel of petroleum or petroleum products transferred, until the revenue produced by such increased rate equals 150% of the total dollar amount of all pending reasonable claims resulting from the discharge of petroleum or petroleum products; provided, however, that such rate may be set at less than \$0.04 per barrel transferred if the administrator determines that the revenue produced by such lower rate will be sufficient to pay outstanding reasonable claims against the fund within one year of such levy. For the purposes of determining the existing balance of the fund, the administrator shall not include any amount in the fund collected from the \$0.0025 per barrel increase in the tax imposed pursuant to P.L.1990, c.78 and dedicated for hazardous substance discharge prevention in accordance with paragraph (2) of this subsection.

Interest received on moneys in the fund shall be credited to the fund.

(2) An amount of \$0.0025 per barrel collected from the proceeds of the tax imposed pursuant to this subsection shall be deposited into the New Jersey Spill Compensation Fund and dedicated for the purposes of P.L.1990, c.78 and for other authorized purposes designed to prevent the discharge of a hazardous substance.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the 20th day of the month following the close of each tax period render a return under oath to the director on such forms as may be prescribed by the director indicating the number of barrels of hazardous substances transferred and where appropriate, the fair market value of the hazardous substances transferred to or from the major facility, and at said time the taxpayer shall pay the full amount of the tax due.

(2) Every taxpayer or owner or operator of a major facility or vessel which transfers a hazardous substance, as defined in this act, and who is subject to the tax under subsection a. shall within 20 days after the first such transfer in any fiscal year register with the director on such form as shall be prescribed by him.

d. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the "State Tax Uniform Procedure Law," R.S.54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

f. (1) (Deleted by amendment, P.L.1987, c.76.)

(2) (Deleted by amendment, P.L.1987, c.76.)

g. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such

of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

h. The tax 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.

i. (Deleted by amendment, P.L.1986, c.143.)

18. Section 16 of P.L.1976, c.141 (C.58:10-23.11o) is amended to read as follows:

C.58:10-23.11o Disbursement of moneys from fund; purposes.

16. Moneys in the New Jersey Spill Compensation Fund shall be disbursed by the administrator for the following purposes and no others:

(1) Costs incurred under section 7 of P.L.1976, c.141 (C.58:10-23.11f);

(2) Damages as defined in section 8 of P.L.1976, c.141 (C.58:10-23.11g);

(3) Such sums as may be necessary for research on the prevention and the effects of spills of hazardous substances on the marine environment and on the development of improved cleanup and removal operations as may be appropriated by the Legislature; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;

(4) Such sums as may be necessary for the boards, general administration of the fund, equipment and personnel costs of the department and any other State agency related to the enforcement of P.L.1976, c.141, including any costs incurred by the department pursuant to P.L.1990, c.78 or pursuant to any other law designed to prevent the discharge of a hazardous substance, as may be appropriated by the Legislature;

(5) Such sums as may be appropriated by the Legislature for research and demonstration programs concerning the causes and abatement of ocean pollution; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;

(6) Such sums as may be requested by the commissioner, up to a limit of \$400,000.00 per year, to cover the costs associated with

the administration of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.);

(7) Costs attributable to the department's obligation to defend and indemnify a contractor pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f), subject to the appropriation by law of moneys from the General Fund to the fund to defray these costs;

(8) Administrative costs incurred by the department to implement the provisions of P.L.1977, c.74 (C.58:10A-1 et seq.), as amended and supplemented by P.L.1990, c.28 (C.58:10A-10.1 et al.), on a timely basis, except that the amounts used for this purpose shall not exceed \$2,000,000. Any moneys disbursed by the department from the fund for this purpose shall be repaid to the fund in equal amounts from the penalties collected by the department pursuant to P.L.1977, c.74 and P.L.1990, c.28 (C.58:10A-10.1 et al.), in annual installments beginning July 1, 1991 and annually thereafter until the full amount is repaid according to a schedule of repayments determined by the State Treasurer.

The Treasurer may invest and reinvest any moneys in said fund in legal obligations of the United States, this State or any of its political subdivisions. Any income or interest derived from such investment shall be included in the fund.

Repealer.

19. Section 5 of P.L.1976, c.141 (C.58:10-23.11d) is repealed, but rules and regulations adopted by the department pursuant to that section shall remain in force until rules and regulations implementing the provisions of P.L.1990, c.78 (C.58:10-23.11d1 et al.) are adopted and take effect.

20. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 79

AN ACT concerning business expense deductions from State income and corporate taxes for violations of environmental laws, ordinances or resolutions, and amending N.J.S.54A:5-1 and P.L.1945, c.162.

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

1. N.J.S. 54A:5-1 is amended to read as follows:

New Jersey gross income defined.

54A:5-1. New Jersey Gross Income Defined. New Jersey gross income shall consist of the following categories of income:

- a. Salaries, wages, tips, fees, commissions, bonuses, and other remuneration received for services rendered whether in cash or in property.

- b. Net profits from business. The net income from the operation of a business, profession or other activity after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the method of accounting allowed for federal income tax purposes but without deduction of the amount of:

- (1) taxes based on income;

- (2) a civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator; and

- (3) treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f) for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon the failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, a discharge.

c. Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real or personal, whether tangible or intangible as determined in accordance with the method of accounting allowed for federal income tax purposes. For the purpose of determining gain or loss, the basis of property shall be the adjusted basis used for federal income tax purposes, but without a deduction for penalties, fines, or economic benefits excepted pursuant to paragraph (2), or for treble damages excepted pursuant to paragraph (3) of subsection b. of this section.

For the tax year 1976, any taxpayer with a tax liability under this subsection, or under the "Tax on Capital Gains and Other Unearned Income Act" (P.L.1975, c.172), shall not be subject to payment of an amount greater than the amount he would have paid if either return had covered all capital transactions during the full tax year 1976; provided, however, that the rate which shall apply to any capital gain shall be that in effect on the date of the transaction. To the extent that any loss is used to offset any gain under P.L.1975, c.172, it shall not be used to offset any gain under the "New Jersey Gross Income Tax Act" (P.L.1976, c.47).

The term "net gains or income" shall not include gains or income derived from obligations which are referred to in clause (1) or (2) of section 54A:6-14 of this act or from securities which evidence ownership in a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1). The term "net gains or net income" shall not include gains or income from transactions to the extent to which nonrecognition is allowed for federal income tax purposes. The term "sale, exchange or other disposition" shall not include the exchange of stock or securities in a corporation a party to a reorganization in pursuance of a plan of reorganization, solely for stock or securities in such corporation or in another corporation a party to the reorganization and the transfer of property to a corporation by one or more persons solely in exchange for stock or securities in such corporation if immediately after the exchange such person or persons are in control of the corporation. For purposes of this clause, stock or securities issued for services shall not be considered as issued in return for property.

For purposes of this clause, the term "reorganization" means--

- (i) A statutory merger or consolidation;
- (ii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the

acquiring corporation) of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(iii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(iv) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred;

(v) A recapitalization;

(vi) A mere change in identity, form, or place of organization however effected; or

(vii) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subclause as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under subclause (i) if such transaction would have qualified under subclause (i) if the merger had been into the controlling corporation, and no stock of the acquiring corporation is used in the transaction;

(viii) A transaction otherwise qualifying under subclause (i) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subclause as the "controlling corporation") which before the merger was in control of the merged corporation is used in the transaction, if after the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.

For purposes of this clause, the term "control" means the ownership of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of total number of shares of all other classes of stock of the corporation.

For purposes of this clause, the term "a party to a reorganization" includes a corporation resulting from a reorganization, and both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another. In the case of a reorganization qualifying under subclause (i) by reason of subclause (vii) the term "a party to a reorganization" includes the controlling corporation referred to in such subclause (vii).

Notwithstanding any provisions hereof, upon every such exchange or conversion, the taxpayer's basis for the stock or securities received shall be the same as the taxpayer's actual or attributed basis for the stock, securities or property surrendered in exchange therefor.

d. Net gains or net income derived from or in the form of rents, royalties, patents, and copyrights.

e. Interest, except interest referred to in clause (1) or (2) of N.J.S.54A:6-14, or distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

f. Dividends. "Dividends" means any distribution in cash or property made by a corporation, association or business trust, (1) out of accumulated earnings and profits, or (2) out of earnings and profits of the year in which such dividend is paid.

The term "dividends" shall not include distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

g. Gambling winnings.

h. Net gains or income derived through estates or trusts.

i. Income in respect of a decedent.

j. Amounts distributed or withdrawn from an employee trust attributable to contributions to the trust which were excluded from gross income under the provisions of chapter 6 of Title 54A of the New Jersey Statutes and pensions and annuities except to the extent of exclusions in section 54A:6-10 hereunder, notwithstanding the provisions of N.J.S.18A:66-51, P.L.1973, c.140, s.41 (C.43:6A-41), P.L.1954, c.84, s.53 (C.43:15A-53), P.L.1944, c.255, s.17 (C.43:16A-17), P.L.1965, c.89, s.45 (C.53:5A-45), R.S.43:10-14, P.L.1943, c.160, s.22 (C.43:10-18.22), P.L.1948, c.310, s.22 (C.43:10-18.71), P.L.1954, c.218, s.32 (C.43:13-22.34), P.L.1964, c.275, s.11 (C.43:13-

22.60), R.S.43:10-57, P.L.1938, c.330, s.13 (C.43:10-105), R.S.43:13-44, and P.L.1943, c.189, s.5 (C.43:13-37.5).

k. Distributive share of partnership income.

l. Amounts received as prizes and awards, except as provided in sections 54A:6-8 and 54A:6-11 hereunder.

m. Rental value of a residence furnished by an employer or a rental allowance paid by an employer to provide a home.

n. Alimony and separate maintenance payments to the extent that such payments are required to be made under a decree of divorce or separate maintenance but not including payments for support of minor children.

o. Income, gain or profit derived from acts or omissions defined as crimes or offenses under the laws of this State or any other jurisdiction.

2. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

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

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the

capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings means the earnings accumulated over the life of such facility and shall not include the pro rata share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent

rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section;

(C) Taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section;

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted:

(i) Up to an amount not exceeding \$1,000.00;

(ii) In full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or its predecessors, but were not stockholders or shareholders thereof;

(iii) In full to the extent that it relates to debt of a financial business corporation owed to an affiliate corporation; provided that such interest rate does not exceed 2% over prime rate; the prime rate to be determined by the Commissioner of Banking;

(iv) In full to the extent that it relates to financing of motor vehicle inventory held for sale to customers; provided said indebtedness is owed to a taxpayer customarily and routinely providing this type of financing;

(v) In full to the extent it relates to debt of a banking corporation to a bank holding company, of which the banking corporation is a subsidiary, or to a debt of a banking corporation to another banking corporation with respect to federal funds transactions governed by section 23A of the Federal Reserve Act (12 U.S.C. § 371c.) when both banking corporations are subsidiaries of the same bank holding company, as defined in 12 U.S.C. § 1841.

(F)(i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of

depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981.

(ii) For the periods set forth in subparagraph (F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(G) (1) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

(2) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f) for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply

with a directive from the department to remove, or arrange for the removal of, the discharge.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities; or

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph;

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not

include 50% of the total included in computing such taxable income for federal income tax purposes.

(6)(A) Net operating loss deduction. There shall be allowed as a deduction for the taxable year the net operating loss carryover to that year.

(B) Net operating loss carryover. A net operating loss for any taxable year ending after June 30, 1984 shall be a net operating loss carryover to each of the seven years following the year of the loss. The entire amount of the net operating loss for any taxable year (the "loss year") shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of the loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior taxable years to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by

purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L. 92-181 (12 U.S.C. § 2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Bank-

ing shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking shall thereafter provide the applicable definitions.

3. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 80

AN ACT concerning transfers of hazardous substances, and supplementing P.L.1976, c.141 (C.58:10-23.11 et seq.).

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

C.58:10-23.11f1 Illumination for non-daylight hazardous substance transfers.

1. An owner or operator of a refinery, storage, transfer terminal, or pipeline facility, or a vessel that transports a hazardous substance, shall provide during non-daylight hours illumination for any transfer of the hazardous substance between the facility and such vessel, or among two or more vessels. Illumination shall be provided at each transfer connection point in use, and for adjacent facility or vessel areas, and surrounding waters. The intensity and area of illumination shall be sufficient in the estimation of the department, to permit the visual detection of a discharge of a hazardous substance into the land or waters of the State. To the extent practicable and necessary to effectuate the purposes of this section, the department may require illumination of locations at which underwater transmission pipelines emerge onto the lands of the State.

The department shall, within one year of the effective date of this act, adopt guidelines for the implementation of its provisions. The guidelines shall, to the maximum extent practicable, be consistent with applicable United States Coast Guard standards or requirements adopted for hazardous substance transfers from vessels during non-daylight hours.

The department may use monies from the New Jersey Spill Compensation Fund, as authorized pursuant to paragraph (2) of subsection b. of section 9 of P.L.1976, c.141 (C.58:10-23.11h), for program costs incurred in implementing the provisions of this act.

2. This act shall take effect immediately.

Approved July 21, 1990.

CHAPTER 81

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of \$135,000,000 for the purpose of funding grants, loans and other forms of subsidy and assistance to increase and improve housing in the State, to meet the State's constitutional obligation to provide realistic opportunities for persons and families of low and moderate income to obtain adequate and affordable housing, and to facilitate home ownership by citizens and residents of the State; authorizing the issuance of refunding bonds; providing the ways and means to pay and discharge the principal of and interest on the bonds and refunding bonds; providing for the submission of this act to the people at a general election, and making an appropriation therefor.

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

1. This act shall be known and may be cited as the "Affordable Housing Programs Assistance Bond Act of 1990."

2. The Legislature finds, determines and declares:

a. Housing problems in this State have been, and continue to be, acute, especially in the following areas:

(1) Adequate accommodations, at affordable cost, are increasingly unavailable to lower-income families, often leading to the homelessness of such families.

(2) Prospective first-time home buyers in all but the very highest income categories are thwarted by rapidly escalating initial costs of home acquisition.

(3) Many persons and families are in such circumstances that they cannot, without assistance, obtain accommodations suitable to maintain minimal standards of stability in their living arrangements.

(4) Appropriate accommodations for the semi-dependent elderly, the mentally and physically handicapped, unattached persons and single-parent families of meager means, and others with special housing needs, are increasingly unavailable through traditional sources and under existing housing market conditions.

(5) Densely populated urban areas are grossly undersupplied with housing, particularly for their elderly, low-income and special-need populations.

b. Accordingly, it is the purpose of this act to provide funding for an array of remedies for the above-cited problems by establishing, through the sale of State bonds, a fund from which appropriations may be made for the support of legislatively enacted housing programs.

3. As used in this act:

“Bonds” means the bonds authorized to be issued, or issued, under this act; and

“Government securities” means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency, to the extent those obligations are unconditionally guaranteed by the United States of America, and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions which may consist of the principal of, or the interest on, those obligations.

4. a. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$135,000,000 for the purpose of funding grants, loans and other forms of subsidy and assistance to increase and improve housing in the State, to meet the State’s constitutional obligation to provide realistic opportunities for persons and families of low and moderate income to obtain adequate and affordable housing, to facilitate home ownership by citizens and residents of the State, and to address the

needs of the State's homeless population, as may be available pursuant to housing programs established by law.

b. Such housing programs as shall be established by law may include, but shall not be limited to:

(1) a tenant ownership program, to provide grants and technical assistance to qualified nonprofit corporations to help them organize, plan and execute tenant ownership projects, through lease-purchase arrangements or other means;

(2) a first-time home buyers assistance program of low-cost loans, and in certain cases grants, to enable eligible buyers to meet down payment and closing-cost requirements and to reduce the carrying costs of their first mortgage;

(3) an affordable housing production program to extend assistance to municipalities to meet their obligations for the provision of affordable housing;

(4) a targeted housing development program which may be administered by a subsidiary corporation established by the New Jersey Housing and Mortgage Finance Agency pursuant to section 18 of P.L.1983, c.530 (C.55:14K-18);

(5) a special-needs housing program, for assisting, with loans or grants, the development of housing especially designed for the needs of the elderly, the disabled, the mentally ill and other vulnerable segments of the population;

(6) a housing for the homeless program, for assisting the production of appropriate housing for homeless persons or families; and

(7) projects or programs eligible to receive grants or loans from the Neighborhood Preservation Nonlapsing Revolving Fund for the effectuation of the purposes of that fund as set forth in section 20 of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-320).

5. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as "Affordable Housing Programs Assistance Bonds." These bonds shall be issued from time to time as the issuing officials herein named shall determine, and may be issued in coupon form, fully registered form or book-entry form. These bonds may be made subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the respective dates of their issuance.

6. The Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury, or any two of these officials, herein referred to as "the issuing

officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith subject to the provisions of this act. If an issuing official is absent from the State or incapable of acting for any reason, the powers and duties of that issuing official shall be exercised and performed by the person authorized by law to act in an official capacity in the place of that issuing official.

7. Bonds issued in accordance with the provisions of this act shall be direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest and redemption premium thereon, if any, when due and for the payment of the principal thereof at maturity or earlier redemption date. The principal of and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

8. The bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, which seal may be by facsimile or by way of any other form of reproduction on the bonds, and attested by the manual or facsimile signature of the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury and may be manually authenticated by an authenticating agent or bond registrar, as the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury. The bonds may be issued notwithstanding that an issuing official signing them or whose manual or facsimile signature appears thereon has ceased to hold office at the time of issuance or at the time of the delivery of the bonds to the purchaser thereof.

9. a. The bonds shall recite that they are issued for the purposes set forth in section 4 of this act, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election held in the month of November, 1990, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the validity of the bonds and of the authority of the State to issue them. Any bonds containing this

recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in the denominations and in the form or forms, whether coupon, fully-registered or book-entry, and with or without provisions for the interchangeability thereof, as may be determined by the issuing officials.

10. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear the rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; except that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

11. The bonds shall be issued and sold at the price or prices and under the terms, conditions and regulations as the issuing officials may prescribe, after notice of the sale, published at least once in at least three newspapers published in New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in New Jersey or in the city of New York in the state of New York, the first notice to appear at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any bid in pursuance thereof may be rejected. In the event of rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at a private sale, without advertisement.

12. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in such form and with such privileges as to their registration and exchange for permanent bonds as may be determined by the issuing officials.

13. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, which shall

be known as the "Affordable Housing Programs Assistance Fund." The proceeds of this fund shall be deposited to the credit of the fund in such depositories as may be selected by the State Treasurer.

14. a. The moneys in the "Affordable Housing Programs Assistance Fund" are specifically dedicated and shall be applied to the costs of the purposes set forth in section 4 of this act. However, no such moneys shall be expended for those purposes, except as otherwise authorized in this act, without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided, notwithstanding that the Legislature has not adopted an act making a specific appropriation of any of the moneys. Any act appropriating moneys from the "Affordable Housing Programs Assistance Fund" shall identify or describe the specific project or program to be funded by those moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from available money in any fund of the treasury of the State to the credit of the Affordable Housing Programs Assistance Fund such sums as he may deem necessary. Any sum so transferred shall be returned to the same fund of the treasury by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, the moneys in the Affordable Housing Programs Assistance Fund may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the fund shall be paid into the General Fund.

15. If any coupon bond or coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials such evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon; the ownership thereof; and the security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

16. The accrued interest, if any, received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical,

authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

17. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issue of the series, and in such amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem any of the bonds prior to maturity at the price or prices and upon the terms and conditions as may be provided in the bonds.

18. The issuing officials may issue refunding bonds in an amount not to exceed the amount necessary to effectuate the refinancing of any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond or bonds issued pursuant to this act, subject to the following provisions:

a. Refunding bonds may be issued at any time prior to the maturity or redemption of the bonds to be refinanced thereby as the issuing officials shall determine.

b. Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on the bonds to be refinanced to the date of payment of the outstanding bonds, the expense of issuing the refunding bonds and the expenses, if any, of paying the bonds to be refinanced.

c. No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate principal amount of and interest on the refunding bonds is less than the present value of the aggregate principal amount of and interest on the bonds to be refinanced thereby; provided, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of those refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the price or prices paid to the State by the initial purchasers of those refunding bonds.

d. Any refinancing authorized hereunder may be effected by the sale of the refunding bonds and the application of the proceeds thereof to the

immediate payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on those bonds to be refinanced to the date of payment of those bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying those bonds to be refinanced, or, to the extent not required for that immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, to be applied solely to the payment when due of the principal of, redemption premium, if any, and interest due and to become due on the bonds to be refinanced on or prior to the redemption date or maturity date thereof, as the case may be. The proceeds or moneys so held by the trustees or escrow agents may be invested in government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States; provided those government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as otherwise provided in this subsection, neither government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the bonds to be refinanced thereby; provided that any cash received from the principal or interest payments on those government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for that purpose shall be paid over to the trustees or escrow agents, and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds to be refinanced, on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from those reinvestments, to the extent not required for the payment of bonds, shall be paid over to the State, as received by the trustees or escrow agents. Notwithstanding anything to the contrary contained herein: (1) the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with the trustees or escrow agents, and apply the proceeds thereof to (a) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents

of the moneys and government securities and immediately thereafter cancel all the bonds so purchased or (b) to the purchase of different government securities; provided, however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the outstanding bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and (2) in the event that on any date, as a result of any purchases and cancellations of the bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on those remaining bonds, the trustees or escrow agents, shall, if so directed by the issuing officials, pay the amount of that excess to the State. Any amounts held by the State Treasurer in a separate fund or funds for the payment of the principal of, redemption premium, if any, and interest on bonds to be refinanced, as provided herein, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents as provided herein, to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on those bonds to be refinanced, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of, redemption premium, if any, and interest on refunding bonds issued hereunder to refinance those bonds. The State Treasurer is authorized to enter into contracts with one or more trust companies or national or state banks, as provided herein, to act as trustees or escrow agents, as provided herein, subject to the approval of the issuing officials.

e. Notwithstanding the provisions of section 11 of this act, any series of refunding bonds issued pursuant to this section shall mature at any time or times not later than five years following the latest scheduled final maturity date, determined without regard to any redemptions prior thereto, of any of the bonds to be refunded thereby, and in no event later than 35 years following the date of issuance of that series of refunding bonds, and those refunding bonds may be sold at public or private sale at prices and under

terms, conditions and regulations as the issuing officials may prescribe. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations, except as to sale provisions and to the extent therein otherwise expressly provided.

f. Upon the decision by the issuing officials to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the issuing officials shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the issuing officials relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the issuing officials to issue and sell the refunding bonds at public or private sale and the reasons therefor.

g. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection f. of this section. The committee, or its successor, shall notify the issuing officials in writing of the approval or disapproval as expeditiously as possible.

h. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection g. of this section.

i. Within 30 days after the sale of the refunding bonds, the issuing officials shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

j. The Joint Budget Oversight Committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the issuing officials, or to the Legislature, or both, as it deems appropriate.

19. Any bond or bonds issued hereunder shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey, and the faith and credit of the State, shall no longer be pledged to the payment of the principal of, redemption premium, if any, and interest on the bonds, and the bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust and with one or more trustees or escrow agents,

which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with the trustees or escrow agents, as provided herein, either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the moneys, if any, deposited with the trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on the bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided the government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or moneys shall have been deposited in trust with the trustees or escrow agents as provided in this section that, except as otherwise provided in this section, neither the government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on the bonds; provided that any cash received from the principal or interest payments on the government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for that purpose, shall be paid over to the State, as received by such trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing the bonds; and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds. Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with the trustees or escrow agents, and apply the proceeds thereof to (1) the purchase of the bonds which were refi-

nanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided, however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities, as provided in this sentence, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

20. Refunding bonds issued pursuant to section 18 of this act may be consolidated with bonds issued pursuant to section 5 of this act or with bonds issued pursuant to any other act for purposes of sale.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is appropriated in the order following:

a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest, redemption premium, if any, and principal payments on outstanding bonds issued under this act are insufficient or not available, there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State, a tax on the real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on the bonds proposed to be issued under this act in the calendar year in which the tax is to be raised and for the payment of bonds falling due in the

year following the year for which the tax is levied. The tax shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which the municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of the tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year, the issuing officials, by resolution, determine that there are moneys in the General Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest and redemption premium, if any, payable in the ensuing calendar year, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by the State Treasurer, and shall pay the principal, redemption premium, if any, and interest out of that fund as the same shall become due and payable, and the other sources of payment of the principal, redemption premium, if any, and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in subsection a. of this section shall be considered part of the General Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Director of the Division of Budget and Accounting in the Department of the Treasury the amount necessary to be raised by taxation for those purposes, which is to be assessed, levied and collected for and in the ensuing calendar year. The director shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county as herein set forth. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The director shall certify the amount to the county board of taxation and the treasurer of each county. The county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people at the general election to be held in the month of November, 1990. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 60 days prior to the election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have printed on each of the ballots the following:

If you approve of the act entitled below, make a cross (x), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove of the act entitled below, make a cross (x), plus (+), or check (✓) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to these markings respectively.

		AFFORDABLE HOUSING PROGRAMS ASSISTANCE BOND ACT OF 1990 Shall the "Affordable Housing Programs Assistance Bond Act of 1990," which authorizes the State to issue bonds in the amount of \$135,000,000 for the purpose of funding grants, loans and other forms of subsidy and assistance to increase and improve housing in the State, to meet the State's constitutional obligation to provide realistic opportunities for persons and families of low and moderate income to obtain adequate and affordable housing, to facilitate home ownership by citizens and residents of the State, and to address the needs of the State's homeless population; and in a principal amount sufficient to refinance any of the bonds if the same will result in a present value savings; and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof, be approved?
	Yes.	

	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$135,000,000 of general obligation bonds of the State for the purpose of funding grants, loans and other forms of subsidy and assistance to increase and improve housing in the State, to meet the State's constitutional obligation to provide realistic opportunities for low and moderate income households to obtain adequate and affordable housing, to facilitate home ownership by citizens and residents of this State, and to address the needs of the State's homeless population. These purposes shall be accomplished pursuant to programs to be established by law which may include first-time home buyer assistance, municipal assistance to meet affordable housing obligations, targeted housing development, special-needs housing, housing for the homeless and tenant ownership assistance. This act also authorizes the issuance of bonds in a sufficient amount to refinance all or any of these bonds if the same will result in a present value savings.

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure, except as herein provided, need be adhered to.

The votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority of all votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. There is appropriated the sum of \$5,000 to the Department of State for expenses in connection with the publication of notice pursuant to section 23 of this act.

25. Upon establishment by law of a housing program for which an appropriation from the bond fund may be made, the official designated by law to administer the program shall be required to submit to the State Treasurer pursuant to the provisions herein a plan for the expenditure of funds from the "Affordable Housing Programs Assistance Fund" for the upcoming fiscal year. If the designated official is a commissioner of an executive department, the plan shall be included with the department's annual budget request. Any other designated official shall submit a plan on or before November 1 of each year for the upcoming State fiscal year. Such plan shall include, but not be limited to, a performance evaluation of the expenditures made from that fund to date; a description of programs planned during the upcoming fiscal year, a copy of the rules and regulations governing the operation of programs to be financed, in whole or in part, by funds from the "Affordable Housing Programs Assistance Fund," and an estimate of expenditures for the upcoming fiscal year.

26. Not less than 30 days prior to the designated official of a housing program entering into any contract, lease, obligation or agreement to effectuate the purposes of this act, the designated official shall report to and consult with the Joint Budget Oversight Committee, or its successor.

27. All appropriations from the bond fund shall be by specific allocation for each housing program, and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee, or its successor.

28. Immediately following the submission to the Legislature of the Governor's annual budget message, the designated official shall submit to the Senate Land Use Management and Regional Affairs Committee and the General Assembly Housing Committee, or their designated successors, and to the Joint Budget Oversight Committee, or its successor, a copy of the plan prepared pursuant to section 25 of this act together with such changes therein as may have been required by the Governor's budget message.

29. This section and sections 23 and 24 of this act shall take effect immediately and the remainder of the act shall take effect as provided in section 23.

Approved July 23, 1990.

CHAPTER 82

AN ACT permitting the conduct of horse race meetings and parimutuel wagering on Sunday under certain circumstances, amending the title and body of P.L.1966, c.206 and providing for the submission of this amendatory act to the legal voters of the State for their approval or rejection before the same shall become operative in this State.

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

1. The title of P.L.1966, c.206 (C.5:5-84 et seq.) is amended to read as follows:

Title amended.

An act making lawful the conduct of horse racing and parimutuel wagering at Sunday and night horse race meetings, supplementing P.L.1940, c.17 (C.5:5-22 et seq.) and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State.

2. Section 1 of P.L.1966, c.206 (C.5:5-84) is amended to read as follows:

C.5:5-84 Sunday and night horse race meetings.

1. In addition to the hours for which the conduct of horse racing is authorized pursuant to the act to which this act is a supplement, the New Jersey Racing Commission, in issuing a permit to an otherwise qualified applicant, may authorize the conduct of horse race meetings on the days and during such hours between 12:00 o'clock noon and 1:00 o'clock A.M. the following day on every day of the week, as shall be specified in the permit, except that an applicant who opts to conduct horse race meetings on Sunday shall not conduct racing on one other day of the week.

3. Section 2 of P.L.1966, c.206 (C.5:5-85) is amended to read as follows:

C.5:5-85 Parimutuel wagering at horse race meetings.

2. The conduct of the parimutuel system of wagering at horse race meetings on the days upon which such meetings are conducted is autho-

rized and shall be lawful between the hours of 8 a.m. and 1 a.m. the following day on Mondays through Saturdays and between 12 noon and 1 a.m. the following day on Sundays at horse race meetings held on Sunday pursuant to section 1 of P.L.1966, c.206 (C.5:5-84), including wagering at any horse race meeting upon the result of any and all horse races held at such meeting when such wagering is during the hours when wagering is permitted pursuant to this act and prior to the conduct of any race held at said meeting, in the same manner and to the same extent as the parimutuel system of wagering is now authorized.

4. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people for their approval or rejection at the next general election to be held 70 or more days following the date of its enactment.

5. There shall be printed on each official ballot to be used at the general election, the following:

If you favor making the act described below operative within the State, make a cross (X), plus (+) or check (✓) in the square opposite the word "Yes."

If you are opposed to making the act described below so operative, make a cross (X), plus (+) or check (✓) in the square opposite the word "No."

	Yes.	SUNDAY RACING AT TRACKS OPTING TO CLOSE ONE OTHER DAY OF THE WEEK Shall chapter 82 of the laws of 1990 making it lawful to conduct horse racing and parimutuel wagering on Sundays at racetracks which agree to remain closed on one other day of the week, be approved and become operative?
	No.	INTERPRETIVE STATEMENT A "Yes" vote on this question would mean that horse racing and wagering at the State's racetracks would be permitted after 12 noon on Sundays. However, any racetrack which holds Sunday racing would be required to remain closed on one other day of the week. The State's horse racing

	industry has been experiencing competitive hardship. At no cost to the taxpayer, this measure would raise additional State revenue, maintain jobs, and help put New Jersey on equal footing with our neighboring states, New York, Pennsylvania, and Delaware, all of which permit Sunday racing. It would also assist the Meadowlands Sports Complex (which includes Giants Stadium and the Meadowlands Arena) and the other racetracks in New Jersey to operate on a financially stable basis.

The chapter number assigned to this act shall be inserted in the appropriate place in the foregoing question.

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the voting machines with the foregoing instructions to the voters but with instructions to vote "Yes" or "No" by the use of such machines without marking as aforesaid.

6. If at such election a majority of all the votes cast both for and against the approval of this act shall be cast in favor of the approval thereof, then all of its provisions shall forthwith take effect throughout the State.

7. This section and sections 4, 5, and 6 of this act shall take effect immediately and the remainder of this act shall take effect as hereinbefore provided.

Approved August 7, 1990.

CHAPTER 83

AN ACT establishing not less than two, but not more than five, demonstration centers to provide job training programs and other services for Hispanic women, supplementing P.L.1974, c.87 (C.52:27D-43.8 et seq.).

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

C.52:27D-43.25 Short title.

1. This act shall be known and may be cited as the "Hispanic Women's Demonstration Resource Centers Act."

C.52:27D-43.26 Findings, declarations.

2. The Legislature finds and declares that:

a. Hispanics in New Jersey represent 9% of the total population and constitute the second largest and fastest growing minority in the State.

b. In 1985, 32% of all Hispanic families were headed by women; 43% of whom were families in poverty.

c. Hispanic women are concentrated in low-skill, low-salary jobs, working fewer hours per year and earning less than either black or white women; their disadvantaged employment status is linked to the fact that Hispanic women have completed fewer years of education than non-Hispanic women; only 6% have completed college and a mere 43% of Hispanic women as compared to 69% of non-Hispanic women have graduated from high school.

d. Contributing to the Hispanic women's plight is the fact that cultural differences and language barriers are not acknowledged by the present educational, career and social services system in New Jersey; although some agencies have bilingual staff, they lack the bicultural knowledge of the socioeconomic obstacles that affect an Hispanic woman's ability to fully participate in the programs currently offered.

C.52:27D-43.27 Definitions.

3. As used in this act:

a. "Center" means an Hispanic women's demonstration resource center established pursuant to this act which is intended to enhance the employability of Hispanic women.

b. "Department" means the Department of Community Affairs.

c. "Division" means the Division on Women in the Department of Community Affairs.

d. "Director" means the Director of the Division on Women.

e. "Hispanic" means a person who is of Spanish or Latin American culture, with origins in Mexico, South or Central America, or the Caribbean Islands.

f. "Office" means the Office of Hispanic Affairs in the Department of Community Affairs.

C.52:27D-43.28 Hispanic Women's Demonstration Resource Centers; Advisory Board

4. The division shall establish not less than two but not more than five Hispanic women's demonstration resource centers; one in conjunction with an existing facility in southern New Jersey and the other in conjunction with an existing facility in northern New Jersey. The centers shall be established in locations serving populations of Hispanic women in northern and southern New Jersey through the issuance of grants to public or private nonprofit organizations servicing either women or Hispanic populations. In reviewing grant applications under this act, the division shall give due consideration to the needs of the Hispanic women in the municipality in which the applicant is located and surrounding area.

There is created the Advisory Board for the Hispanic Women's Demonstration Resource Centers which shall consist of nine public members, two of whom shall be appointed by the Speaker of the General Assembly, not more than one of whom shall be from the same political party, two of whom shall be appointed by the President of the Senate, not more than one of whom shall be from the same political party, and five of whom shall be appointed by the Governor with no more than three from the same political party. When making these appointments the appointing authorities shall give due consideration to individuals having expertise in Hispanic women's affairs and being members of organized Hispanic groups, including the Hispanic Women's Task Force. The advisory board shall be appointed within 60 days of the enactment of this act. Vacancies in the membership of the advisory board shall be filled in the same manner as the original appointments were made. The division shall develop comprehensive guidelines for the establishment, goals and operation of the centers. In carrying out the purpose of this act, the director shall consult with the Office of Hispanic Affairs and the Advisory Board for the Hispanic Women's Demonstration Resource Centers.

C.52:27D-43.29 Purpose of centers.

5. The centers shall provide:
- a. Outreach to the Hispanic community to inform the community of the center's resources;
 - b. Basic English language skills and bilingual and bicultural resources;
 - c. Training in assertiveness, survival and coping skills;
 - d. Educational evaluation services by a qualified bilingual counselor employed by the center, which services include screen-

ing, assessment and referral to basic educational, vocational training and other educational programs;

e. Job counseling services which are specifically designed to prepare women to enter or reenter the work force by assisting them in acquiring knowledge of their talents and skills in relation to existing traditional and nontraditional job opportunities and to those which are emerging as a result of new employment trends;

f. Self-help programs and mentoring projects, including workshops, group discussions, and dissemination of information about existing federal, State and local employment, education, health, and other community services which provide assistance in overcoming barriers to employment. These programs shall include outreach and information about other programs which are determined to be of interest and benefit to working parents, women newly entering or reentering the work force after a prolonged absence from it, those in need of financial management services, including information and assistance with respect to credit, insurance, taxes, loans and related financial matters, and women who need information about a diversity of housing problems;

g. Career information services, job training including internships, and job placement services which assist participants in gaining admission to existing public and private job training programs and in gaining job opportunities by cooperating, whenever possible, with appropriate State and local government agencies and private employers. These training and placement services shall foster the development of partnerships with industry, particularly those concerns which are associated with urban enterprise zones, and the enhancement of the neighborhood and communities which surround the centers. To the extent possible, the training and placement services shall consult with the area private industry councils established pursuant to the provisions of the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C. § 1501 et seq.), and the Division of Employment Services in the Department of Labor in order to help identify local job opportunities or areas of expansion in private industry;

h. Information and referral services concerning: legal issues such as domestic violence, sexual assault, family support and sex discrimination; health care issues such as family planning, substance abuse, nutrition and mental health; public assistance programs; and child care services.

Each center may purchase services from or contract with individuals, county or municipal governments, school districts, county colleges or county vocational schools to carry out the provisions of this section.

C.52:27D-43.30 Goals of center.

6. The centers and programs established under this act shall emphasize activities which provide training and other employment related services which are designed to enhance the employability and earnings of Hispanic women and impact on the quality of their lives and those of their families. The centers and programs shall, to the extent possible, identify existing job opportunities for women and assist those women who utilize the centers in obtaining employment.

C.52:27D-43.31 Coordination of services.

7. The division shall make a study of employment needs of individuals who use the services of the centers and of existing programs and services which are effective in meeting those needs. The division shall also coordinate community organizations, women's groups, and public agencies to maximize the utilization of existing programs and resources. The coordination shall include, but not be limited to, the Office of Hispanic Affairs in the Department of Community Affairs, the Division of Vocational Education in the Department of Education, the Division of Vocational Rehabilitation Services in the Department of Labor, and the Division of Public Welfare in the Department of Human Services. The goal of this coordination shall be to put Hispanic women in touch with existing programs and to foster cooperation and the exchange of information among all departments and agencies of State government which sponsor employment and related programs of special interest to women.

C.52:27D-43.32 Assessment information.

8. Each center shall compile and maintain a description and assessment of each program it operates pursuant to this act including, but not limited to, the following information: the number of women served; the number who enrolled in English language courses; the number given educational counseling; the number given career counseling; the number who obtained employment; the number who enrolled in educational or vocational courses; the number of those enrolled who completed the courses; the cost per woman for each enrollment in a program; the number who were referred for medical assistance; the number who were referred to domestic violence shelters; the number referred for government assistance; the number placed in jobs; the number no longer receiving public assistance funds; the number

referred for legal assistance; and the total number of staff and the ratio of staff to persons served under the program.

Data and findings shall be made available to the Governor and the Legislature annually.

C.52:27D-43.33 Powers of director.

9. The director:

a. May seek, receive and make use of any funds which may be available from federal or other sources in order to augment State funds which are appropriated pursuant to this act, and shall make every effort to qualify the program for federal funding;

b. Shall apply for and make use of funds made available from federal and other sources for job training, including funds appropriated to the State under the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C. § 1501 et seq.); and

c. May establish guidelines governing the expenditure of funds to carry out the provisions of this act.

C.52:27D-43.34 Annual report.

10. The department shall report annually to the Governor and the Legislature on the implementation of this act.

11. This act shall take effect immediately.

Approved August 8, 1990.

CHAPTER 84

AN ACT concerning educational programs in certain school districts 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:6-33.15 Grants for schools implementing voluntary desegregation plans.

1. Beginning with the 1991-92 school year and thereafter, the board of education of any local school district which, for the 1991-1992 school year, is eligible to receive State aid pursuant to

section 25 of P.L.1990, c.52 (C.18A:7D-33) and which is under order or which is implementing a voluntary plan to desegregate the public schools of its district may apply to the Commissioner of Education for a grant for the following purposes:

- a. programs or other actions which are required for the implementation of the desegregation order;
- b. the enhancement of the educational programs of the district, including, but not limited to special academic programs, alternative educational programs, and such other excellence initiatives as the commissioner deems appropriate;
- c. magnet school programs.

A board of education which sends its pupils to an eligible school district may apply for a grant jointly with that eligible district.

C.18A:6-33.16 Application for grant; determination of amount.

2. The manner, form and content of the applications for a grant shall be determined by the commissioner, and shall include such information as the commissioner may require. The commissioner shall review the applications and shall, within the limit of funds appropriated or otherwise made available for this purpose, award such grants as he deems advisable and appropriate. The commissioner shall determine the amount of funds to be awarded to a school district for the purposes of this act. However, grants awarded pursuant to subsection a. or b. of section 1 of this act shall not be in excess of \$300 per pupil in the districts. Grants awarded for a joint application by districts in a sending - receiving relationship shall be based upon the number of pupils in both the sending and receiving school districts. Grants awarded for magnet school programs pursuant to subsection c. of section 1 of this act may not exceed the actual cost of the program as certified by the commissioner.

C.18A:6-33.17 Exemption.

3. Funds awarded pursuant to this act shall be exempt from the provisions of section 85 of P.L.1990, c.52 (C.18A:7D-28).

4. This act shall take effect immediately but shall remain inoperative until the enactment into law of P.L.1990, c.52 (C.18A:7D-1 et al.).

Approved August 8, 1990.

CHAPTER 85

AN ACT concerning State aid to certain densely populated municipalities and supplementing chapter 27D of Title 52 of the Revised Statutes.

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

C.52:27D-384 Short title.

1. This act shall be known and may be cited as the “State Aid to Densely Populated Municipalities Act.”

C.52:27D-385 Findings, declarations.

2. The Legislature finds and declares that customary demands on municipal services and infrastructure are amplified in municipalities having high population density. The deterioration of infrastructure is especially acute in high density areas when the use of roads and sewerage facilities far exceeds their planned specifications. Heavy concentrations of population place enormous strains on police, fire, and emergency services, health services, transportation systems, infrastructure, and sanitation facilities that cannot be adequately addressed in any municipal budget without excessively taxing already overburdened property owners. In order to maintain these systems and services at acceptable levels it is a proper State purpose to provide aid to municipalities with extreme population density to assure the health, welfare and safety of their residents.

C.52:27D-386 Definitions.

3. As used in this act, “qualifying municipality” means a municipality which:

- a. does not receive aid under P.L.1978, c.14 (C.52:27D-178 et seq.);
- b. has a population density that exceeds six times the State population density, according to the most recent State population and area estimates reported by the New Jersey Department of Labor, Division of Labor Market and Demographic Research, except that in the year of promulgation of a federal decennial census, the census figures shall be used;
- c. has a population that exceeds 7,500 residents; and
- d. is located in any of the five most densely populated counties, according to the most recent State population estimates reported by the New Jersey Department of Labor, Division of Labor Market

and Demographic Research, except that in the year of promulgation of a federal decennial census, the census figures shall be used.

C.52:27D-387 Levels of qualifying municipalities.

4. Qualifying municipalities shall be grouped into three levels for the purposes of allocating funds pursuant to this act, as follows:

Level I—Qualifying municipalities having a population of 30,000 or more located in a first class county.

Level II—Qualifying municipalities having a population between 7,500 and 30,000 located in a first class county.

Level III—Qualifying municipalities located in a second class county.

C.52:27D-388 Allocation to qualifying municipalities.

5. There shall be allocated to each level of qualifying municipalities a portion of the funds appropriated for the purposes of this act, as follows:

Level I—32.5% of the funds so appropriated;

Level II—57.5% of the funds so appropriated; and

Level III—10% of the funds so appropriated.

In allocating funds to Level II qualifying municipalities, there shall be additionally allocated any portion of the amount allocated to Level I qualifying municipalities which is not apportioned to those municipalities pursuant to section 6 of this act.

C.52:27D-389 Formula for allocation.

6. Within each level of qualifying municipalities, the share of each qualifying municipality of the funds allocated to that level shall be determined by the following formula:

$$MS = (RD / ARD) \times F$$

Where:

MS is the share, not to exceed \$3,900,000, to be received by the qualifying municipality of the amount allocated to that level;

F is the amount allocated to that level;

ARD is the aggregate of the residential densities of all qualifying municipalities included in that level; and

RD is residential density for a qualifying municipality which shall be determined as follows:

$$RD = P \times D \times R^2$$

Where:

P is the population of the qualifying municipality;

D is the population density of the qualifying municipality; and
R is the percentage, multiplied by 100, of the aggregate assessed valuation of the qualifying municipality which is residential (Class 2) and apartments (Class 4c) property.

C.52:27D-390 Determination.

7. The State Treasurer shall annually, on or before November 1, make a determination of the qualifying municipalities and determine the amount of funds to be apportioned to each qualifying municipality for the next succeeding local budget year. The State Treasurer shall thereupon notify the Director of the Division of Local Government Services in the Department of Community Affairs and the chief financial officer of each qualifying municipality of the amount so determined.

C.52:27D-391 Payment.

8. The State Treasurer, upon the warrant of the State Comptroller, shall annually, on or before July 15, pay to each qualifying municipality the amount determined.

C.52:27D-392 Reduction in property tax level.

9. The funds to be received by a qualifying municipality pursuant to this act shall be appropriated by the municipality in compliance with the "Local Budget Law," N.J.S.40A:4-1 et seq. Notwithstanding any provisions of the "Local Budget Law," any qualifying municipality may anticipate in its budget for the next succeeding year the receipt of the amount determined by the State Treasurer pursuant to section 7 of this act and may file such amendments or corrections in its local budget as may be required to properly reflect the amount. A qualifying municipality shall apply all such revenues to the reduction of the local property tax levy. The chief financial officer of each qualifying municipality shall demonstrate in a written report, appended to the local budget submitted to the Director of the Division of Local Government Services, that the amount to be raised by property taxation for the local budget year in which funds are to be received has been reduced by an amount equal to the amount to be received pursuant to this act.

C.52:27D-393 Approval of budget.

10. The Director of the Division of Local Government Services shall not approve the budget of any qualifying municipality if the

director determines that the funds received pursuant to this act have not been used to reduce the local property tax levy.

C.52:27D-394 Appropriation.

11. Commencing with State fiscal year 1992, the Legislature shall annually appropriate the sum of \$33,000,000 for the purpose of reducing the local property tax levy in qualifying municipalities.

12. This act shall take effect immediately.

Approved August 8, 1990.

CHAPTER 86

AN ACT authorizing the granting of an easement in or across certain real property owned by the State.

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

1. Notwithstanding any provision of P.L.1988, c.180 (C.18A:65-33.2 et seq.) to the contrary, the Department of Higher Education on behalf of Rutgers, The State University (Cook College) is authorized to grant an easement in or across real property owned by the State which is located in North Brunswick Township, Middlesex County. The property is designated as Block 252, part of Lot 4.01 on the tax map of North Brunswick Township. The granting of the easement shall be for fair market value upon terms and conditions as approved by the State House Commission.

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

3. This act shall take effect immediately.

Approved August 8, 1990.

CHAPTER 87

AN ACT concerning ethnic intimidation and amending N.J.S. 2C:12-1, N.J.S.2C:33-4, N.J.S.2C:43-7, and N.J.S.2C:44-3.

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.

c. A person is guilty of assault by auto when the person drives a vehicle recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the person acted, at least in part, with ill will, hatred or bias toward, and with a purpose to intimidate, an individual or group of individuals because of race, color, religion, sexual orientation, or ethnicity.

2. N.J.S.2C:33-4 is amended to read as follows:

Harassment.

2C:33-4. Harassment.

Except as provided in subsection d., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

a. Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received.

d. A person commits a crime of the fourth degree if in committing an offense under this section, he acted, at least in part, with ill will, hatred or bias toward, and with a purpose to intimidate, an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity.

3. N.J.S.2C:43-7 is amended to read as follows:

Sentence of imprisonment for crime; extended terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms. a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In case of aggravated manslaughter sentenced under subsection c. of N.J.S.2C:11-4 or kidnapping when sentenced as a crime of the first degree under paragraph (1) of subsection c. of 2C:13-1 for a specific term of years which shall be between 30 years and life imprisonment;

(2) Except for the crime of murder and except as provided in paragraph (1) of this subsection, in the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between five and 10 years;

(5) In the case of a crime of the fourth degree pursuant to 2C:43-6c., 2C:44-3d. and 2C:44-3e. for a term of five years, and in the case of a crime of the fourth degree pursuant to 2C:43-6f. for a term which shall be fixed by the court between three and five years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a. during which the defendant shall not be eligible for parole or a term of 25 years during which time the defendant shall not be eligible for parole where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a.(2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall, except as may be specifically provided by N.J.S.2C:43-6f., be fixed at or between one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted for a violation of N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

d. In the case of a person sentenced to an extended term pursuant to N.J.S.2C:43-6g., the court shall impose a sentence within the ranges permitted by N.J.S.2C:43-7a(2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall be fixed at 15 years for a crime of the first or second degree, eight years for a crime of the third degree, or five years for a crime of the fourth degree during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted of a violation of N.J.S.2C:35-3, the term of parole eligibility shall be 30 years.

4. N.J.S.2C:44-3 is amended to read as follows:

Criteria for sentence of extended term of imprisonment.

2C:44-3. Criteria for Sentence of Extended Term of Imprisonment.

The court may, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime of the first,

second or third degree to an extended term of imprisonment if it finds one or more of the grounds specified in this section. The court shall, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime, other than a violation of N.J.S.2C:12-1a., N.J.S.2C:33-4 or a violation of section 1 or 2 of P.L.1981, c.282 (C.2C:33-10 or 2C:33-11), to an extended term if it finds, by a preponderance of the evidence, the grounds in subsection e. If the grounds specified in subsection d. are found, and the person is being sentenced for commission of any of the offenses enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall sentence the defendant to an extended term as required by N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the prosecutor shall not be required. The finding of the court shall be incorporated in the record.

a. The defendant is a persistent offender. A persistent offender is a person who at the time of the commission of the crime is 21 years of age or over, who has been previously convicted on at least two separate occasions of two crimes, committed at different times, when he was at least 18 years of age, if the latest in time of these crimes or the date of the defendant's last release from confinement, whichever is later, is within 10 years of the date of the crime for which the defendant is being sentenced.

b. The defendant is a professional criminal. A professional criminal is a person who committed a crime as part of a continuing criminal activity in concert with two or more persons, and the circumstances of the crime show he has knowingly devoted himself to criminal activity as a major source of livelihood.

c. The defendant committed the crime as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value the amount of which was unrelated to the proceeds of the crime or he procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

d. Second offender with a firearm. The defendant is at least 18 years of age and has been previously convicted of any of the following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or has been previously convicted of an offense under Title 2A of the New Jersey Statutes which is equivalent of the offenses enumerated in this subsection and he used or possessed a firearm, as defined in 2C:39-1f., in the course of committing or attempting to commit any of these crimes, including the immediate flight therefrom.

e. The defendant in committing the crime acted, at least in part, with ill will, hatred or bias toward, and with a purpose to intimidate, an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity.

5. This act shall take effect immediately.

Approved August 9, 1990.

CHAPTER 88

AN ACT concerning uncompensated care in hospitals and amending P.L.1989, c.1.

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

1. Section 9 of P.L.1989, c.1 (C.26:2H-18.12) is amended to read as follows:

C.26:2H-18.12 Patient interviews, requirements.

9. a. A hospital shall not be reimbursed for the cost of uncompensated care unless the commissioner certifies to the commission that the hospital has followed the procedures pursuant to this section and section 10 of this act. For the purposes of this section and section 10 of this act, "designated hospital employee" means an employee of the hospital who has received training in the collection of patient financial data and identification of third party coverage and in assessing a patient's eligibility for public assistance; and "responsible party" means any person who is responsible for paying a patient's hospital bill.

b. A designated hospital employee shall interview a patient upon the patient's initial request for care. If the emergent nature of the patient's required health care makes the immediate patient interview impractical, the designated hospital employee shall interview the patient's family member, responsible party or guardian, as appropriate, but if there is no family member, responsible party or guardian, the designated hospital employee shall interview the patient within five working days of the

patient's admission into the hospital or prior to discharge, whichever date is sooner.

c. A patient interview shall, at a minimum, include the following inquiries, except as provided in paragraph (5) of this subsection:

(1) The designated hospital employee shall obtain documentation of proper identification of the patient. Documentation of proper identification may include, but shall not be limited to, a driver's license, a voter registration card, an alien registry card, a birth certificate, an employee identification card, a union membership card, an insurance or welfare plan identification card or a Social Security card. Proper identification of the patient may also be provided by personal recognition by a person not associated with the patient. For the purposes of this paragraph, "proper identification" means the patient's name; mailing address; residence telephone number; date of birth; Social Security number; and place and type of employment, employment address and employment telephone number, as applicable.

(2) The designated hospital employee shall inquire of the patient, family member, responsible party or guardian, as appropriate, whether the patient is covered by health insurance, and if so, shall request documentation of the evidence of health insurance coverage. Documentation may include, but shall not be limited to, a government sponsored health plan card or number, a group sponsored or direct subscription health plan card or number, a commercial insurance identification card or claim form or a union welfare plan identification card or claim form.

(3) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, the designated hospital employee shall make an initial determination of whether the patient is eligible for participation in a public assistance program. If the employee concludes that the patient may be eligible for a public assistance program, the employee shall so advise the patient, family member, responsible party or guardian, as appropriate. The employee, either directly or through the hospital's social services office, shall give the patient, family member, responsible party or guardian, as appropriate, the name, address and phone number of the public assistance office that can assist in enrolling the patient in the program. The employee, or the social services office of the hospital, shall also advise the public assistance office of the patient's possible eligibility, including possible retroactive or presumptive eligibility, for the program.

(4) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, and the patient does not appear to be eligible for public assistance, the designated hospital employee shall determine if the patient is eligible for charity care pursuant to regulations adopted by the commissioner. If the patient does not qualify for charity care, the designated hospital employee shall request from the patient, family member, responsible party or guardian, as appropriate, the patient's or responsible party's place of employment, income, real property and durable personal property owned by the patient or responsible party and bank accounts possessed by the patient or responsible party, along with account numbers and the name and location of the bank.

(5) In the case of a patient seeking outpatient services, the designated hospital employee shall make the inquiries and obtain the documentation required pursuant to paragraphs (1) and (2) of this subsection. If the patient provides the required documentation, the designated hospital employee is not required to make further inquiries, but if the patient cannot provide the required documentation, the designated hospital employee shall follow the procedures required pursuant to paragraphs (3) and (4) of this subsection.

2. This bill shall take effect immediately and be retroactive to January 1, 1990.

Approved August 15, 1990.

CHAPTER 89

AN ACT concerning local budget caps, amending and supplementing P.L.1976, c.68 and repealing various sections of law.

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

1. Section 2 of P.L.1976, c.68 (C.40A:4-45.2) is amended to read as follows:

C.40A:4-45.2 Limitation on increase of appropriations.

2. Beginning with the tax year 1991 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. (Deleted by amendment, P.L.1990, c.89.)

c. Amounts approved by referendum, pursuant to section 1 of P.L.1979, c.268 (C.40A:4-45.3a) and section 2 of P.L.1983, c.312 (C.40A:4-45.19);

d. (Deleted by amendment, P.L.1990, c.89.)

e. Expenditures for the assumption of any service or function of a local public utility, a local public authority, or a special purposes district, as approved by the Local Finance Board pursuant to section 3 of P.L.1983, c.49 (C.40A:4-45.13).

For the 1991 local budget year, the final appropriations from the prior year shall be the total appropriations for the 1990 budget year. In each local budget year in which any service, function, or portion thereof, is transferred to, or assumed by, the State or federal government from a municipal government, the municipality shall deduct from its final appropriations upon which its permissible expenditures are calculated the amount which the municipality expended for that service or function during the last full budget year, or portion thereof, throughout which the service or function so transferred was funded from appropriations in the municipal budget.

In each budget year subsequent to 1990, whenever any municipality 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

budget, the municipality shall deduct from its final appropriations upon which its permissible expenditures are calculated pursuant to this section the amount which the municipality expended for that service or function during the last full budget year through-out which the service or function so transferred was funded from appropriations in the municipal budget.

2. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as follows:

C.40A:4-45.3 Limitation on increase in budget to 5% over previous year; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. (Deleted by amendment, P.L.1990, c.89.)

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) (Deleted by amendment, P.L.1990, c.89.)

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

- g. (Deleted by amendment, P.L.1990, c.89.)
- h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance;
- i. Any amount approved by any referendum;
- j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;
- k. (Deleted by amendment, P.L.1987, c.74.)
- l. Appropriations of federal, county, independent authority or State funds, or by grants from private parties or non-profit organizations for a specific purpose, and amounts received or to be received from such sources in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal, county, independent authority or State funds, or the grants from private parties or non-profit organizations for a specific purpose, the amount of the match which is required by law or agreement to be provided by the municipality shall be excepted;
- m. (Deleted by amendment, P.L.1987, c.74.)
- n. (Deleted by amendment, P.L.1987, c.74.)
- o. (Deleted by amendment, P.L.1990, c.89.)
- p. (Deleted by amendment, P.L.1987, c.74.)
- q. (Deleted by amendment, P.L.1990, c.89.)
- r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- s. (Deleted by amendment, P.L.1990, c.89.)
- t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;

u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

v. (Deleted by amendment, P.L.1990, c.89.)

w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;

y. (Deleted by amendment, P.L.1990, c.89.)

z. (Deleted by amendment, P.L.1990, c.89.);

aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;

bb. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;

cc. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;

dd. Expenditures of amounts actually realized in the local budget year from the sale of municipal assets if appropriated for non-recurring purposes or otherwise approved by the director;

ee. Any local unit which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of that surplus approved by the director and the Local Finance Board as an exception to the spending limitation. Any determination approving the appropriation and expenditure of surplus as an exception to the spending limitations shall be based upon:

1) the local unit's revenue needs for the current local budget year and its revenue raising capacity;

2) the intended actions of the governing body of the local unit to meet the local unit's revenue needs;

3) the intended actions of the governing body of the local unit to expand its revenue generating capacity for subsequent local budget years;

4) the local unit's ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to the spending limitations to meet the operating expenses for the local unit's current budget year; and

5) the impact of utilization of surplus upon succeeding budgets of the local unit.

3. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in tax levies to 5% over previous year; 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. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the county, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) (Deleted by amendment, P.L.1990, c.89.)

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or f. below;

- d. All debt service;
- e. (Deleted by amendment, P.L.1990, c.89.)
- f. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a 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; and (2) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;
- 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. If a county provides matching funds in order to receive the federal or State or other funds, only the amount of the match which is required by law or agreement to be provided by the county shall be excepted;
- h. (Deleted by amendment, P.L.1987, c.74.)
- i. (Deleted by amendment, P.L.1990, c.89.)
- j. (Deleted by amendment, P.L.1990, c.89.)
- k. (Deleted by amendment, P.L.1990, c.89.)
- l. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- m. (Deleted by amendment, P.L.1990, c.89.)
- n. (Deleted by amendment, P.L.1990, c.89.)
- o. (Deleted by amendment, P.L.1990, c.89.)
- p. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;
- q. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;
- r. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule,

directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency.

4. 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.

C.40A:4-45.3d Local Finance Board authorized to grant additional exceptions.

5. In addition to the exceptions to the limit on increases in final appropriations for any budget year, listed in section 3 of P.L.1976, c.68 (C.40A:4-45.3), the Local Finance Board shall have the authority to grant additional exceptions, applicable to all municipalities and only effective for the local budget year in which the exception is granted, upon a finding of extraordinary circumstances that result in an unanticipated increase in expenditures for a service essential to the health, safety and welfare of the residents of the State.

C.40A:4-45.38 Transfer of funds from appropriation subject to limitation.

6. No transfer of funds authorized by N.J.S.40A:4-58 and N.J.S.40A:4-59 shall be made from an appropriation which is not subject to limitation pursuant to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4) to an appropriation which is subject to either of those limitations. Notwithstanding the provisions of N.J.S.40A:4-58 and N.J.S.40A:4-59 no transfer of funds is authorized between appropriations not subject to limitation pursuant to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4), except transfers may be made to interest and redemption charges.

C.40A:4-45.39 Reduction for unrealized municipal revenues.

7. To the extent that a municipality fails to realize revenues appropriated in any budget year, other than federal or State aid revenues, it shall be required to reduce the amount on which it calculates its permissible increase for the following year by an amount equal to those revenues that it failed to realize.

C.40A:4-45.40 Transfer of services, deduction from county appropriation.

8. In each local budget year in which any service, function, or portion thereof, is transferred to, or assumed by, the State or fed-

eral government from a county government, the county shall deduct from its final appropriations upon which its permissible county tax levy is calculated the amount which the county expended for that service or function during the last full budget year, or portion thereof, throughout which the service or function so transferred was funded from appropriations in the county budget.

C.40A:4-45.41 Appropriation included in spending limitation.

9. All appropriations, other than for debt service and emergency temporary appropriations, made to cover overexpenditures or expenditures from a previous budget year, shall be included within the local unit's spending limitation in the year the appropriation is made.

C.40A:4-45.42 Annual report to Governor, Legislature.

10. The Chairman of the Local Finance Board shall provide an annual report to the Governor and the Legislature detailing all significant local expenditure limitation issues that came before the Local Finance Board or the Division of Local Government Services in the Department of Community Affairs during the preceding year.

Repealer.

11. The following statutes are repealed:

P.L.1981, c.61, s.1 (C.40A:4-45.7)
P.L.1981, c.61, s.2 (C.40A:4-45.8)
P.L.1981, c.155, s.1 (C.40A:4-45.9)
P.L.1983, c.49, s.8 (C.40A:4-45.15)
P.L.1985, c.166 (C.40A:4-45.3c)
P.L.1984, c.227 (C.40A:4-45.24)
P.L.1987, c.74, s.4 (C.40A:4-45.32)
P.L.1987, c.74, s.5 (C.40A:4-45.33)
P.L.1987, c.102, s.7 (C.40A:4-45.34)
P.L.1987, c.102, s.8 (C.40A:4-45.35)
P.L.1987, c.102, s.46 (C.40A:4-45.36)
P.L.1987, c.102, s.47 (C.40A:4-45.37)

12. This act shall take effect on January 1, 1991.

Approved August 20, 1990.

CHAPTER 90

AN ACT concerning local and regional housing authorities and redevelopment entities, and supplementing chapter 14A of Title 55 of the Revised Statutes, P.L.1944, c.169 (C.55:14D-1 et seq.), P.L.1946, c.52 (C.55:14E-1 et seq.), P.L.1983, c.530 (C.55:14K-1 et seq.) and P.L.1966, c.293 (C.52:27D-1 et seq.).

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

C.55:14A-59 Housing authority to provide written notice of housing development project.

1. a. The executive director or other chief executive officer of a local or regional housing authority shall provide written notice to a county or municipality, as appropriate, whenever the authority enters into a written agreement for the planning and construction of a housing development project within the county or municipality for which funding assistance shall be sought from State or federal agencies, or both. The executive director or other chief executive officer shall also provide notice to such officials when the authority makes application for such assistance. Such notification shall be made within five calendar days of the signing of the written agreement, or the application for funding assistance.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

C.55:14D-15.1 Redevelopment company to provide written notice of housing development project.

2. a. The executive director or other chief executive officer of a

redevelopment company created pursuant to section 4 of P.L.1944, c.169 (C.55:14D-4) shall provide written notice to a county or municipality, as appropriate, whenever the company enters into a written agreement for the planning and construction of a housing development project within the county or municipality for which funding assistance shall be sought from State or federal agencies, or both. The executive director or other chief executive officer shall also provide notice to such officials when the authority makes application for such assistance. Such notification shall be made within five calendar days of the signing of the written agreement, or the application for funding assistance.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

C.55:14E-5.1 Corporation to provide written notice of development project.

3. a. The executive director or other chief executive officer of a corporation or entity which makes application to develop a project pursuant to the provisions of the "Urban Redevelopment Law," P.L.1946, c.52 (C.55:14E-1 et seq.) shall provide written notice to a county or municipality, as appropriate, whenever such a corporation or entity enters into a written agreement for the planning and construction of a housing development project within the county or municipality for which funding assistance shall be sought from State or federal agencies, or both. The executive director or other chief executive officer shall also provide notice to such officials when the authority makes application for such assistance. Such notification shall be made within five calendar days of the signing of the written agreement, or the application for funding assistance.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), writ-

ten notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

C.55:14K-5.1 New Jersey Housing and Mortgage Finance Agency to provide written notice of funding.

4. a. The executive director of the New Jersey Housing and Mortgage Finance Agency shall provide written notice to a county or municipality, as appropriate, when any funding is provided to a local or regional housing authority, or to a redevelopment corporation, agency or authority, for the purpose of financing a housing development project within the county or municipality. Such notification shall be made within five calendar days of the decision to provide the funding.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

C.52:27D-3.1 Commissioner of Community Affairs to provide written notice of funding.

5. a. The Commissioner of Community Affairs shall provide written notice to a county or municipality, as appropriate, when

any funding is provided to a local or regional housing authority, or to a redevelopment corporation, agency or authority, for the purpose of financing a housing development project within the county or municipality. Such notification shall be made within five calendar days of the decision to provide the funding.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

C.52:27D-3.2 Written notice of request for grant.

6. a. The Commissioner of Community Affairs shall provide written notice to a county or municipality when the United States Department of Housing and Urban Development makes any request for information to the Department of Community Affairs relative to the award of a grant for a project within the county or municipality. The Commissioner of Community Affairs shall also provide written notice to a county or municipality when the Director of the Division of Housing and Development in the Department of Community Affairs nominates for a grant from the United States Department of Housing and Urban Development a project which is to be developed within the county or municipality.

b. In the case of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of chosen freeholders. In all other counties, written notice shall be provided to the members of the board of chosen freeholders.

In the case of a municipality other than a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the mayor and to the members of the

council. In the case of a municipality organized under the council-manager plan pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice shall be provided to the manager and to the members of the council.

7. This act shall take effect immediately and shall apply to all housing projects developed by local or regional housing authorities or by redevelopment entities after the effective date of this act.

Approved August 21, 1990.

CHAPTER 91

AN ACT appropriating \$10,229,137 from the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265 for the purpose of making State grants for historic preservation projects for the renovation, restoration and rehabilitation of historic properties owned by State, county and municipal governments and by tax exempt nonprofit organizations as awarded by the New Jersey Historic Trust.

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

1. There is appropriated to the New Jersey Historic Trust from the "Cultural Centers and Historic Preservation Fund" established pursuant to section 20 of the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, the sum of \$10,229,137 for the purpose of making State grants for historic preservation projects for the renovation, restoration and rehabilitation of historic properties owned by State, county and municipal governments and by tax exempt nonprofit organizations as awarded by the New Jersey Historic Trust. The following projects are eligible for funding with the monies appropriated pursuant to this section:

<u>County</u>	<u>Property Name</u>	<u>City</u>	<u>Name of Organization</u>	<u>Grant Award</u>
Atlantic	Estellville Glassworks	Estell Manor	Atlantic County Parks Div.	\$37,500
Bergen	Hermitage	Ho-Ho-Kus	Friends of the Hermitage	76,000
Bergen	Little Red Schoolhouse	Lyndhurst	Lyndhurst Historical Society	26,500
Burlington	Burlington County Prison	Mt. Holly	Burlington County	158,500
Burlington	Kirby's Mill	Medford	Medford Historical Society	51,250
Burlington	Pemberton United Methodist Church	Pemberton	Pemberton United Methodist Church	10,000
Burlington	Whitesbog Village	Browns Mills	State of NJ/ DEP, Parks and Forestry	228,000
Camden	Champion School	West Collings- wood	Newton Union School Society, Inc.	26,875
Camden	Gabriel Davies Tavern	Blackwood	Township of Gloucester	16,000
Camden	Solomon Wesley United Methodist Church	Blackwood	Gloucester Twp./Solomon Wesley Church	10,500

<u>County</u>	<u>Property Name</u>	<u>City</u>	<u>Name of Organization</u>	<u>Grant Award</u>
Essex	Ballantine House	Newark	Newark Museum	115,328
Essex	Krueger Mansion	Newark	City of Newark	436,875
Essex	Minnie Lucey School	Glen Ridge	Montclair Child Development Center	35,000
Hudson	Hoboken Station	Hoboken	NJ Transit /State of New Jersey	400,000
Hunterdon	Locktown Baptist Church	Flemington	Friends of Locktown Stone Church	29,025
Hunterdon	Prallsville Mills	Stockton	Delaware River Mill Society	146,426
Mercer	Bainbridge House	Princeton	Historical Society of Princeton	217,258
Mercer	Old Barracks	Trenton	State of NJ/Old Barracks Assoc.	800,000
Mercer	State House	Trenton	State of NJ/ State House	530,450
Middlesex	Guest House	New Brunswick	City of New Brunswick	122,193
Monmouth	Applegate Farmstead	Freehold	State of NJ/DEP Parks and Forestry	150,000
Monmouth	Casino and Carousel Bldg.	Asbury Park	City of Asbury Park	750,000

<u>County</u>	<u>Property Name</u>	<u>City</u>	<u>Name of Organization</u>	<u>Grant Award</u>
Monmouth	Walnford Park	Upper Freehold Twp.	Monmouth County Parks System	1,051,075
Morris	Fosterfields Living Historical Farms	Morristown	Morris County Park Commission	46,815
Morris	Friends Meeting House	Randolph Twp.	Friends Meeting House Assoc.	23,363
Morris	Hilltop School	Mendham	Mendham Boro. Bd. of Education	69,500
Morris	Mead Hall (The Forest)	Madison	Drew University	743,750
Ocean	Barnegat Lighthouse	Barnegat Light	State of NJ/DEP Parks and Forestry	123,823
Ocean	Double Trouble- Packing Sorting House	Berkeley and Lacey Twps.	State of NJ/DEP Parks and Forestry	408,000
Ocean	Double Trouble- Sawmill	Berkeley and Lacey Twps.	State of NJ/DEP Parks and Forestry	295,782
Ocean	Georgian Court College	Lakewood	Georgian Court College	64,675
Passaic	Barn C-5, Animal Quarantine	Clifton	City of Clifton Recreation Dept.	29,532

<u>County</u>	<u>Property Name</u>	<u>City</u>	<u>Name of Organization</u>	<u>Grant Award</u>
Passaic	Belle Vista (Lambert Castle)	Paterson	Passaic County	1,100,000
Sussex	High Breeze Farm	Vernon Twp.	State of NJ/DEP Parks and Forestry	441,702
Sussex	Village of Waterloo	Stanhope	Waterloo Foundation	775,500
Union	Feltnville Historic District	Berkeley Heights	County of Union	281,940
Warren	Shippen Manor	Oxford	Warren County Cultural and Heritage Comm.	400,000
TOTAL				\$10,229,137

2. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L.1987, c.265.

3. This act shall take effect immediately.

Approved August 22, 1990.

CHAPTER 92

AN ACT concerning child support enforcement and amending and supplementing P.L.1981, c.417.

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

1. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to read as follows:

C.2A:17-56.8 Enforcement of child support orders.

2. Every complaint, notice or pleading for the entry or modification of an order of a court entered or modified which includes child support shall include a written notice to the obligor stating that the child support provision of the order shall be enforced by an income withholding upon the current or future income due from the obligor's employer or successor employers and upon the unemployment compensation benefits due the obligor and against debts, income, trust funds, profits or income from any other source due the obligor except as provided in section 3 of P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state that the amount of a IV-D child support order shall be reviewed and updated, as necessary, at least every three years.

The court shall ensure that in the case of each obligor against whom a support order is or has been issued or modified, the obligor's income shall be withheld to comply with the order. An amount shall be withheld to pay the support obligation and it shall include an amount to be applied toward liquidation of arrearages reduced to judgments and payments for paternity testing procedures. The income withholding provisions shall also be applicable to all orders issued on or before the effective date of this act.

2. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to read as follows:

C.2A:17-56.9 Income withholding.

3. The income withholding shall be initiated by the probation department of the county in which the obligor resides immediately after the court order has been issued; except that immediate withholding shall not apply in those cases in which the obligor and obligee agree in writing to an alternative arrangement or the obligor or obligee demonstrates and the court finds good cause for establishing an alternative arrangement. If an immediate withholding is not ordered, due to the above exception or an order entered prior to the effective date of this act, the income withholding shall be initiated when the obligor has failed to make a required child support payment allocated or unallocated that has arrearages accrued equal to the amount of the support payable for 14 days. Subject to the provisions of this act, the income withholding shall take effect without amendment to the support order or further court or quasi-judicial action and without regard to any alternative arrangements entered into by the parties.

The total amount of income to be withheld shall not exceed the maximum amount permitted under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. § 1673 (b)). The income withholding shall be carried out in full compliance with all procedural due process requirements. The Administrative Office of the Courts shall establish procedures for promptly terminating the withholding when necessary and for promptly refunding amounts which have been improperly withheld.

3. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to read as follows:

C.2A:17-56.11 Notice to payor; binding effect.

5. An income withholding made under this act shall be binding upon the payor and successor payors immediately after service upon the payor by the probation department of a copy of the income withholding, by registered or certified mail with return receipt requested until further order. The payor is to pay the withheld amount to the probation department at the same time the obligor is paid. The payor shall implement withholding no later than the first pay period that ends immediately after the date the notice was postmarked. For each payment, other than payment received from the unemployment compensation fund, the payor may receive \$1.00, which shall be deducted from the obligor's income in addition to the amount of the support order.

Notice to the payor shall include, but not be limited to, the amount to be withheld from the obligor's income and a statement that the amount actually withheld for support and other purposes may not be in excess of the maximum amount permitted under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. § 1673 (b)); that the payor shall send the amount to the probation department at the same time the obligor is paid, unless the probation department directs that payment be made to another individual or entity; that the payor may deduct a fee of \$1.00 in addition to the amount of the support order except when the payment is received from the unemployment compensation fund; that withholding is binding on the payor until further notice by the probation department; that the payor is subject to a fine for discharging an obligor from employment, refusing to employ, or taking disciplinary action against an obligor because of the withholding; that if the payor fails to withhold wages in accordance with the provisions of the notice, the payor is liable for any

amount up to the accumulated amount the payor should have withheld from the obligor's income; that the withholding shall have priority over any other legal process under State law against the same wages; that the payor may combine withheld amounts from the obligor's wages in a single payment to each appropriate agency requesting withholding and separately identify the portion of the single payment which is attributable to each individual obligor; that if there is more than one support order for withholding against a single obligor, the payor shall withhold the payments on a pro rata basis to fully comply with the support orders, to the extent that the total amount withheld does not exceed the limits imposed under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. § 1673 (b)); that the payor shall implement withholding no later than the first pay period that ends immediately after the date the notice was post-marked; and that the payor shall notify the probation department promptly upon the termination of the obligor's employment benefits and provide the obligor's last known address and the name and address of the obligor's new payor, if known.

4. Section 8 of P.L.1981, c.417 (C.2A:17-56.14) is amended to read as follows:

C.2A:17-56.14 Filing of affidavit; application for payments.

8. An obligee who has not established a IV-D case through the probation department shall file an affidavit when applying for the income withholding, stating that the payments not made for support have accrued arrearages in an amount equal to the amount of support payable for 14 days. The probation department shall administer the withholding in accordance with procedures specified for keeping adequate records to document, track, and monitor support payments or establish or permit the establishment of alternative procedures for the collection and distribution of amounts withheld by an entity other than a designated public agency. Alimony, maintenance or child support payments not presently made through the probation department shall be so made upon application of either party unless the other party upon application to the court shows good cause to the contrary.

A monitoring fee of \$25.00 annually shall be applied upon the request of either the obligor or obligee for the payment of support through the probation department, regardless of whether or not arrearages exist or withholding procedures have been instituted. The

probation department shall monitor all amounts paid and the dates of payments and record them separately. The court and the probation department shall follow the procedures established in this act.

C.2A:17-56.9a Review of child support payments; adjustment or determination; challenge.

5. At least once every three years all IV-D orders for child support payments shall be subject to review in accordance with the rules promulgated by the IV-D Agency in consultation with the Supreme Court. Such review shall take into account any changes in the financial situation or related circumstances of both parties and whether the order of child support is in full compliance with the Child Support Guidelines set forth in the Rules Governing the Courts of the State of New Jersey, R.5:6A.

Upon completing the review and if a change in the amount of child support is recommended, the State IV-D or designee shall so notify the obligor and obligee in writing of the child support amount that is recommended. The obligor and obligee shall be afforded not less than 30 days after such notification to file with the IV-D agency and the court a challenge to such proposed adjustment or determination. The child support amount will be adjusted accordingly by the court if either party does not challenge the recommended award within the prescribed time or fails to show good cause why the adjustment should not occur.

C.2A:17-56.9b Rules, regulations.

6. a. The Commissioner of Human Services shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt and promulgate such rules and regulations as may be necessary for the implementation of this act.

b. The Supreme Court shall promulgate rules and procedures as may be necessary for the implementation of this act by the courts and probation departments.

7. This act shall take effect on the 180th day after enactment or October 1, 1990, whichever is sooner.

Approved September 4, 1990.

CHAPTER 93

AN ACT concerning sales representatives and supplementing Title 56 of the Revised Statutes.

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

C.2A:61A-1 Definitions.

1. As used in this act:

a. "Commission" means compensation accruing to a sales representative for payment by a principal, earned through the last day on which services were performed by the sales representative, the rate of which is expressed as a percentage of the dollar amount of orders or sales or as a specified amount per order or per sale.

b. "Principal" means a person, including a person who does not have a permanent or fixed place of business in this State, who manufactures, produces, imports or distributes a product for wholesale; contracts to solicit orders for the product; and compensates persons who solicit wholesale orders, in whole or in part, by commission.

c. "Sales representative" means a person other than an employee, who contracts with a principal to solicit wholesale orders and who is compensated, in whole or in part, by commission but shall not include one who places orders or purchases exclusively for his own account for resale and shall not include one who sells or takes orders for the sale of products to the ultimate consumer.

d. "Day" means a calendar day including Saturdays, Sundays and legal holidays.

e. "Termination" means the end of services performed by the sales representative for the principal by any means other than a discharge.

f. "Discharge" means the removal of a sales representative by the principal and shall include any action taken by the principal against the sales representative that concludes the relationship of the parties.

C.2A:61A-2 Payment to sales representative after termination of contract or discharge.

2. When a contract between a principal and a sales representative to solicit wholesale orders is terminated, the commissions and other compensation earned and unpaid through the last day of the contract shall become due and payable within 30 days. When a sales representative is discharged the commissions and other

compensation earned and unpaid through the last day of the contract shall become due and payable within seven days.

A sales representative shall receive commissions on goods ordered up to and including the last day of the contract even if accepted by the principal, delivered, and paid for after the end of the agreement. The commissions shall become due and payable within 30 days after payment would have been due under the contract if the contract had not been terminated.

C.2A:61A-3 Liability to sales representative for violation; liability for frivolous court action.

3. a. A principal who violates or fails to comply with the provisions of section 2 of this act shall be liable to the sales representative for all amounts due the sales representative and all attorney's fees actually and reasonably incurred by the sales representative in the action and court costs.

b. Where the court determines that an action brought by a sales representative against a principal pursuant to this section is frivolous, pursuant to P.L.1988, c.46 (C.2A:15-59.1), the sales representative shall be liable to the principal for attorney's fees actually and reasonably incurred by the principal in defending the action and court costs.

C.2A:61A-4 Payment as of postmark date.

4. The commissions and other compensation shall be paid at the usual place of payment unless the sales representative requests that the commissions and other compensation be sent through first class mail. If, in accordance with a request by the sales representative, the sales representative's commissions and other compensation are sent through the mail, the commissions and compensation shall be deemed to have been paid as of the date of their registered postmark.

C.2A:61A-5 Jurisdiction over nonresident principals.

5. A principal who is not a resident of this State who contracts with a sales representative to solicit orders in this State is declared to be doing business in this State for purposes of the exercise of personal jurisdiction.

C.2A:61A-6 Waiving provisions of this act prohibited.

6. A provision in any contract between a sales representative and a principal purporting to waive any provision of this act, whether by express waiver or by a provision stipulating that the contract is subject to the laws of another state, shall be void.

C.2A:61A-7 Construction.

7. Nothing in this act shall invalidate or restrict any other or additional right or remedy available to a sales representative or principal, or preclude a sales representative from seeking to recover in one action on all claims against a principal, or preclude a principal from seeking to recover in one action on all claims against a sales representative.

8. This act shall take effect immediately.

Approved September 7, 1990.

CHAPTER 94

AN ACT to limit appropriations by the State.

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

C.52:9H-24 Short title.

1. This act shall be known and may be cited as the "State Appropriations Limitation Act."

C.52:9H-25 Definitions.

2. As used in this act:

- a. "Base year" means the fiscal year prior to the fiscal year for which an appropriation or expenditure is to be made; and
- b. "Appropriations" means the aggregate amounts appropriated by the State in the general appropriation law and all other laws supplementing the general appropriation law appropriating money for any purpose in any fiscal year, exclusive of appropriations of the following: money appropriated for payment by the State as State aid to counties, municipalities, local school districts, or other instrumentalities, or on behalf of counties, municipalities, school districts, or other instrumentalities; money appropriated for payment by the State as grants to individuals, public agencies or private agencies for benefits to which the recipients are entitled by law or regulation, for the provision of services for which the State has a primary responsibility, and for subsidies and the provision of services for which the State has no

responsibility, but which the State elects to provide; money received or reasonably anticipated to be received by the State from the federal government; money derived from, or expended in payment of any interest or principal on, any general obligation bond issues approved by the legally qualified voters of the State at any general election; money appropriated for payment to the State for projects of capital construction; money required to be appropriated within a fiscal year in accordance with a court order; and money required to be deposited in, and expended from, the "Property Tax Relief Fund" established by N.J.S.54A:9-25, the "Casino Control Fund" established by section 143 of P.L.1977, c.110 (C.5:12-143), the "Casino Revenue Fund" established by section 145 of P.L.1977, c.110 (C.5:12-145) and the "Gubernatorial Elections Fund" established by N.J.S.54A:9-25.1.

C.52:9H-26 Formula for determination of maximum appropriations.

3. In each fiscal year commencing after June 30, 1992, the appropriations of the State shall not exceed the maximum appropriations permitted pursuant to the following formula:

Maximum Appropriations = Base Year Appropriations x (1 + PCI), where:

a. "Base Year Appropriations" means the appropriations of the State in the base year; and

b. "PCI" means the average annual percentage increase, expressed as a decimal, in State per capita personal income over the four fiscal years ending on June 30 prior to the base year. The per capita personal income for each of the four years shall be the average of the per capita personal income for the four quarters in each fiscal year, utilizing the quarterly data for State personal income and the annual data for State population as published by the United States Department of Commerce.

C.52:9H-27 Transfer, assumption of functions or service; adjustment to formula.

4. For each of the following conditions, any transfer or assumption of functions or service that occurs shall be deemed to have occurred in the base year, and the "base year appropriations" component of the formula shall be adjusted to reflect the increase or decrease of State appropriations necessitated by the transfer or assumption:

a. If any function or service performed by the State is transferred to, or its costs of operation or performance are assumed by, any county or municipality, or if any function or service performed by any county or municipality is transferred to, or its costs of operation or performance are assumed by the State; and

b. If any function or service performed by the State is transferred to, or its costs of operation or performance are assumed by, any agency or instrumentality of the State or of any county or municipality, with the power to issue bonds to finance the undertaking of any function or the performance of any service, or if any function or service performed by any agency or instrumentality of the State or of any county or municipality is transferred to, or its costs of operation or performance are assumed by the State. The word "bonds" as used in this subsection means bonds which do not constitute a debt or liability of the State or of any of its counties or municipalities or a pledge of the faith and credit of the State or of any of its counties or municipalities.

C.52:9H-28 Exceeding maximum appropriations; permitted.

5. Any provisions of this act to the contrary notwithstanding, the State may exceed the maximum appropriations permitted pursuant to the formula prescribed in section 3 of this act in any fiscal year if a bill making an appropriation is agreed to by a two-thirds majority vote of all members of each legislative body.

C.52:9H-29 Maximum appropriations not required.

6. This act shall not be construed to require the State to appropriate in any fiscal year the maximum appropriations permitted pursuant to the formula prescribed in this act.

C.52:9H-30 Governor's budget message; request for appropriation.

7. In presenting the annual budget message the Governor shall not request or recommend for appropriation any amount in excess of the maximum appropriations permitted pursuant to this act for the fiscal year for which the budget message is presented.

8. This act shall take effect immediately.

Approved September 17, 1990.

CHAPTER 95

AN ACT concerning municipal courts and amending N.J.S.22A:3-4, R.S.39:5-41, P.L.1976, c.68, P.L.1957, c.167, 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.22A:3-4 is amended to read as follows:

Fees and costs of courts of limited criminal jurisdiction and their officers.

22A:3-4. The fees provided in the following schedule, and no other charges whatsoever, shall be allowed for court costs in any proceedings of a criminal nature in the special civil part, Law Division, Superior Court or, municipal courts, but no charge shall be made for the services of any salaried police officer of the State, county or municipal police.

COURT

For violations of Title 39 of the Revised Statutes, or of traffic ordinances, at the discretion of the court, up to but not exceeding \$25.00.

For all other cases, at the discretion of the court, up to but not exceeding \$25.00.

The provisions of this act shall not prohibit the taxing of additional costs when authorized by R.S.39:5-39.

For certificate of judgment \$ 4.00

For certified copy of paper filed with the court as a public record:

First page 4.00

Each additional page or part thereof 1.00

For copy of paper filed with the court as a public record:

First page 2.00

Each additional page or part thereof 1.00

In addition to any fine imposed, when a supplemental notice is sent for failure to appear on a return date the cost shall be \$10.00 per notice, unless satisfactory evidence is presented to the court that the notice was not received.

CONSTABLES OR OTHER OFFICERS

From the fees allowed for court costs in the foregoing schedule, the clerk of the court shall pay the following fees to constables or other officers:

Serving warrant or summons, \$1.50.

Serving every subpoena, \$0.70.

Serving every execution, \$1.50.

Advertising property under execution, \$0.70.

Sale of property under execution, \$1.00.

Serving every commitment, \$1.50.

Transport of defendant, actual cost.

Mileage, for every mile of travel in serving any warrant, summons, commitment, subpoena or other process, computed by counting the number of miles in and out, by the most direct route from the place where such process is returnable, exclusive of the first mile, \$0.20.

If defendant is found guilty of the charge laid against him, he shall pay the costs herein provided, but if, on appeal, the judgment is reversed, the costs shall be repaid to defendant. If defendant is found not guilty of the charge laid against him, the costs shall be paid by the prosecutor, except when the Director of the Division of Motor Vehicles, a peace officer, or a police officer shall have been prosecutor.

2. R.S.39:5-41 is amended to read as follows:

Fines, penalties and forfeitures, disposition of; exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64, shall be forwarded by the judge to whom the same have been paid to the proper financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complainant is the director, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost for operating the municipal court; and one-half of the total amount collected to the proper financial officer of

the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediate preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

3. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as follows:

C.40A:4-45.3 Municipalities; exceptions to limitation.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

- a. (Deleted by amendment, P.L.1990, c.89.)
- b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;
- c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) (Deleted by amendment, P.L.1990, c.89.)

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

- d. All debt service, including that of a Type I school district;
- e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;
- f. Amounts reserved for uncollected taxes;
- g. (Deleted by amendment, P.L.1990, c.89.)
- h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance;
- i. Any amount approved by any referendum;
- j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;
- k. (Deleted by amendment, P.L.1987, c.74.)
- l. Appropriations of federal, county, independent authority or State funds, or by grants from private parties or non-profit organizations for a specific purpose, and amounts received or to be received from such sources in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal, county, independent authority or State funds, or the grants from private parties or non-profit organizations for a specific purpose, the amount of the match which is required by law or agreement to be provided by the municipality shall be excepted;
- m. (Deleted by amendment, P.L.1987, c.74.)
- n. (Deleted by amendment, P.L.1987, c.74.)
- o. (Deleted by amendment, P.L.1990, c.89.)
- p. (Deleted by amendment, P.L.1987, c.74.)

- q. (Deleted by amendment, P.L.1990, c.89.)
- r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- s. (Deleted by amendment, P.L.1990, c.89.)
- t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;
- u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- v. (Deleted by amendment, P.L.1990, c.89.)
- w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);
- x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;
- y. (Deleted by amendment, P.L.1990, c.89.)
- z. (Deleted by amendment, P.L.1990, c.89.)
- aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;
- bb. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;
- cc. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;
- dd. Expenditures of amounts actually realized in the local budget year from the sale of municipal assets if appropriated for non-recurring purposes or otherwise approved by the director;
- ee. Any local unit which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of that surplus approved by the director and the Local Finance Board as an

exception to the spending limitation. Any determination approving the appropriation and expenditure of surplus as an exception to the spending limitations shall be based upon:

- 1) the local unit's revenue needs for the current local budget year and its revenue raising capacity;
 - 2) the intended actions of the governing body of the local unit to meet the local unit's revenue needs;
 - 3) the intended actions of the governing body of the local unit to expand its revenue generating capacity for subsequent local budget years;
 - 4) the local unit's ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to the spending limitations to meet the operating expenses for the local unit's current budget year; and
 - 5) the impact of utilization of surplus upon succeeding budgets of the local unit;
- ff. Amounts expended for the staffing and operation of the municipal court.

4. Section 1 of P.L.1957, c.167 (C.2A:8-18.1) is amended to read as follows:

C.2A:8-18.1 Holding municipal court, places authorized.

1. The municipal court of a municipality may be held in a municipality adjacent to that for which the court has jurisdiction. When two or more municipalities have agreed to consolidate the use of municipal court accommodations, supplies, and personnel pursuant to section 5 of P.L.1990, c.95 (C.2A:8-18.2), those municipal courts may be held in any of the municipalities which are party to the agreement.

C.2A:8-18.2 Consolidation of municipal court accommodations, supplies, personnel.

5. a. Two or more municipalities may, by similar ordinances, enter into an agreement to consolidate the use of municipal court accommodations, supplies, and personnel. Notwithstanding any agreement, or the fact that two or more municipalities may choose to appoint the same person as judge, the jurisdiction of the municipal court of each municipality shall be separate and each municipality shall retain its power to appoint the judge of its municipal court as provided by N.J.S.2A:8-5.

b. Agreements pursuant to this section may be terminated by a municipality as provided in the ordinance establishing the agreement, provided that notice shall be given to any other party to the agreement no less than six months prior to that termination.

C.2A:8-21.1 Imposition of surcharge.

6. a. In addition to any fine or penalty assessed for a violation of Title 39 or Title 40 of the Revised Statutes or any traffic ordinance, a municipal court shall also impose a \$1.00 surcharge. This surcharge shall be collected by the clerk of the municipal court for deposit into the Automated Traffic System Fund created pursuant to P.L.1990, c.96, (C.2A:8-21.2 et seq.). The court shall not suspend the collection of the \$1.00 surcharge imposed pursuant to this section.

b. The Administrative Office of the Courts shall bear the responsibility of prescribing any revisions necessary to reflect the surcharge required under the provisions of subsection a. of this section in any summons or complaint form in use on the enactment date of this act in connection with violations of Title 39 or Title 40 or the Revised Statutes or any traffic ordinance.

7. Commencing one year prior to the expiration date of this act, a special committee shall be established to review the Automated Traffic System Program for the purpose of determining whether that program should be expanded, modified or discontinued. This committee shall also review all costs incurred by municipal courts related to the Automated Traffic System Program and recommend to what extent municipalities should be compensated by the State for these costs.

The special committee shall be comprised of seven members as follows: one Senator appointed by the President of the Senate, one member of the Assembly appointed by the Speaker of the General Assembly, the Director of the Administrative Office of the Courts or his designee; the president of the New Jersey League of Municipalities or his designee; the president of the New Jersey Municipal Court Clerks Association or his designee; the president of the New Jersey Municipal Managers Association or his designee and the president of the New Jersey Association of Parking Authorities and Agencies or his designee. This committee shall report its findings within three months of its organization unless the time for reporting is otherwise extended by statute.

8. This act shall take effect 90 days after the date of enactment but shall remain inoperative until enactment into law of P.L.1990, c.96 (C.2A:8-21.2 et seq.) and shall expire three years thereafter.

Filed September 24, 1990.

CHAPTER 96

AN ACT concerning the establishment of an Automated Traffic System Fund and supplementing Title 39 of the Revised Statutes.

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

C.2A:8-21.2 Findings, declarations.

1. a. The Legislature finds and declares that there is a need to improve the management, efficiency and effectiveness of municipal court operations and quality of justice by providing funds:

(1) To be utilized by the Administrative Office of the Courts to design, equip, operate and maintain a standardized, Statewide computer system, including integrated traffic ticket control, court financial accounting, case processing, statistical reporting services and other components necessary to automate municipal court operations; and

(2) To ensure the smooth exchange of automated information among the Judiciary, the Division of Motor Vehicles, and other public agencies.

b. In order to accomplish these purposes, there is created the "Automated Traffic System Fund." The fund shall be a dedicated fund within the General Fund and administered by the Administrative Office of the Courts. The fund shall be the depository of moneys realized from the \$1.00 surcharge imposed pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1) and any other moneys made available for the purposes of the fund.

c. The Supreme Court may issue Rules of Court to effectuate the purposes of this act.

C.2A:8-21.3 Continuation of municipal autonomous computer system permitted.

2. a. Nothing in this act shall be deemed to prevent a municipality which on the operational date of this act maintains an autonomous computer system for integrated traffic ticket control, court financial accounting, case processing and statistical reporting services from continuing to operate that system independent of the Automated Traffic System computer network.

b. The Administrative Office of the Courts shall report to the special committee created pursuant to the provisions of section 7 of P.L.1990, c.95 on the feasibility and cost of integrating any computer system maintained pursuant to the provisions of subsection a. of this section with the Automated Traffic System computer network. This report shall be submitted to the special committee within 30 days of its organization.

3. This act shall take effect immediately, but shall remain inoperative until the operative date of P.L.1990, c.95 (C.2A:8-18.2 et al.) and shall not apply to offenses committed prior to the operative date and shall expire three years thereafter.

Filed September 24, 1990.

CHAPTER 97

AN ACT authorizing the expenditure of funds by the New Jersey Wastewater Treatment Trust for the purpose of making loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects, and supplementing P.L.1985, c.334 (C.58:11B-1 et seq.).

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

1. The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), is authorized to expend the aggregate sum of up to \$100,000,000, and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.1988, c.132 and section 1 of P.L.1989, c.190, for the purpose of making loans, to the extent sufficient funds are available, to local government units to finance a portion of the

costs of construction of wastewater treatment system projects listed in sections 2, 3 and 4 of this act. The trust is also authorized to increase the aggregate sums by the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act. For the purposes of this act, "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds; and "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, municipal bond insurance premiums, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents and any other costs related to the issuance of trust bonds.

2. a. The New Jersey Wastewater Treatment Trust is authorized to expend funds for the purpose of making supplemental loans to the local government units listed below for the following wastewater treatment system projects:

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340580-03	Phillipsburg, Town of	\$2,382,878
S340536-03	East Windsor MUA	639,814
NJL632-03	Randolph Township MUA	163,197
S340404-02	Passaic Township	1,746,797
NJL710-02	Maple Shade Township	1,317,426
S340816-01	Bernardsville Borough	895,262
Total		\$7,145,374

b. The loans authorized in this section shall be made for the difference between the loan amounts certified by the chairman of the trust in State fiscal years 1989 and 1990 and the allowable loan amounts required by these projects based upon low bid building costs pursuant to subsection a. of section 7 of this act. The loans authorized in this section shall be made to the local government units listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as any such project fails to meet the requirements of section 6 of this act.

c. The loans authorized in this section shall have priority over the wastewater treatment system projects listed in section 4 of this act.

3. a. The New Jersey Wastewater Treatment Trust is authorized to make loans to the local government units and for the wastewater treatment system projects listed in section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act.

b. The trust is authorized to expend funds for the purpose of making loans to any local government unit receiving a loan made by the Department of Environmental Protection from the "Wastewater Treatment Fund" pursuant to subsection d. of section 1 of P.L.1990, c.99, including a loan for Project No. S340680-04 (Middlesex County UA: \$29,008,000) to assist in meeting the requirements of the "Marine Protection, Research, and Sanctuaries Act of 1972," as amended by the "Ocean Dumping Ban Act of 1988," (33 U.S.C. §1401 et seq.). The loans authorized in this subsection shall be in the same amounts, to the extent sufficient funds are available, and in accordance with the same priorities as are established in subsection d. of section 1 of P.L.1990, c.99, except as any such project fails to meet the requirements of section 6 of this act. The trust is authorized to increase the loans authorized pursuant to this subsection by the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act.

4. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1991 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340874-01	Phillipsburg, Town of	\$ 526,303
S340712-06	Burlington City	6,118,750
S340724-02	Morris Township (Woodland)	8,193,024
S340529-04	Somerset Raritan Valley SA	8,741,088
S340578-03	Manville Borough	3,628,624
S340336-04	Long Branch SA	6,250,000
S340921-01	Millville, City of	4,523,189
S340640-04	Camden County MUA	4,528,192
S340915-01	Hightstown Borough	2,496,868
S340680-04	Middlesex County UA	29,008,000
S340708-05	Camden County MUA	31,356,500
S340878-01	Somerset Raritan Valley SA	9,857,918

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340365-06	Wayne Township	459,500
S340632-04	Randolph Township MUA	1,835,000
Total		\$117,522,956

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6 and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), any proceeds from bonds issued by the trust to make loans for priority wastewater treatment system projects listed in sections 2, 3 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority wastewater treatment system projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses.

6. Any loan made by the New Jersey Wastewater Treatment Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1985, c.334 and any rules and regulations adopted pursuant thereto;

b. The loan shall be conditioned upon approval of a zero interest loan from the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329;

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed 50% of the allowable project cost of a wastewater treatment system, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act;

e. The loan shall bear interest at or below the interest rate paid by the trust on the bonds issued to make the loans authorized by this act, adjusted for underwriting discount, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regula-

tions adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21).

The priority list and loans authorized pursuant to this act shall expire on July 1, 1991, and any local government unit which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Wastewater Treatment Trust is authorized to reduce the individual amount of loan funds made available to local government units pursuant to sections 2, 3 and 4 of this act based upon low bid building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2, 3 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, municipal bond insurance premiums and bond rating agency fees, shall not exceed .15% of the principal amount of trust bonds issued to make loans authorized by this act.

8. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1985, c.329 and P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto.

9. This act shall take effect immediately, but shall remain inoperative until the enactment of P.L.1990, c.99.

Filed September 24, 1990.

CHAPTER 98

AN ACT to establish a program to combat the theft of motor vehicles 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.39:3-85.5 Informed consent agreement; decal.

1. The Superintendent of the Division of State Police shall establish a program, as hereinafter provided, to combat the theft of motor vehicles in this State. Participation in the program shall be voluntary in nature and shall involve the following:

a. The registered owner of a motor vehicle shall, in the presence of the chief law enforcement officer of the municipality, or his designee, sign an informed consent agreement, designed by the superintendent pursuant to the provisions of section 3 of this act, indicating that the motor vehicle registered to him is not normally operated between the hours of 1:00 a.m. and 5:00 a.m.

b. Upon signing the informed consent agreement, the registered owner shall be issued a decal, designed by the superintendent and provided by the local police department and force. The registered owner shall affix the decal, in a conspicuous place prescribed by the superintendent, to his motor vehicle.

C.39:3-85.6 Authorization to stop motor vehicle.

2. Whenever any law enforcement officer shall see a motor vehicle displaying a decal issued pursuant to the provisions of section 1 of this act being operated upon the public highways of this State between the hours of 1:00 a.m. and 5:00 a.m., the officer is hereby authorized to stop that motor vehicle and to request the driver thereof to produce a valid driver's license, motor vehicle registration card, and insurance identification card.

Whenever the operator of a motor vehicle displaying such a decal is unable to produce the documentation set forth in this section, the police officer shall investigate further to determine if the person operating the motor vehicle is the registered owner or has the authorization of the owner to operate the vehicle.

C.39:3-85.7 Content of informed consent agreement.

3. The superintendent shall design the manner and form of the informed consent agreement required under the provisions of section 1 of this act. The chief law enforcement officer of any municipality shall make copies of the document available upon request.

C.39:3-85.8 Recording of participants in program.

4. The superintendent shall provide for the recording of the registered owners of motor vehicles who participate in this program. The records shall be available to all law enforcement departments, agencies and forces. The superintendent shall coop-

erate with and assist all law enforcement officers and other agencies in tracing or examining any questionable motor vehicles in order to determine the ownership thereof.

C.39:3-85.9 Fees for consent forms and decals.

5. The chief law enforcement officer of the municipality may charge a fee for the informed consent forms and the decals provided under this act. The fee charged shall not exceed the actual costs incurred by the municipality in providing the informed consent forms and decals and in administering the program authorized under this act.

C.39:3-85.10 Rules, regulations.

6. The Superintendent of the Division of State Police shall promulgate pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

7. This act shall take effect on the 121st day following enactment.

Approved October 10, 1990.

CHAPTER 99

AN ACT appropriating moneys from the Wastewater Treatment Fund for the purpose of making zero interest loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund - State Revolving Fund Accounts" (hereinafter referred to as the "State Revolving Fund Accounts") contained within the "Wastewater Treatment Fund" and established pursuant to section 1 of P.L.1988, c.133 an amount not exceeding \$77,000,000 in federal funds and any fees and penalties received pursuant to the "Marine Protection,

Research, and Sanctuaries Act of 1972" (33 U.S.C. §1401 et seq.), and any amendatory and supplementary acts thereto, as may be deposited in the State Revolving Fund Accounts. Any such amount shall be for the purpose of making zero interest loans, to the extent sufficient funds are available, to local government units to finance a portion of the costs of construction of wastewater treatment system projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the "Water Quality Act of 1987" (33 U.S.C. §1251 et seq.), the "Marine Protection, Research, and Sanctuaries Act of 1972," and any amendatory and supplementary acts thereto, and State law.

b. The Department of Environmental Protection is authorized to make zero interest loans to the local government units and for the wastewater treatment system projects listed in sections 2 and 3 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act, or if a project fails to meet the requirements of section 4 of this act.

c. The department is also authorized to make zero interest loans to the local government units and for the wastewater treatment system projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133 or section 1 of P.L.1989, c.189, including amounts resulting from the low bid building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133 and section 6 of P.L.1989, c.189, and from any repayments of loans deposited in the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, including any State Revolving Fund Accounts contained within the "Wastewater Treatment Fund."

d. (1) To the extent permitted by the "Marine Protection, Research, and Sanctuaries Act of 1972" (33 U.S.C. §1401 et seq.), and any amendatory and supplementary acts thereto, the department is also authorized to expend funds up to 10% of the amount of federal funds appropriated to the department pursuant to subsection a. of this section for the purpose of making a zero interest loan for Project No. S340680-04 (Middlesex County UA: \$29,008,000), except as such project fails to meet the require-

ments of section 4 of this act. The balance of this project shall be funded as provided in subsection b. of this section. With respect to the expenditure amount authorized in this subsection, the zero interest loan for Project No. S340680-04 (Middlesex County UA: \$29,008,000) shall have priority over projects listed in sections 2 and 3 of this act.

(2) In the event that the zero interest loan for Project No. S340680-04 (Middlesex County UA: \$29,008,000) is not made by the department, the loan amount authorized in this subsection shall not be expended for zero interest loans to any other local government units for projects listed in sections 2 and 3 of this act, up to the individual amounts indicated and in the priority stated, prior to six months following receipt by the department of the capitalization grant payment constituting the federal funds appropriated to the department pursuant to subsection a. of this section.

2. a. The department is authorized to expend funds for the purpose of making supplemental zero interest loans to the local government units listed below for the following wastewater treatment system projects:

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340580-03	Phillipsburg, Town of	\$ 2,382,878
S340536-03	East Windsor MUA	639,814
NJL632-03	Randolph Township MUA	163,197
S340404-02	Passaic Township	1,746,797
NJL710-02	Maple Shade Township	1,317,426
S340816-01	Bernardsville Borough	895,262
Total		\$7,145,374

b. The loans authorized in this section shall be made for the difference between the loan amounts certified by the commissioner in State fiscal years 1989 and 1990 and the allowable loan amounts required by these projects based upon low bid building costs pursuant to section 6 of this act. The loans authorized in this section shall be made to the local government units listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as any such project fails to meet the requirements of section 4 of this act.

c. The zero interest loans for projects authorized in this section shall have priority over projects listed in section 3 of this act.

3. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1991 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Estimated Allowable Project Cost</u>
S340874-01	Phillipsburg, Town of	\$ 526,303
S340712-06	Burlington City	6,118,750
S340724-02	Morris Township (Woodland)	8,193,024
S340529-04	Somerset Raritan Valley SA	8,741,088
S340578-03	Manville Borough	3,628,624
S340336-04	Long Branch SA	6,250,000
S340921-01	Millville, City of	4,523,189
S340640-04	Camden County MUA	4,528,192
S340915-01	Hightstown Borough	2,496,868
S340680-04	Middlesex County UA	29,008,000
S340708-05	Camden County MUA	31,356,500
S340878-01	Somerset Raritan Valley SA	9,857,918
S340365-06	Wayne Township	459,500
S340632-04	Randolph Township MUA	1,835,000
Total		\$117,522,956

4. Any loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The commissioner has certified that the project is in compliance with the provisions of P.L.1985, c.329 and any rules and regulations adopted pursuant thereto;

b. The loan amount shall not exceed 50% of the allowable project cost of a wastewater treatment system;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Wastewater Treatment Trust pursuant to P.L.1990, c.97;

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.1990, c.97 or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. The priority list and loans authorized pursuant to sections 2 and 3 of this act shall expire on July 1, 1991, and any local gov-

ernment unit which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce the individual amount of loan funds made available to local government units pursuant to sections 2 and 3 of this act based upon low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1985, c.329 and any rules and regulations adopted by the commissioner pursuant thereto.

8. The Department of Environmental Protection shall provide general technical assistance to any local government unit requesting assistance regarding wastewater treatment system project development or applications for funds for a project.

9. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, repayments of loans made pursuant to this act may be utilized by the New Jersey Wastewater Treatment Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1990, c.97, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the local government units receiving trust loans. To the extent that any loan repayment sums are used to secure trust bond repayments or administrative fee payments, the trust shall repay such sums to the department for deposit into the "Wastewater Treatment Fund."

10. The Commissioner of Environmental Protection is authorized to enter into a capitalization grant agreement as may be required pursuant to the "Water Quality Act of 1987" (33 U.S.C. §1251 et seq.).

11. a. The Director of the Division of Budget and Accounting in the Department of the Treasury is directed to transfer to the

“Wastewater Treatment Fund” the entire sum of money appropriated to the Department of Environmental Protection for “Public Wastewater Facilities” in the “State Aid” section of P.L.1990, c.43. The sum transferred to the “Wastewater Treatment Fund” pursuant to this section is appropriated to the New Jersey Wastewater Treatment Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.). The trust shall deposit all or a portion of this sum as it may deem necessary and appropriate into one or more reserve funds established pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11). These reserve funds shall include reserve funds constituted collectively as a water pollution control revolving fund for the purposes of the federal “Water Quality Act of 1987” and shall be known as the Trust Reserve Fund - State Revolving Fund Accounts; except that the trust shall not establish the Trust Reserve Fund - State Revolving Fund Accounts prior to the execution of a capitalization grant agreement entered into by the Commissioner of Environmental Protection pursuant to section 10 of this act.

b. Any portion of the sum appropriated to the trust pursuant to subsection a. of this section or subsection a. of section 11 of P.L.1989, c.189, plus any net earnings received from the investment or deposit of such moneys by the trust not required by the trust to establish reserve funds as provided in this section, shall be returned to the “Wastewater Treatment Fund” and placed in any account therein as determined by the commissioner to be used by the department for making zero interest loans to local government units to finance a portion of the cost of the wastewater treatment system projects listed in sections 2 and 3 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the commissioner pursuant to section 6 of this act or if a project fails to meet the requirements of section 4 of this act; and except that the commissioner shall certify to the chairman of the trust that such funds are needed for zero interest loans before any transfer is made. In the event that the commissioner fails to make this certification, the unexpended balance not devoted to establishing reserve funds shall remain with the trust but shall not be expended by the trust until such expenditure is authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.).

12. This act shall take effect immediately.

Approved October 11, 1990.

CHAPTER 100

AN ACT to amend "An act concerning leasehold estates in relation to deposits to secure performance of leases, and supplementing chapter 8 of Title 46 of the Revised Statutes," approved January 8, 1968 (P.L.1967, c.265).

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

1. Section 1 of P.L.1967, c.265 (C.46:8-19) is amended to read as follows:

C.46:8-19 Security deposits; investment, deposit, disposition.

1. Whenever money or other form of security shall be deposited or advanced on a contract, lease or license agreement for the use or rental of real property as security for performance of the contract, lease or agreement or to be applied to payments upon such contract, lease or agreement when due, such money or other form of security, until repaid or so applied including the tenant's portion of the interest or earnings accumulated thereon as hereinafter provided, shall continue to be the property of the person making such deposit or advance and shall be held in trust by the person with whom such deposit or advance shall be made for the use in accordance with the terms of the contract, lease or agreement and shall not be mingled with the personal property or become an asset of the person receiving the same.

The person receiving money so deposited or advanced shall:

a. (1) Invest that money in shares of an insured money market fund established by an investment company based in this State and registered under the "Investment Company Act of 1940," 54 Stat. 789 (15 U.S.C. § 80a-1 et seq.) whose shares are registered under the "Securities Act of 1933," 48 Stat. 74 (15 U.S.C. § 77a. et seq.) and the only investments of which fund are instruments maturing in one year or less, or (2) deposit that money in a State or federally chartered bank, savings bank or savings and loan association in this State insured by an agency of the federal government in an account bearing a variable rate of interest, which shall be established at least quarterly, which is similar to the average rate of interest on active interest-bearing money market transaction accounts paid by the bank or association under 12 C.F.R. Part 1204.108, or equal to similar accounts of an invest-

ment company described in paragraph (1) of this subsection, less an amount not to exceed 1% per annum of the amount so invested or deposited for the costs of servicing and processing the account.

This subsection shall not apply to persons receiving money for less than 10 rental units except where required by the Commissioner of Banking by rule or regulation. The commissioner shall apply the provisions of this subsection to some or all persons receiving money for less than 10 rental units where the commissioner finds that it is practicable to deposit or invest the money received with an investment company or State or federally chartered bank, savings bank or savings and loan association in accordance with this subsection. Except as expressly provided herein, nothing in this subsection shall affect or modify the rights or obligations of persons receiving money for rental premises or units, tenants, licensees or contractees under any other law.

b. Persons not required to invest or deposit money in accordance with subsection a. of this section shall deposit such money in a State or federally chartered bank, savings bank or savings and loan association in this State insured by an agency of the federal government in an account bearing interest at the rate currently paid by such institutions and associations on time or savings deposits.

The person investing the security deposit pursuant to subsection a. or b. of this section shall thereupon notify in writing each of the persons making such security deposit or advance, giving the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of security money is made, and the amount of such deposit or investment.

All of the money so deposited or advanced may be deposited or invested by the person receiving the same in one interest-bearing or dividend yielding account as long as he complies with all the other requirements of this act.

The person receiving money so deposited or so advanced shall be entitled to receive as administrative expenses, a sum equivalent to 1% per annum thereon or 12.5% of the aggregate interest yield on the security deposit, whichever is greater, less the amount of any service fee charged by an investment company, a State or federally chartered bank, savings bank or savings and loan association for money deposited pursuant to this section, which shall be in lieu of all other administrative and custodial expenses. The balance of the interest or earnings paid thereon by the investment company, State or federally chartered bank, savings bank or savings and loan asso-

ciation, hereinafter referred to as tenant's portion, shall belong to the person making the deposit or advance and shall be permitted to compound to the benefit of the tenant, or be paid to the tenant in cash, or be credited toward the payment of rent due on the renewal or anniversary of said tenant's lease.

In the event the person receiving a security deposit fails to invest or deposit the security money in the manner required under this section or notify the tenant of the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of such security is made, and the amount thereof, within 30 days after receipt of same from the tenant, or within 30 days after the effective date of this 1990 amendatory act, whichever occurs later, the tenant may give written notice to the person receiving the same that such security money be applied on account of rent payment or payments due or to become due from the tenant, and thereafter the tenant shall be without obligation to make any further security deposit and the person receiving the money so deposited shall not be entitled to make further demand for a security deposit.

The provisions of this section requiring that the security advanced be deposited or invested in a money market fund, or in an interest bearing account in a State or federally chartered bank, savings bank or savings and loan association shall not apply to any security advanced on a contract, lease or license agreement for the seasonal use or rental of real property. For purposes of this paragraph "seasonal use or rental" means use or rental for a term of not more than 60 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. "Seasonal use or rental" does not mean use or rental of living quarters for seasonal, temporary or migrant farm workers in connection with any work or place where work is being performed. The landlord shall have the burden of proving that the use or rental of the residential property is seasonal.

2. This act shall take effect immediately.

Approved October 18, 1990.

CHAPTER 101

AN ACT validating procedural defects in certain publications.

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

1. All publications made in a newspaper prior to the effective date of this act pursuant to the requirement of law, of any ordinance creating or expanding or enlarging the boundaries of a fire district, notice of the introduction of any such ordinance, title to any such ordinance, or notice of the date of passage or approval of any such ordinance, by any municipality, or by any municipal board, office or officials, are hereby validated as of the date of such publication, notwithstanding that any such publication was not published in a newspaper which at the time of the publication was published and circulated in the municipality, or, if there was no such newspaper, in a newspaper printed in the county and circulating in the municipality in accordance with R.S.40:49-2; provided, however, that no action, suit or other proceeding of any nature to contest the validity of the publication or any such ordinance has 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 October 18, 1990.

CHAPTER 102

AN ACT concerning the salaries of certain appointees in certain municipalities and amending P.L.1963, c.69.

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

1. Section 1 of P.L.1963, c.69 (C.40:69A-60.1) is amended to read as follows:

C.40:69A-60.1 Mayoral appointees.

1. The mayor of any municipality having a population of more than 300,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint one or two deputy mayors, a personal secretary, an executive secretary, and aides, not exceeding 10 in number, who shall serve and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

No municipality shall adopt the provisions of this section on or after the date occurring six months after the effective date of this amendatory act.

The mayor of any municipality having a population of more than 80,000, but less than 300,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210 (C.40:69A-55 et seq.), may appoint one or two deputy mayors, a personal secretary, an executive secretary, and aides not exceeding seven in number, who shall serve and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the municipality and shall receive such salary as shall be fixed by the mayor.

2. This act shall take effect immediately.

Approved November 5, 1990.

CHAPTER 103

AN ACT concerning the licensing, testing, and regulation of drivers of commercial motor vehicles, supplementing Title 39 of the Revised Statutes and amending and repealing various parts of the statutory law.

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

C.39:3-10.9 Short title.

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

C.39:3-10.10 Purpose.

2. The purpose of this act is to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by strengthening licensing and testing standards for drivers of commercial motor vehicles, and by disqualifying those drivers who have committed certain serious traffic violations or other specified offenses. This act is also designed to substantially conform the laws of this State to the requirements and standards established under the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) and the regulations promulgated pursuant to that federal law. This act is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

C.39:3-10.11 Definitions.

3. For purposes of this act, a term shall have the meaning set forth in R.S.39:1-1 unless another meaning for the term is set forth in this act, or unless another meaning is clearly apparent from the language or context of this act, or unless the meaning for the term set forth in R.S.39:1-1 is inconsistent with the manifest intent of the Legislature in this act.

For purposes of this act:

"Alcohol concentration" means:

- a. The number of grams of alcohol per 100 milliliters of blood; or
- b. The number of grams of alcohol per 210 liters of breath.

"Commercial driver license" or "CDL" means a license issued in accordance with this act to a person authorizing the person to operate a certain class of commercial motor vehicle.

"Commercial Driver License Information System" or "CDLIS" means the information system established pursuant to the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property:

- a. If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;
- b. If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

c. If the vehicle is designed to transport 16 or more passengers including the driver;

d. If the vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; or

e. If the vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with Subpart F. of 49 C.F.R. § 172, or the vehicle displays a hazardous material placard.

The director may, by regulation, include within this definition such other motor vehicles or combination of motor vehicles as he deems appropriate.

This term shall not include recreation vehicles.

“Controlled substance” means any substance so classified under subsection (6) of section 102 of the “Controlled Substances Act” (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 C.F.R. § 1308, or under P.L.1970, c.226 (C.24:21-1 et seq.) as they may be revised from time to time. The term, wherever it appears in this act or administrative regulation promulgated pursuant to this act, shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355).

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person’s appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

“Disqualification” means either:

a. The suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privilege to operate a commercial motor vehicle;

b. A determination by the Federal Highway Administration under the rules of practice for motor carrier safety contained in 49 C.F.R. §

386, that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. § 391; or

c. The loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. § 383.51.

“Domicile” means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

“Driver license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Endorsement” means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

“Felony” means any offense under any federal law or the law of a state, including this State, that is punishable by death or imprisonment for a term exceeding one year. The term includes, but is not limited to, “crimes” as that term is defined in N.J.S.2C:1-1 et seq.

“Foreign jurisdiction” means any jurisdiction other than a state of the United States.

“Gross vehicle weight rating” or “GVWR” means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle, or the registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

“Hazardous material” means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provisions of the “Hazardous Materials Transportation Act” (49 U.S.C. § 1801 et seq.).

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term “motor vehicle” includes motorized bicycles.

“Out of service order” means a temporary prohibition against operating a commercial motor vehicle.

“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational,

camping, or travel purposes and is used solely as a family or personal conveyance.

“Representative vehicle” means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

“Serious traffic violation” means conviction for one of the following offenses committed while operating a commercial motor vehicle:

- a. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
- b. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of R.S.39:4-96;
- c. Improper or erratic traffic lane changes;
- d. Following a vehicle ahead too closely, including violations of R.S.39:4-89;
- e. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation; or
- f. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 C.F.R. § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or defect violations.

“State” means a state of the United States or the District of Columbia.

“Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined by the director. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

C.39:3-10.12 Tests for commercial driver license.

4. a. Notwithstanding any other provision of law to the contrary, the director shall adopt and administer a classified licensing system and a program for testing and ensuring the fitness of persons to operate commercial motor vehicles in accordance with the minimum federal standards established under the federal “Commercial Motor

Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) and the regulations promulgated pursuant to that law. The director shall not issue a commercial driver license to a person unless that person passes a knowledge and skills test for the operation of a commercial motor vehicle which complies with the federal standards. The director may issue commercial driver examination or learner's permits, subject to such conditions and restrictions as deemed necessary, to carry out the provisions of this act.

b. A knowledge and skills test shall not be required by the director for the renewal of a commercial driver license issued pursuant to the provisions of this act. However, a knowledge and skills test may be required for (1) the renewal of an endorsement permitting the operation of vehicles required to be placarded for hazardous materials, (2) for the renewal or reissuance of a commercial driver license if the license was suspended or revoked under section 12 of this act during the last license period preceding the renewal or reissuance, or (3) for the renewal or reissuance of a license which had not been renewed for a period of three or more years.

c. Upon the request of an applicant for a commercial driver license, the director shall administer to the applicant oral knowledge tests for the commercial driver license and any endorsements if the applicant supplies sufficient proof or otherwise demonstrates to the satisfaction of the director his inability to comprehend a written test. The director shall provide an English and Spanish version of the knowledge tests for a commercial driver license and for any endorsements and shall be authorized to provide versions in such other languages as he, in his discretion, may deem appropriate.

d. A person who satisfactorily completes the knowledge tests required by this act for a commercial driver license and any endorsement shall not be required under R.S.39:3-10, R.S.39:3-10.1, or any other section in Title 39 of the Revised Statutes to take any other knowledge test for the operation of a commercial motor vehicle.

e. The director shall make a reasonable effort to notify any person whose name and address is on file with the division, who is licensed to operate a commercial motor vehicle under the provisions of Title 39 of the Revised Statutes in effect prior to the effective date of this act, and who is required under this act to obtain a commercial driver license of the locations, times and dates on which the knowledge tests for the commercial driver license and for any endorsements may be taken for the first time and the procedures for taking the tests a second or subsequent time in the event of a failure. The notice shall include a descrip-

tion of the licensing and testing standards and requirements under the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) and this act. The obligation of the director to provide notice under this subsection shall be for the sole purpose of expediting the testing and licensing of commercial drivers and any deficiency in meeting this obligation shall not abrogate or diminish the responsibility of a driver from obtaining a commercial driver license and any necessary endorsements under this act.

f. For the purposes of an application for a commercial driver license by a person who has never held a license issued under the provisions of this act, a person who satisfactorily completes the knowledge test for the commercial driver license but not the test for an endorsement, or a person who satisfactorily completes the knowledge test for an endorsement but not the test for the commercial driver license, shall not be required to retake that test which was satisfactorily completed.

g. No provision in this act, or in any manual, test, or administrative procedure developed to implement the provisions of this act, shall be deemed to expand the requirements for commercial motor vehicle operators concerning pre-trip inspection, after-trip inspection and inspection during a trip as such requirements are set forth in federal law or regulation. This subsection, however, shall not be deemed to limit the authority of the director, or the authority of any State department or agency, to promulgate, pursuant to other provisions of State law, standards and procedures on vehicle inspections which are consistent with federal law and regulation.

C.39:3-10.13 Alcohol, controlled substance use prohibited.

5. Notwithstanding any other provision of law to the contrary, a person shall not operate a commercial motor vehicle in this State with an alcohol concentration of 0.04% or more, or while under the influence of a controlled substance.

C.39:3-10.14 Request for and provision of driving record and license information.

6. a. Before issuing a commercial driver license to an applicant, the director shall notify the Commercial Driver License Information System of the proposed issuance and shall request driving record information from the Commercial Driver License Information System, the National Driver Register, and from any other state which has issued a commercial driver license to the applicant to determine whether the applicant has a commercial driver license issued by

another state, whether the applicant's driving privilege has been suspended, revoked, cancelled, or whether the applicant has been disqualified from operating a commercial motor vehicle.

The director also shall provide driving record and other information to the licensing authority of any other state, or province or territory of Canada, which requests such information in connection with a commercial driver license. The director may charge such fees as are deemed appropriate to cover the costs of providing information, except that no fee shall be charged if the other jurisdiction does not charge this State for similar requests.

b. Within 10 days after the issuance of a commercial driver license, the director shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the licensee.

C.39:3-10.15 Notification of moving violation, disqualification or suspension.

7. Within 10 days after receiving a report of the conviction of a holder of a commercial driver license for any violation of state law related to motor vehicle traffic control committed in a commercial vehicle, other than a parking violation, or after the disqualification of the holder of a commercial driver license or suspension of privileges for a period of 60 days or more, the division shall notify the driver licensing authority in the licensing state, if other than this State, and the Commercial Driver License Information System of the conviction, suspension, or disqualification. The notification shall include all information the director deems necessary.

C.39:3-10.16 Refusal to grant, suspension, revocation of license.

8. The director, in his discretion, may refuse to grant a commercial driver license 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 bar him from receiving a license unless it can be shown by tests approved by the director that the defect incapacitates him from safely operating a commercial motor vehicle.

The director may suspend or revoke a license to operate a commercial motor vehicle, may prohibit a person from obtaining such a license, or may suspend or revoke the reciprocity privilege of a person for a violation of any provision of Title 39 of the Revised Statutes or for any other reasonable grounds, after due notice in writing of such proposed suspension, revocation, or prohibition and the grounds thereof.

C.39:3-10.17 Issuance, transfer of commercial driver license.

9. The director shall issue a commercial driver license only to a person who operates or will operate a commercial motor vehicle and is domiciled in this State.

A person shall apply to the director within 30 days after establishing domicile in this State for the transfer of a commercial driver license from the state in which the person was previously domiciled.

C.39:3-10.18 Possession of valid commercial driver license mandatory.

10. a. (1) Through March 31, 1992, and except as provided by the director by rule or regulation, a person who has been issued a commercial driver license shall not operate a commercial motor vehicle unless the person is in possession of the valid commercial driver license and endorsements for the class and type of vehicle being operated. Such a person shall not operate a commercial motor vehicle if the person is restricted from operating a commercial vehicle of that class or type.

(2) On and after April 1, 1992, and except when operating under a valid commercial driver examination or learner's permit and accompanied by the holder of a commercial driver license valid for the class of vehicle being operated, a person shall not operate a commercial motor vehicle unless the person has been issued and is in possession of a valid commercial driver license and applicable endorsements for the class and type of vehicle being operated. A person shall not operate a commercial motor vehicle if the person is restricted from operating a commercial vehicle of that class or type.

(3) A person violating this subsection shall be fined not less than \$250 or more than \$500, or imprisoned for not more than 60 days, or both. This penalty shall not be applicable in cases where failure to have actual possession of the commercial driver license is due to an administrative or technical error by the division. If a person charged with a failure to have possession of a valid commercial driver license can exhibit the license to the judge of the court before whom he is summoned to answer to a charge and the license was valid on the day the person was charged, the judge may dismiss the charge. However, the judge may impose court costs.

b. (1) A person who has been refused a commercial driver license, whose commercial motor vehicle driving privilege or any endorsement has been suspended or revoked, who has been prohibited or disqualified from operating a commercial motor vehicle, who is subject to an out of service order, or whose driving privilege is suspended or revoked, shall not operate a commercial motor vehicle

during the period of refusal, suspension, revocation, prohibition, or disqualification, or during the period of the out of service order.

(2) A person who violates this subsection shall, upon conviction, be fined not more than \$5,000 for each offense, or imprisoned for a term of not more than 90 days, or both. If a person is involved in an accident resulting in personal injury to another person while operating a commercial motor vehicle in violation of this subsection, the court shall impose both a period of imprisonment for 90 days and a fine of \$5,000.

In addition, the commercial motor vehicle driving privilege of a person convicted under this subsection shall be suspended in accordance with section 12 of this act.

C.39:3-10.19 Operation of commercial motor vehicle in this State.

11. Notwithstanding any other law to the contrary, a person may operate a commercial motor vehicle in this State if the person has received a waiver of the commercial driver license requirements from the Secretary of the United States Department of Transportation or the licensing authority of any other state, has a commercial driver license issued by any state in accordance with minimum federal standards for the issuance of commercial motor vehicle driver licenses, or has a commercial driver license issued by any other jurisdiction in accordance with minimum standards which are substantially similar to the standards in the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) and this act. This section shall apply only if the person's driving privilege is not suspended or revoked or cancelled in this State or in the jurisdiction that issued the commercial driver license, and the person is not disqualified from operating a commercial motor vehicle, or subject to an "out of service" order.

C.39:3-10.20 Suspension of commercial motor vehicle driving privilege.

12. a. In addition to any other penalty provided by law, a court shall suspend for not less than one year nor more than three years the commercial motor vehicle driving privilege of a person for a first violation of:

(1) R.S.39:4-50 if the motor vehicle was a commercial motor vehicle or section 5 of this act.

(2) R.S.39:4-129 if the motor vehicle was a commercial motor vehicle operated by the person.

(3) Using a commercial motor vehicle in the commission of any "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4.

(4) Refusal to submit to a chemical test under section 2 of P.L.1966, c.142 (C.39:4-50.2) or section 16 of this act if the motor vehicle was a commercial motor vehicle.

(5) Paragraph (1) of subsection b. of section 10 of this act.

b. If a first violation of any of the violations specified in subsection a. of this section takes place while transporting hazardous material or takes place in a vehicle displaying a hazardous material placard, the court shall suspend the commercial motor vehicle driving privilege of the person for three years.

c. Subject to the provisions of subsection d. of this section, the court shall revoke for life the commercial motor vehicle driving privilege of a person for a second or subsequent violation of any of the offenses specified in subsection a. or any combination of those offenses arising from two or more separate incidents.

d. The director may issue rules and regulations establishing guidelines, including conditions under which a revocation of commercial motor vehicle driving privilege for life under subsection c. may be reduced to a period of not less than 10 years.

e. Notwithstanding any other provision of law to the contrary, a court shall revoke for life the commercial motor vehicle driving privilege of a person who uses a commercial motor vehicle in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog. A revocation under this subsection shall not be subject to reduction in accordance with subsection d. of this section.

f. A court shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than 60 days if the person is convicted of a serious traffic violation and that conviction constitutes the second serious traffic violation committed in a commercial motor vehicle in this or any other state arising from separate incidents occurring within a three year period. A court shall suspend the commercial motor vehicle driving privilege for 120 days if the conviction constitutes the third or subsequent serious traffic violation committed in a commercial motor vehicle in this or any other state arising from separate incidents occurring within a three year period.

g. After suspending, revoking, or cancelling a commercial motor vehicle driving privilege, a court shall make a report to the director

within three days in such form as the director may require. The director shall notify the Commercial Driver License Information System of the suspension, revocation, or cancellation. In the case of non-residents, the director also shall notify the licensing authority of the state which issued the commercial driver license or the state where the person is domiciled. The director shall provide these notices within 10 days after the suspension, revocation, cancellation, or disqualification.

h. The director shall in accordance with this section suspend a commercial motor vehicle driving privilege of a person holding, or required to hold, a commercial driver license issued by this State if the person is convicted in another state or foreign jurisdiction of an offense of a substantially similar nature to the offenses specified in subsection a., e., or f. of this section. For purposes of this section, a violation such as driving while intoxicated, driving under the influence, or driving while ability is impaired shall be considered substantially similar offenses. For purposes of this section, a violation committed in another state but substantially similar to those enumerated in subsection a. of this section committed in this State shall be included.

i. Notwithstanding any other provision of law to the contrary, a conviction under this section, or section 5 or 16 of this act, shall not merge with a conviction for a violation of R.S.39:4-50 or section 2 of P.L.1966, c.142 (C.39:4-50.2).

C.39:3-10.21 Regulation of third party testing.

13. The director may, by contract, by appointment as a motor vehicle agent, or by licensing, authorize any necessary persons, including but not limited to an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government to administer the knowledge or skills tests for a commercial driver license or endorsement. The director shall adopt such regulations as deemed necessary to establish, oversee and regulate the administration of commercial motor vehicle driver testing by third parties including establishment of maximum fees that may be charged. The maximum fee for a skills test administered by a third party shall be set at an amount equal to the cost to the State for administering such testing.

The director may limit the number of persons licensed to administer examinations and may suspend or revoke an authorization on any reasonable ground. The director may terminate third party testing at any time. A person authorized to administer examinations by appointment as a motor vehicle agent shall so act until this authority is revoked by the director.

An examiner administering a skills test shall not be held accountable for any violation of Title 39 of the Revised Statutes committed by the person being tested.

C.39:3-10.22 Waiver of skills test.

14. The director shall waive the skills test for a commercial driver license applicant who demonstrates that he meets the requirements for a waiver under the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.).

C.39:3-10.23 Provisions for efficient processing.

15. a. The director may take such steps as are necessary to provide for the efficient, timely and orderly processing of persons required to obtain commercial driver licenses under this act. The director may require persons to take the skills test for the commercial driver license or for an endorsement at the time and place selected by the director. The director may require those persons who fail to satisfactorily complete a knowledge test for the commercial driver license or an endorsement on the initial attempt to take those knowledge tests for a second or subsequent time at a time and place selected by the director.

b. If the director determines that persons required to obtain commercial driver licenses and endorsements by April 1, 1992 are not voluntarily and in a timely manner scheduling with the division a date, time and location for the taking of the knowledge tests or are failing to appear as scheduled, the director may for the timely processing of all such persons require each person to appear for the initial taking of the knowledge tests on a date and at a time and location selected by the director.

C.39:3-10.24 Taking of breath samples.

16. a. A person who operates a commercial motor vehicle on a public road, street, or highway, or quasi-public area in this State, shall be deemed to have given his consent to the taking of samples of his breath for the purposes of making chemical tests to determine alcohol concentration; provided, however, that the taking of samples shall be made in accordance with the provisions of this act and at the request of a police officer who has reasonable grounds to believe that the person has been operating a commercial motor vehicle with an alcohol concentration of 0.04% or more.

b. A record of the taking of such a sample, disclosing the date and time thereof, as well as the result of a chemical test, shall be made and a copy thereof, upon request, shall be furnished or made available to the person so tested.

c. In addition to the samples taken and tests made at the direction of a police officer hereunder, the person tested shall be permitted to have such samples taken and chemical tests of his breath, urine, or blood made by a person or physician of his own selection.

d. The police officer shall inform the person tested of his rights under subsections b. and c. of this section.

e. No chemical test, as provided in this section, or specimen necessary thereto, may be made or taken forcibly and against physical resistance thereto by the defendant. The police officer shall, however, inform the person arrested of the consequences of refusing to submit to such test including the penalties under section 12 of this act. A standard statement, prepared by the director, shall be read by the police officer to the person.

f. The court shall revoke for six months the right to operate any motor vehicle of any person who, after being arrested for a violation of section 5 of this act, shall refuse to submit to the chemical test provided for in this section when requested to do so, unless the refusal was in connection with a subsequent offense under this section, section 5 of this act, R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), in which case the revocation period shall be for two years. In addition, a court shall impose the penalties provided in section 12 of this act.

The court shall determine by a preponderance of the evidence whether the arresting officer had probable cause to believe that the person had been operating or was in actual physical control of a commercial motor vehicle on the public highways or quasi-public areas of this State with an alcohol concentration at 0.04% or more, whether the person was placed under arrest, whether he refused to submit to the test upon request of the officer, and if these elements of the violation are not established, no conviction shall issue. In addition to any other requirements provided by law, a person whose driving privilege is revoked for refusing to submit to a chemical test shall satisfy the requirements of a program of alcohol education or rehabilitation pursuant to the provisions of R.S.39:4-50. The revocation shall be independent of any revocation imposed by virtue of a conviction under the provisions of R.S.39:4-50 or section 12 of this act.

In addition to imposing a revocation under this subsection, a court shall impose a fine of not less than \$250 or more than \$500.

C.39:3-10.25 Methods and techniques of chemical analyses; forms.

17. Chemical analyses of an arrested person's breath, to be considered valid under the provisions of this act, shall have been performed according to methods approved by the Attorney General, and by a person certified for this purpose by the Attorney General. The Attorney General is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, and to make certifications of such individuals, which certifications shall be subject to termination or revocation at the discretion of the Attorney General. The Attorney General shall prescribe a uniform form for reports of the chemical analysis of breath to be used by law enforcement officers and others acting in accordance with the provisions of this act. Each chief of police, in the case of forms distributed to law enforcement officers and others in his municipality, or the other officer, board, or official having charge or control of the police department where there is no chief, and the Director of the Division of Motor Vehicles and the Superintendent of State Police, in the case of such forms distributed to law enforcement officers and other personnel in their divisions, shall be responsible for the furnishing and proper disposition of such uniform forms. Each responsible party shall prepare or cause to be prepared the records and reports relating to the uniform forms and their disposition in the manner and at the times prescribed by the Attorney General. Unless otherwise provided by the Attorney General, the approval of methods and techniques, the certification of persons and the prescription of forms of reports pursuant to section 3 of P.L.1966, c.142 (C.39:4-50.3) shall constitute approval, certification or prescription, as the case may be, for purposes of this section.

C.39:3-10.26 Limit of one license.

18. A person who operates a commercial motor vehicle shall not have more than one driver license.

A person convicted of a violation of this section shall be subject for each offense to a fine of not more than \$5,000, or imprisoned for a term of not more than 90 days, or both.

C.39:3-10.27 Rules, regulations.

19. The director may adopt any rules and regulations, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the provisions of this act, including the regulations necessary to place this State in substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L.99-570 (49 U.S.C. §2701 et seq.) and the regulations promulgated pursuant to that federal law.

C.39:3-10.28 Power of director to make agreements, arrangements, declarations.

20. The director may enter into or make agreements, arrangements, or declarations to carry out the provisions of this act. The director may also enter into an agreement or arrangement with the duly authorized representative of another state, the federal government, or province concerning licensing or testing of commercial motor vehicle operators, the exchange of information concerning operators, and their operating history. Such arrangements shall, in the judgment of the director, be in the best interest of this State and its citizens, keeping in mind the public safety benefits that flow to this State from a nationwide system for regulating commercial motor vehicle operators.

C.39:3-10.29 Waiver by director.

21. Notwithstanding any other provision of law to the contrary, the director may waive, in whole or in part, after notice and an opportunity for comment, application of any provision of this act or any regulation promulgated pursuant to this act with respect to a class of persons or class of commercial motor vehicles if the director determines that such waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the New Jersey Register, together with reasons for the waiver. A waiver shall not be granted if the granting of the waiver is likely to or will place the State in the position of not being in substantial compliance with the requirements set forth in the "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.). The director may make such applications as he deems appropriate to the Secretary of the United States Department of Transportation to obtain any waiver permitted under federal law.

C.39:3-10.30 Fees; duration of license.

22. Notwithstanding the provisions of R.S.39:3-14 or any other sections of law which permit or require the issuance of driver's license without charge, the required fee for a commercial driver license examination or learner's permit shall be \$35. A permit issued before April 1, 1992 shall be valid for a period of two years from the date of issuance, unless another time period is established for such permits in federal regulations promulgated by the Secretary of the United States Department of Transportation. The permit holder shall have unlimited testing opportunities consistent with the scheduling obligations of the Division of Motor Vehicles and the need to provide testing opportunities to all persons affected by this act. For an examination or learner's permit issued on or after April 1, 1992, the director may limit the permit's validity to a specific length of time or number of testing opportunities.

After the issuance of a commercial driver license, the examination or learner's permit fee for an additional endorsement or license class shall be \$10 per endorsement or class.

In addition to fees for a basic driver license and any non-commercial endorsement and renewals thereof, the required fee for a 48 month licensing period shall be \$16 for each commercial driver license and renewal thereof and \$2 for each endorsement and renewal thereof. In addition, the director shall charge a fee for a photograph of the licensee and its affixation to the commercial driver license which shall be based on the actual cost incurred by the division for the photograph and the affixation.

The commercial driver license shall expire on the last day of the 48th calendar month following the calendar month in which the license was issued. However, the director may, at his discretion, issue licenses and endorsements which shall expire on a date fixed by him. The fee for such licenses or endorsements shall be fixed in amounts proportionately less or greater than the fee otherwise established.

23. 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.

24. Receipts collected by the director pursuant to this act shall be forwarded to the State Treasurer and be deposited into a special fund. The division shall establish a receivable account for the sole purpose of defraying the expenses incurred for program implementa-

tion and administration. The receivable account shall be relieved by monies deposited into the special fund from fees derived pursuant to this act. Monies remaining in the special fund on June 30, 1996 shall be deposited into the General Fund.

25. N.J.S.2A:82-10 is amended to read as follows:

Copies of motor vehicle records.

2A:82-10. Copies of motor vehicle records.

Copies of any act, rule, order or decision made by the director of the Division of Motor Vehicles, and of any paper filed in his office when authenticated under his seal shall be evidence in like manner, and with equal effect as the originals.

All transcripts and abstracts of the records of the Division of Motor Vehicles, the licensing authority of another state, the Commercial Driver License Information System, or the National Driver Register as to the names of owners of motor vehicles and as to the holders of licenses to operate motor vehicles and their operating records, certified by the director of the division, or other appropriate official to be true copies of the record, shall be received in any court as prima facie evidence of the matters and facts therein stated. For the purposes of the division, such transcripts and abstracts shall be copies of the original records made or copies of the record thereof as recorded by the clerk or other officer of the Division of Motor Vehicles.

For purposes of transcripts, abstracts and computer printouts under this section, the seal of the director need not be impressed, but such transcripts, abstracts, and computer printouts shall be deemed to be sealed when there is affixed thereto, or printed or marked thereon, the seal of the division.

26. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read as follows:

C.39:3-10f Photo-licenses optional on renewal.

1. In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10, each initial New Jersey license issued to a person under the age of 21 after the effective date of this act shall have a color photograph of the licensee. Each initial motor vehicle license issued to a person 21 years of age or older on or after May 1, 1982, shall have a color photograph of the licensee. At the option of the licensee, a renewal of any

motor vehicle driver's license shall be either a photo-license or a license that does not bear a photograph of the licensee. All licenses bearing a color photograph of the licensee as provided in this act shall be valid for a period of 48 calendar months.

To replace a photo-license for a licensee who is temporarily out of this State, the director may issue a "valid without photo" photo-license for the unexpired term of the license.

The provisions of this section shall not apply to driver licenses issued pursuant to P.L.1990, c.103 (C.39:3-10.9 et al.).

27. R.S.39:3-10.1 is amended to read as follows:

Licensing of bus drivers.

39:3-10.1. No person shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers used for the transportation of passengers for hire or for the transportation of passengers to or from summer day camps or summer residence camps or any bus as defined by the director used for the transportation of passengers, except vehicles used in ride-sharing arrangements, taxicabs, or any bus used to transport children to and from school pursuant to N.J.S.18A:39-1 et seq. or when being used by a private school to transport children to and from school, unless specially licensed so to do by the director or in the case of a nonresident, licensed pursuant to the laws of his resident state with respect to the licensing of bus drivers. Such license shall not be granted by the director until the applicant therefor is at least 18 years of age and has passed a satisfactory examination in ascertainment of his driving ability and familiarity with the mechanism of said vehicle and has presented evidence, satisfactory to the director of his previous experience (including proof that he has had at least three years of driving experience), good character and physical fitness. Said license shall be effective until suspended or revoked by the director; provided, the special licensee is also the holder of a license as provided for in R.S.39:3-10.

Every holder of a special license issued pursuant to this section shall furnish to the director satisfactory evidence of continuing physical fitness, good character and experience at the time of application renewal or such other time as the director may require, and in such form as the director may require. In addition, any person applying for a special license pursuant to this section for the transporting of children to and from schools, pursuant to N.J.S.18A:39-1 et seq., shall comply with the provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1).

The director may suspend or revoke a license granted under authority of this section for a violation of any of the provisions of this subtitle, or on other reasonable grounds, or where, in his opinion, the licensee is either physically or morally unfit to retain the same. Notwithstanding the provisions of any law to the contrary the director shall, upon notice of disqualification from the Commissioner of Education pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1), immediately revoke the special license granted under authority of this section without the necessity of a further hearing.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

28. R.S.39:3-13 is amended to read as follows:

Examination permits.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles. An examination permit issued to a handicapped person, as determined by the Division of Motor Vehicles after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter. The permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver.

No examination for a driver's license shall be given unless the applicant has first secured a special learner's permit or examination permit and no road test shall be scheduled for an applicant who has secured an examination permit until at least 20 days shall have

elapsed following the validation of the examination permit for practice driving, except that in the case of an omnibus endorsement or school bus no road test shall be scheduled until at least 10 days shall have elapsed.

Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learners' permits and examination permits shall be as follows:

Basic driver's license	\$5.00
Motorcycle license or endorsement	5.00
Omnibus or school bus endorsement.....	25.00
Articulated vehicle endorsement	15.00

The director shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

29. Section 1 of P.L.1955, c.53 (C.39:3-17.1) is amended to read as follows:

C.39:3-17.1 Extends right to operate motor vehicle for 60 days.

1. Except as provided in section 9 of P.L.1990, c.103 (C.39:3-10.17), any person who becomes a resident of this State and who immediately prior thereto was authorized to operate and drive a motor vehicle or motor vehicles in this State as a nonresident pursuant to R.S.39:3-15 and R.S.39:3-17, shall not lose his right to so operate and drive such motor vehicle or motor vehicles by becoming a resident of this State, but such right shall continue to be in full force and effect for 60 days after the establishment of his residence in this State in the same manner and to the same extent as though he were a nonresident.

30. R.S.39:3-34 is amended to read as follows:

Application for certificate or license during suspension, etc. prohibited.

39:3-34. No person whose registration certificate or driving privilege, including any privilege to operate a commercial motor vehicle as defined in P.L.1990, c.103 (C.39:3-10.9 et al.), has been suspended or revoked, or who has been prohibited or disqualified from obtaining a driver's license or registration certificate, shall apply to the director for a registration certificate or license, or a learner's permit, as the case may be, during the period of the suspension, revocation, or prohibition. A person who violates this section shall be subject to a fine of not more than \$500 or imprisonment for not more than three months, or both, at the discretion of the court.

31. 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 director of a change in his residence within one week after the change is made. Notice shall be in such form and shall contain such information as the director may require. A person who violates this section shall be subject to a penalty of not more than \$10.

32. R.S.39:4-46 is amended to read as follows:

Commercial motor vehicle identification; GVWR to be displayed.

39:4-46. a. Every vehicle used for commercial purposes on a street or highway, except for passenger automobiles, shall have conspicuously displayed thereon, or on a name plate affixed thereto, the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has his principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles, shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or name plate shall be in plain view and not less than three inches high. Where available space for lettering is limited, either by the design of the vehicle or by the presence of other legally specified identification markings, making a strict compliance herewith impractical, the size of the lettering required by this section shall be as close to three inches high as is

possible, within the limited space area, provided the name is clearly visible and readily identifiable. In the case of a combination of two vehicles the requirements of this section will be served when either unit of the combination conforms with the above identification specifications. No person shall operate or drive or cause or permit to be operated or driven on a road or highway a commercial vehicle, except for passenger automobiles, which does not conform hereto.

For purposes of this section, a franchised public utility means a public utility, as defined in R.S.48:2-13, that has a defined geographical service territory approved by the Board of Public Utilities.

b. Every owner of a commercial motor vehicle as defined in section 3 of P.L.1990, c.103 (C.39:3-10.11) which has a gross vehicle weight rating or a combined gross vehicle weight rating of 26,001 pounds or more and is registered or principally garaged in this State shall display the gross vehicle weight rating (GVWR) for the vehicle in the manner set forth in subsection a. of this section. For purposes of this subsection, GVWR means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle, or registered gross weight, whichever is greater. Any person who knowingly displays or causes to be displayed on a commercial motor vehicle a GVWR less than the actual GVWR, or an owner who knowingly permits a commercial motor vehicle owned by him to be operated in this State with a displayed GVWR less than the actual GVWR shall, for each offense, be fined not more than \$5,000, or imprisoned for a term of not more than 90 days, or both.

33. R.S.39:5-30 is amended to read as follows:

Suspension, revocation of registration, license certificates.

39:5-30. a. Every registration certificate, every license certificate, every privilege to drive motor vehicles, including commercial motor vehicles as defined in P.L.1990, c.103 (C.39:3-10.9 et al., every endorsement, class of license, and commercial driver license, may be suspended or revoked, and any person may be prohibited from obtaining a driver's license or a registration certificate, or disqualified from obtaining any class of or endorsement on a commercial driver license, and the reciprocity privilege of any nonresident may be suspended or revoked by the director for a violation of any of the provisions of this Title or on any other reasonable grounds, after due notice in writing of such proposed suspension, revocation, disqualification or prohibition and the ground thereof.

He may also summon witnesses to appear before him at his office or at any other place he designates, to give testimony in a hearing which he holds looking toward a revocation of a license or registration certificate issued by or under his authority. The summons shall be served at least five days before the return date, either by registered mail or personal service. A person who fails to obey the summons shall be subject to a penalty not exceeding \$100.00, to be recovered with costs in an action at law, prosecuted by the Attorney General, and in addition the vehicle registration or driver's license, or both, as the case may be, shall forthwith be revoked. The fee for witnesses required to attend before the director shall be \$1.00 for each day's attendance and \$0.03 for every mile of travel by the nearest generally traveled route in going to and from the place where the attendance of the witness is required. These fees shall be paid when the witness is excused from further attendance, and the disbursements made from payment of the fees shall be audited and paid in the manner provided for expenses of the department. The actual conduct of said hearing may be delegated by the director to such departmental employees as he may designate, in which case the said employees shall recommend to the director in writing whether the said licenses or certificates shall or shall not be suspended or revoked.

b. Whenever a matter is presented to the director involving an alleged violation of

(1) R.S.39:4-98, where an excess of 20 miles per hour over the authorized speed limit is alleged, and which has resulted in the death of another;

(2) R.S.39:4-50, and which has resulted in the death of another;

(3) R.S.39:4-96, and which has resulted in the death of another; or

(4) R.S.39:4-129, wherein the death of another has occurred, and the director has not determined to immediately issue a preliminary suspension pursuant to subsection e. of this section, the director shall issue a notice of proposed final suspension or revocation of any license certificate or any nonresident reciprocity privilege to operate any motor vehicle or motorized bicycle held by the individual charged or temporary order prohibiting the individual from obtaining any license to operate any motor vehicle or motorized bicycle in this State.

In the notice, the director shall provide the individual charged with an opportunity for a plenary hearing to contest the proposed final suspension, revocation or other final agency action. Unless the division receives, no later than the 10th day from the date the notice was

mailed, a written request for hearing, the proposed final agency action shall take effect on the date specified in the notice.

Upon receipt of a timely request for a plenary hearing, a preliminary hearing shall be held by an administrative law judge within 15 days of the receipt of the request. The preliminary hearing shall be for the purpose of determining whether, pending a plenary hearing on the proposed final agency action, a preliminary suspension shall be immediately issued by the judge. Adjournment of such hearing upon motion by the individual charged shall be given only for good cause shown.

At the preliminary hearing, the parties shall proceed on the papers submitted to the judge, including the summons, the police reports and the charged individual's prior driving record submitted by the division, and any brief affidavits permitted by the judge from persons who shall be witnesses at the plenary hearing, and the parties may present oral argument. Based on the papers, on any oral argument, on the individual's prior driving record, and on the circumstances of the alleged violation presented in the papers, the judge shall determine whether the individual was properly charged with a violation of the law and a death occurred; and, if so, whether in the interest of public safety, a preliminary suspension shall be immediately ordered pending the plenary hearing on the proposed suspension or revocation. The administrative law judge shall transmit his findings to the director.

A plenary hearing shall be held no later than the 45th day following the preliminary hearing. Adjournment of the hearing shall be given only for good cause shown. If the hearing is otherwise postponed or delayed solely at the instance of the individual charged, the administrative law judge shall immediately issue a preliminary suspension of any license certificate or any nonresident reciprocity privilege held by the individual charged, or if any such preliminary suspension or order is in effect, he shall continue such suspension or order. Such preliminary suspension or temporary order shall remain in effect pending a final agency decision on the matter. If the hearing is otherwise postponed or delayed at the instance of anyone other than the individual charged, the judge shall immediately issue an order restoring the individual's license certificate or any nonresident reciprocity privilege pending final agency decision in the matter. The period of any preliminary suspension imposed under this section shall be deducted from any suspension imposed by the final agency decision in the matter.

c. Whenever any other matter is presented to the director involving an alleged violation of this title, wherein the death of another occurred and for which he determines immediate action is warranted, he may proceed in the manner prescribed in subsection b. above.

d. Whenever a fatal accident occurs in this State, an investigation of the incident, whether performed by the State Police or by local police, shall be completed and forwarded to the director within 72 hours of the time of the accident.

e. Whenever a matter is presented to the director involving an alleged violation of

(1) R.S.39:4-98, where an excess of 20 miles per hour over the authorized speed limit is alleged, and which has resulted in the death or serious bodily injury of another;

(2) R.S.39:4-50, which has resulted in the death or serious bodily injury of another;

(3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death or serious bodily injury of another; or

(4) R.S.39:4-129, wherein the death or serious bodily injury of another has occurred, the director for good cause may, without hearing, immediately issue a preliminary suspension of any license certificate or any nonresident reciprocity privilege to operate any motor vehicle or motorized bicycle held by an individual charged or temporary order prohibiting the individual from obtaining any license to operate any motor vehicle or motorized bicycle in this State. For purposes of this subsection, "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Along with the notice of preliminary suspension, the director shall issue a notice of proposed final suspension, revocation or other final agency action, and shall afford the individual the right to a preliminary hearing to contest the preliminary suspension and a plenary hearing to contest the proposed final agency action.

The preliminary suspension shall remain in effect pending a final agency decision on the proposed final agency action, unless a request for a preliminary hearing is received by the division no later than the 10th day from the date on which the notice was mailed. The proposed final agency action shall take effect on the date specified in the notice unless a request for a plenary hearing is received by the division no later than the 10th day from the date on which the notice was mailed.

Upon timely request by the individual, a preliminary hearing shall be held by an administrative law judge, no later than the 15th day from the date on which the division receives the request. The preliminary hearing shall be for the purpose of determining whether, pending a final agency decision on the matter, the preliminary suspension issued by the director shall remain in effect. Adjournment of the hearing shall be given only for good cause shown. If the preliminary hearing is otherwise postponed or delayed solely at the instance of someone other than the individual charged, the judge shall immediately order that the individual's license certificate or any nonresident reciprocity privilege be restored pending the rescheduled preliminary hearing.

At the preliminary hearing, the parties shall proceed on the papers submitted to the judge, including the summons, the police reports and the charged individual's prior driving record submitted by the division, and any brief affidavits permitted by the judge from persons who shall be witnesses at the final hearing, and the parties may present oral arguments. Based on the papers, on any oral argument, on the individual's prior driving record, and on the circumstances of the alleged violation presented in the papers, the judge shall immediately determine whether the individual was properly charged with a violation of the law and a death occurred; and, if so, whether in the interest of public safety, the preliminary suspension shall be continued pending the final agency decision on the matter. The administrative law judge shall transmit his findings to the director.

Any plenary hearing to contest the proposed final agency action shall conform to the requirements for a plenary hearing contained in subsection b. of this section.

f. In addition to any other final agency action, the director shall require any person whose privileges to operate a motor vehicle or motorized bicycle are suspended or who has been prohibited from obtaining a license, pursuant to this section, to be reexamined to determine the person's ability to operate a motor vehicle or motorized bicycle, prior to regaining or obtaining any driving privileges in this State.

Any determination resulting from any preliminary or plenary hearing held pursuant to subsection b., c., or e. of this section shall not be admissible at any criminal or quasi-criminal proceedings on the alleged violation or violations.

34. R.S.39:5-42 is amended to read as follows:

Reports by judges to director on violations and crimes.

39:5-42. Every judge or magistrate shall make a report, in such form as the director may require, to the director (1) of all cases heard before him for violation of this title, or for any other violation in which a motor vehicle was used in any way, and (2) of the conviction of any person of having committed a penal offense or crime in the commission of which a motor vehicle was used, within three days after the disposition of the case before him as a judge or magistrate. The report shall state the nature of the violation, the full facts concerning the use of the motor vehicle in the commission of the penal offense or crime, the disposition of the case by the judge or magistrate and any recommendations which the judge or magistrate may deem of value to the director in determining whether action should be taken against the driving, registration, or other privilege of the driver or owner of the motor vehicle.

35. The Division of Motor Vehicles shall report to the Senate Law, Public Safety and Defense Committee and the Assembly Commerce and Regulated Professions Committee in six month intervals beginning six months after the effective date of this act on the progress in implementing the provisions of this act. The final report shall be submitted by December 31, 1992.

36. Section 1 of P.L.1989, c.164 (C.39:3-10j) is amended to read as follows:

C.39:3-10j Findings, declaration.

1. The Legislature finds that:

a. On September 20, 1988, the Secretary of the United States Department of Transportation granted the states of this nation the authority to exempt certain drivers from the licensing provisions of the "Commercial Motor Vehicle Safety Act of 1986," Pub. L.99-570 (49 U.S.C. § 2701 et seq.).

b. The "Commercial Motor Vehicle Safety Act of 1986" requires a commercial driver's license for anyone who operates a vehicle that has a gross weight rating in excess of 26,000 pounds, carries 15 or more passengers or transports hazardous materials.

c. While that act's objectives to regulate and improve the traffic safety of the commercial trucking industry are laudable, it could have an unintended, and largely adverse, impact upon certain non-commercial drivers.

d. Unless the State of New Jersey, in accordance with the Secretary of the United States Department of Transportation's directive, exercises its exemption authority, certain operators of firefighting apparatus, non-civilian operators of military vehicles owned or operated by the United States Department of Defense or the National Guard, and farmers operating farm vehicles will be obligated to secure commercial driver's licenses under that act.

e. There appears to be no significant evidence that the operators of firefighting apparatus, non-civilian operators of military vehicles owned or operated by the United States Department of Defense or the National Guard, or farmers operating farm vehicles in and about their regular agricultural activities pose or have created any safety hazards on the public highways which would warrant their being licensed under the provisions of the "Commercial Motor Vehicle Safety Act of 1986."

The Legislature, therefore, declares that it is altogether fitting and proper to authorize, in accordance with the directives issued by the Secretary of the United States Department of Transportation, that the designated operators of firefighting apparatus, non-civilian operators of military vehicles owned and operated by the United States Department of Defense or the National Guard, and operators of farm vehicles under certain circumstances be exempted from the licensing requirements set forth in the "Commercial Motor Vehicle Safety Act of 1986."

37. Section 2 of P.L.1989, c.164 (C.39:3-10k) is amended to read as follows:

C.39:3-10k Exemptions from commercial license requirements.

2. Unless otherwise required by federal law or regulation, and subject to any rules and regulations promulgated pursuant to the provisions of this act, no (1) designated operator of firefighting apparatus, (2) non-civilian operator of a military vehicle owned or operated by the United States Department of Defense or the National Guard, or (3) operator of a farm vehicle controlled and operated by a farmer, used to transport agricultural products, farm machinery or farm supplies to or from a farm, operated within 150 miles of a person's farm, and not used in the operation of a common or contract motor carrier, shall be subject to the licensing provisions of the "Commercial Motor Vehicle Safety Act of 1986," Pub. L.99-570 (49 U.S.C. § 2701 et seq.).

Notwithstanding the provisions of this section, a waiver shall not be granted if the granting of the waiver would place the State in a position of not being in substantial compliance with the requirements of the federal act.

Repealer.

38. Section 3 of P.L.1979, c.97 (C.39:3-13.5) and section 30 of P.L.1951, c.23 (C.39:4-50.1) are repealed.

39. This act shall take effect immediately, except that section 24 shall expire on July 1, 1996 and sections 5, 12, 16, and 18 shall remain inoperative until April 1, 1992.

Approved November 9, 1990.

CHAPTER 104

AN ACT concerning interference with custody, amending N.J.S.2C:13-4 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:13-4 is amended to read as follows:

Interference with custody.

2C:13-4. Interference with custody. a. Custody of children. A person, including a parent, guardian or other lawful custodian, is guilty of interference with custody if he:

(1) Takes or detains a minor child with the purpose of concealing the minor child and thereby depriving the child's other parent of custody or visitation of the minor child; or

(2) After being served with process or having actual knowledge of an action affecting marriage or custody but prior to the issuance of a temporary or final order determining custody and visitation rights to a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of depriving the child's other parent of custody or visitation, or to evade the jurisdiction of the courts of this State;

(3) After being served with process or having actual knowledge of an action affecting the protective services needs of a child pursuant to Title 9 of the Revised Statutes in an action affecting custody, but prior to the issuance of a temporary or final order determining custody rights of a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of evading the jurisdiction of the courts of this State; or

(4) After the issuance of a temporary or final order specifying custody, visitation or joint custody rights, takes, detains, entices or conceals a minor child from the other parent in violation of the custody or visitation order.

Interference with custody is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply. However, if the child is taken, detained, enticed or concealed outside the United States, interference with custody is a crime of the second degree.

b. Custody of committed persons. A person is guilty of a crime of the fourth degree if he knowingly takes or entices any committed person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

c. It is an affirmative defense to a prosecution under subsection a. of this section, which must be proved by clear and convincing evidence, that:

(1) The actor reasonably believed that the action was necessary to preserve the child from imminent danger to his welfare. However, no defense shall be available pursuant to this subsection if the actor does not, as soon as reasonably practicable but in no event more than 24 hours after taking a child under his protection, give notice of the child's location to the police department of the municipality where the child resided, the office of the county prosecutor in the county where the child resided, or the Division of Youth and Family Services in the Department of Human Services;

(2) The actor reasonably believed that the taking or detaining of the minor child was consented to by the other parent, or by an authorized State agency; or

(3) The child, being at the time of the taking or concealment not less than 14 years old, was taken away at his own volition and without purpose to commit a criminal offense with or against the child.

d. It is an affirmative defense to a prosecution under subsection a. of this section that a parent having the right of custody reasonably believed he was fleeing from imminent physical danger from the other parent, provided that the parent having custody, as soon as reasonably practicable:

(1) Gives notice of the child's location to the police department of the municipality where the child resided, the office of the county prosecutor in the county where the child resided, or the Division of Youth and Family Services in the Department of Human Services; or

(2) Commences an action affecting custody in an appropriate court.

e. The offenses enumerated in this section are continuous in nature and continue for so long as the child is concealed or detained.

f. (1) In addition to any other disposition provided by law, a person convicted under subsection a. of this section shall make restitution of all reasonable expenses and costs, including reasonable counsel fees, incurred by the other parent in securing the child's return.

(2) In imposing sentence under subsection a. of this section the court shall consider, in addition to the factors enumerated in chapter 44 of Title 2C of the New Jersey Statutes:

(a) Whether the person returned the child voluntarily; and

(b) The length of time the child was concealed or detained.

g. As used in this section, "parent" means a parent, guardian or other lawful custodian of a minor child.

C.2A:34-31.1 Protective custody of child; reasonable cause.

2. After the issuance of any temporary or permanent order determining custody or visitation of a minor child, a law enforcement officer having reasonable cause to believe that a person is likely to flee the State with the child or otherwise by flight or concealment evade the jurisdiction of the courts of this State may take a child into protective custody and return the child to the parent having lawful custody, or to a court in which a custody hearing concerning the child is pending.

C.2A:34-31.2 Court orders to advise of penalties for interference with custody.

3. Every order of a court involving custody or visitation shall include a written notice, in both English and Spanish, advising the persons affected as to the penalties provided in N.J.S.2C:13-4 for violating that order.

4. This act shall take effect immediately.

Approved November 14, 1990.

CHAPTER 105

AN ACT concerning municipal service charges for certain checks which are returned for insufficient funds and supplementing Title 40 of the Revised Statutes.

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

C.40:5-18 Service charge for NSF checks; collection.

1. a. The governing body of a municipality may provide, by resolution or ordinance, for the imposition of a service charge to be added to any account owing to the municipality, if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds.

b. Whenever an account owing to a municipality is for a tax or special assessment, the service charge authorized by this section shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien.

c. The service charge for a check or other written instrument returned for insufficient funds shall be determined and set by resolution or by ordinance of the governing body, from time to time, as appropriate, but shall not exceed \$20 per check or other written instrument.

d. Any service charge authorized by this section shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. In addition, the governing body may require future payments to be tendered in cash or by certified or cashier's check.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 106

AN ACT concerning the New Jersey Historical Commission and amending N.J.S.18A:73-22.

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

1. N.J.S.18A:73-22 is amended to read as follows:

Membership of New Jersey Historical Commission.

18A:73-22. There is hereby established in the Department of State, a division called the New Jersey Historical Commission to be composed of 17 members as follows:

(a) The Secretary of State, the State Librarian and the Chief of the Office of New Jersey Heritage in the Department of Environmental Protection, or their designees, who shall serve *ex officio*; and

(b) Ten citizens of the State to be appointed by the Governor with the advice and consent of the Senate, all of whom shall be chosen by reason of their expertise in New Jersey history and qualified by academic achievement or professional affiliation, who shall serve for terms of three years and until the appointment and qualification of their successors except that of the members first appointed two shall be appointed for terms of one year, two for terms of two years and two for terms of three years. Of the four members first appointed pursuant to this amendatory act, one shall be appointed for a term of one year, one shall be appointed for a term of two years and two shall be appointed for a term of three years. Public members of the commission shall be selected so as to provide a balanced representation of the various geographic regions of the State.

(c) Two members of the Senate to be appointed by the President thereof, and two members of the General Assembly to be appointed by the Speaker thereof. No more than one of the Senate and Assembly members shall be members of the same political party. Anyone appointed pursuant to this subsection shall serve as a member of the commission until the expiration of his term as Senator or Assemblyman, as the case may be, during which he was appointed.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 107

AN ACT to validate certain proceedings of fire 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 board of fire commissioners or at any fire district meeting or election for the authorization or issuance of bonds or other obligations of the fire district, and any bonds or other obligations of the fire district issued or to be issued pursuant to a resolution of the board of commissioners of such fire district approved by the legal voters at such fire district election, are hereby ratified, validated and confirmed, notwithstanding that notices to military service voters and to their friends and relatives and to persons desiring civilian absentee ballots were not published in accordance with the provisions of section 7 of the "Absentee Voting Law (1953)," P.L.1953, c.211 (C.19:57-1 et seq.); provided, however, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect, and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 108

AN ACT concerning electrical contracting and amending P.L.1962, c.162.

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

1. Section 9 of P.L.1962, c.162 (C.45:5A-9) is amended to read as follows:

C.45:5A-9 Necessity of business permit and license; qualifications; examinations; fees.

9. (a) On or after July 1, 1963, no person shall advertise, enter into, engage in or work in business as an electrical contractor, unless such person has secured a business permit and such person or an officer, partner or employee who is or will be actively engaged in the business for which a business permit is sought has obtained a license from the board in accordance with the provisions of this act, and such licensee shall assume full responsibility for inspection and supervision of all electrical work to be performed by the permittee in compliance with recognized safety standards. A licensee shall not be entitled to qualify more than one person for a business permit.

Any single act or transaction shall constitute engaging in the business of electrical contracting within the meaning of this chapter.

(b) Except as otherwise provided in section 10, no person shall be granted an electrical contractor's license unless he shall first establish his qualifications therefor and shall take and pass the examination for electrical contractors. An applicant for such examination shall have been employed or engaged in the business of electrical construction and installation or have equivalent practical experience for a period of not less than five years preceding the time of such application, or shall otherwise establish to the satisfaction of the board that the applicant has the necessary educational background and experience to qualify to take the examination for a license.

The examination shall be so designed as to establish the competence and qualification of the applicant to perform and supervise the various phases of electrical contracting work. Any applicant who shall fail to pass such examination shall not be eligible to retake an examination until six months from the date of such failure.

(c) An applicant for an examination for a license shall apply to the board for permission to take such examination upon forms provided by the board and shall provide the board with such information as shall be necessary to establish his qualifications to take the examination. The applicant for an initial examination shall pay a fee to the board of \$25.00. An applicant for re-examination shall pay a fee to the board of \$15.00. Such fees shall not be refundable.

2. Section 21 of P.L.1962, c.162 (C.45:5A-21) is amended to read as follows:

C.45:5A-21 Disorderly person.

21. Any person advertising or engaging in the business of electrical contracting without having a business permit from the board is a disorderly person.

3. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 109

AN ACT authorizing municipalities to acquire property by condemnation in connection with the provision of low and moderate income housing, amending the "Fair Housing Act," P.L.1985, c.222.

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

1. Section 25 of P.L.1985, c.222 (C.52:27D-325) is amended to read as follows:

C.52:27D-325 Municipal powers.

25. Notwithstanding any other law to the contrary, a municipality may purchase, lease or acquire by gift or through the exercise of eminent domain, real property and any estate or interest therein, which the municipal governing body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing.

The municipality may provide for the acquisition, construction and maintenance of buildings, structures or other improvements necessary or useful for the provision of low and moderate income housing, and may provide for the reconstruction, conversion or rehabilitation of those improvements in such manner as may be necessary or useful for those purposes.

Notwithstanding the provisions of any other law regarding the conveyance, sale or lease of real property by municipalities, the municipal governing body may, by resolution, authorize the private sale and conveyance or lease of a housing unit or units acquired or constructed

pursuant to this section, where the sale, conveyance or lease is to a low or moderate income household or nonprofit entity and contains a contractual guarantee that the housing unit will remain available to low and moderate income households for a period of at least 30 years.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 110

AN ACT concerning senior citizens and disabled persons tenancy rights in certain circumstances and amending P.L.1981, c.226 (C.2A:18-61.22 et seq.).

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

1. Section 3 of P.L.1981, c.226 (C.2A:18-61.24) is amended to read as follows:

C.2A:18-61.24 Definitions.

3. As used in this amendatory and supplementary act:

a. "Senior citizen tenant" means a person who is at least 62 years of age on the date of the conversion recording for the building or structure in which is located the dwelling unit of which he is a tenant, or the surviving spouse of such a person if the person should die after the owner files the conversion recording and the surviving spouse is at least 50 years of age at the time of the filing; provided that the building or structure has been the principal residence of the senior citizen tenant or the spouse for at least one year immediately preceding the conversion recording or the death or that the building or structure is the principal residence of the senior citizen tenant or the spouse under the terms of a lease for a period of more than one year, as the case may be;

b. "Disabled tenant" means a person who is, on the date of the conversion recording for the building or structure in which is located the dwelling unit of which he is a tenant, totally and permanently unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including

blindness; provided that the building or structure has been the principal residence of the disabled tenant for at least one year immediately preceding the conversion recording or that the building or structure is the principal residence of the disabled tenant under the terms of a lease for a period of more than one year. For the purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less;

c. "Tenant's annual household income" means the total income from all sources during the last full calendar year for all members of the household who reside in the dwelling unit at the time the tenant applies for protected tenant status, whether or not such income is subject to taxation by any taxing authority;

d. "Application for registration of conversion" means an application for registration filed with the Department of Community Affairs in accordance with "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.);

e. "Registration of conversion" means an approval of an application for registration by the Department of Community Affairs in accordance with "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.);

f. "Convert" means to convert one or more buildings or structures or a mobile home park containing in the aggregate not less than five dwelling units or mobile home sites or pads from residential rental use to condominium, cooperative, planned residential development or separable fee simple ownership of the dwelling units or of the mobile home sites or pads;

g. "Conversion recording" means the recording with the appropriate county officer of a master deed for condominium or a deed to a cooperative corporation for a cooperative or the first deed of sale to a purchaser of an individual unit for a planned residential development or separable fee simple ownership of the dwelling units;

h. "Protected tenancy period" means, except as otherwise provided in section 11 of this amendatory and supplementary act, the 40 years following the conversion recording for the building or structure in which is located the dwelling unit of the senior citizen tenant or disabled tenant.

2. Section 6 of P.L.1981, c.226 (C.2A:18-61.27) is amended to read as follows:

C.2A:18-61.27 Notice to tenants.

6. The owner of any building or structure who, after the effective date of this amendatory and supplementary act, seeks to convert any premises, shall, prior to his filing of the application for registration of conversion with the Department of Community Affairs, notify the administrative agency or officer responsible for administering this amendatory and supplementary act of his intention to so file. The owner shall supply the agency or officer with a list of every tenant residing in the premises, with stamped envelopes addressed to each tenant and with sufficient copies of the notice to tenants and application form for protected tenancy status. Within 10 days thereafter, the administrative agency or officer shall notify each residential tenant in writing of the owner's intention and of the applicability of the provisions of this amendatory and supplementary act and shall provide him with a written application form. The agency's or officer's notice shall be substantially in the following form:

"NOTICE

THE OWNER OF YOUR APARTMENT HAS NOTIFIED
 (insert name of municipality) **OF HIS**
INTENTION TO CONVERT TO A CONDOMINIUM OR COOP-
ERATIVE. THE LEGISLATURE HAS PROVIDED THAT, IF YOU
ARE A SENIOR CITIZEN, 62 YEARS OF AGE OR OLDER, OR
DISABLED, YOU MAY BE ENTITLED TO A PROTECTED TEN-
ANCY PERIOD. PROTECTED TENANCY MEANS THAT YOU
CANNOT BE EVICTED BECAUSE OF THE CONVERSION. YOU
MAY BE ELIGIBLE:

(1) **IF YOU ARE 62, OR WILL SOON BE 62, OR IF YOU ARE**
DISABLED; AND

(2) **IF YOU HAVE LIVED IN YOUR APARTMENT FOR AT**
LEAST ONE YEAR OR IF THE LEASE ON YOUR APARTMENT
IS FOR A PERIOD OF MORE THAN ONE YEAR; AND

(3) **IF YOUR HOUSEHOLD INCOME IS LESS THAN**
 (insert current income figure for county as estab-
 lished by Section 7c. of this amendatory and supplementary act).

IF YOU WISH THIS PROTECTION, SEND IN THE APPLICA-
TION FORM BY (insert date 60 days after
 municipality's mailing) **TO THE** (insert name
 and address of administrative agency). **FOR FURTHER INFORMA-**
TION CALL (insert phone number of
 administrative agency) **OR** (insert phone num-
 ber of Department of Community Affairs).

IF YOU DO NOT APPLY YOU CAN BE EVICTED BY YOUR LANDLORD UPON PROPER NOTICE.”

The Department of Community Affairs shall not accept any application for registration of conversion for any building or structure unless included in the application is proof that the agency or officer notified the tenants prior to the application for registration. The proof shall be by affidavit or in such other form as the department shall require.

3. Section 7 of P.L.1981, c.226 (C.2A:18-61.28) is amended to read as follows:

C.2A:18-61.28 Eligibility for protected tenancy status.

7. Within 30 days after receipt of an application for protected tenancy status by a tenant, the administrative agency or officer shall make a determination of eligibility. It shall send written notice of eligibility to each senior citizen tenant or disabled tenant who:

- a. Applied therefor on or before the date of registration of conversion by the Department of Community Affairs; and
- b. Qualifies as an eligible senior citizen tenant or disabled tenant pursuant to this amendatory and supplementary act; and
- c. Has an annual household income that does not exceed an amount equal to three times the county per capita personal income, as last reported by the Department of Labor and Industry on the basis of the U.S. Department of Commerce's Bureau of Economic Analysis data, or \$50,000.00, whichever is greater; and
- d. Has occupied the premises as his principal residence for at least one year or has a lease on the premises for a period longer than one year.

The department shall adjust the county per capita personal income to be used in subsection c. of this section if there is a difference of one or more years between (1) the year in which the last reported county per capita personal income was based and (2) the last year in which the tenant's annual household income is based. The county per capita personal income shall be adjusted by the department by an amount equal to the number of years of the difference above times the average increase or decrease in the county per capita personal income for three years, including in the calculation the current year reported and the three immediately preceding years.

The administrative agency or officer shall likewise send a notice of denial with reasons to any tenant whom it determines to be ineli-

gible. The owner shall be notified of those tenants who are determined to be eligible and ineligible.

The administrative agency or officer may require that the application include such documents and information as may be necessary to establish that the tenant is eligible for a protected tenancy status under the provisions of this amendatory and supplementary act and shall require such application to be submitted under oath. The Department of Community Affairs may by regulation adopt forms for application for protected tenancy status and notification of eligibility or ineligibility or adopt such other regulations for the procedure of determining eligibility as it determines are necessary.

4. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 111

AN ACT concerning the inclusion of certain disabled veterans in the "Senior Citizens and Disabled Protected Tenancy Act" and amending P.L.1981, c.226.

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

1. Section 3 of P.L.1981, c.226 (C.2A:18-61.24) is amended to read as follows:

C.2A:18-61.24 Definitions.

3. As used in this amendatory and supplementary act:

a. "Senior citizen tenant" means a person who is at least 62 years of age on the date of the conversion recording for the building or structure in which is located the dwelling unit of which he is a tenant, or the surviving spouse of such a person if the person should die after the owner files the conversion recording and the surviving spouse is at least 50 years of age at the time of the filing; provided that the building or structure has been the principal residence of the senior citizen tenant or the spouse for at least one year immediately preceding the conversion recording or the death or that the building

or structure is the principal residence of the senior citizen tenant or the spouse under the terms of a lease for a period of more than one year, as the case may be;

b. "Disabled tenant" means a person who is, on the date of the conversion recording for the building or structure in which is located the dwelling unit of which he is a tenant, totally and permanently unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, or a person who has been honorably discharged or released under honorable circumstances from active service in any branch of the United States Armed Forces and who is rated as having a 60% disability or higher as a result of that service pursuant to any federal law administered by the United States Veterans' Act; provided that the building or structure has been the principal residence of the disabled tenant for at least one year immediately preceding the conversion recording or that the building or structure is the principal residence of the disabled tenant under the terms of a lease for a period of more than one year. For the purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less;

c. "Tenant's annual household income" means the total income from all sources during the last full calendar year for all members of the household who reside in the dwelling unit at the time the tenant applies for protected tenant status, whether or not such income is subject to taxation by any taxing authority;

d. "Application for registration of conversion" means an application for registration filed with the Department of Community Affairs in accordance with "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.);

e. "Registration of conversion" means an approval of an application for registration by the Department of Community Affairs in accordance with "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.);

f. "Convert" means to convert one or more buildings or structures or a mobile home park containing in the aggregate not less than five dwelling units or mobile home sites or pads from residential rental use to condominium, cooperative, planned residential development or separable fee simple ownership of the dwelling units or of the mobile home sites or pads;

g. "Conversion recording" means the recording with the appropriate county officer of a master deed for condominium or a deed to a cooperative corporation for a cooperative or the first deed of sale to a purchaser of an individual unit for a planned residential development or separable fee simple ownership of the dwelling units;

h. "Protected tenancy period" means, except as otherwise provided in section 11 of this amendatory and supplementary act, the 40 years following the conversion recording for the building or structure in which is located the dwelling unit of the senior citizen tenant or disabled tenant.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 112

AN ACT concerning local finance and amending N.J.S.40A:2-8.

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

1. N.J.S.40A:2-8 is amended to read as follows:

Bond anticipation notes; issuance; capital notes; issuance.

40A:2-8. a. A local unit, in anticipation of the issuance of bonds, may borrow money and issue negotiable notes if the bond ordinance or subsequent resolution so provides. Any such note shall be designated "bond anticipation note" and shall contain a recital that it is issued in anticipation of the issuance of bonds. Such notes may be issued for a period of not exceeding one year and may be renewed from time to time for periods of not exceeding one year, but all such notes, including renewals, shall mature and be paid not later than the tenth anniversary of the date of the original notes, provided, however, that no such notes shall be renewed beyond the third anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which said

notes are issued, is paid and retired on or before said third anniversary date and, if such notes are renewed beyond the fourth anniversary date of the original notes, a like amount is paid or retired on or before said fourth anniversary date from funds other than the proceeds of obligations, except that:

1. Such notes shall mature and be paid not later than the first day of the fifth month following the close of the tenth fiscal year next following the date of the original notes, provided that, in addition to amounts paid and retired pursuant to paragraph a. above, an amount of such notes equal to not less than the first legally payable installment of the bonds in anticipation of which such notes are issued has been paid and retired not later than the end of said fifth fiscal year from funds other than the proceeds of obligations; and

2. Notes issued to finance local improvements and in an amount not exceeding the amount of special assessments then confirmed and unpaid and not delinquent may be renewed for periods of not exceeding one year but shall mature and be paid not later than the fifth anniversary of the date of the original notes.

b. A local unit may finance any improvement which it has power to finance by obligations issued under this chapter by the issuance of "capital notes." The aggregate amount of all such notes outstanding at any one time shall not exceed the lesser of \$200,000.00 or 1/2 of 1% of the equalized valuation basis. Such notes shall be authorized in the same manner as bond anticipation notes and shall be payable from funds other than the proceeds of obligations within five years from the date of the issuance of the first of said notes and not less than 20% thereof shall be paid in each succeeding year. The local unit shall provide for the payment of the principal of, and interest on such notes falling due in each year.

c. The local finance board shall issue, in the manner prescribed by law, such rules and regulations as are necessary to the implementation and execution of this act.

2. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 113

AN ACT concerning transfer stations, amending and supplementing P.L.1970, c.40, amending P.L.1970, c.39, and supplementing P.L.1987, c.449.

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:

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 waste 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 transfer station or other authorized solid waste facility, 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, transfer, 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.

e. "Solid waste container" means a receptacle, container or bag suitable for the depositing of solid waste.

f. "Solid waste facilities" mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) and P.L.1970, c.40 (C.48:13A-1 et seq.) or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

g. "Solid waste transfer operations" mean the activity related to the transfer of solid waste from solid waste collection vehicles to solid waste haulage vehicles, including rail cars, for transportation to an offsite sanitary landfill facility, resource recovery facility, or other destination for disposal.

h. "Transfer station" means a solid waste facility at which solid waste is transferred from a solid waste collection vehicle to a licensed solid waste haulage vehicle, including a rail car, for transportation to an offsite sanitary landfill facility, resource recovery facility, or other destination for disposal, except that a "transfer station" shall not include any solid waste facility at which solid waste is received for onsite transfer, and processing or disposal utilizing facility-owned or operated equipment and vehicles operated therefor.

C.48:13A-6.2 Regulation of transfer stations.

2. a. The provisions of P.L.1957, c.183 (C.40:14B-1 et seq.), P.L.1985, c.38 (C.13:1E-136 et al.) or any other law, or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, any transfer station constructed or operated in this State shall be deemed a public utility and shall be subject to the rate regulation and continuing jurisdiction of the Board of Public Utilities. No transfer station shall commence or continue solid waste transfer operations and no person may own or operate a transfer station in this State unless the person has:

(1) filed a registration statement and engineering design application and obtained approval thereof from the Department of Environmental Protection as required by section 5 of P.L.1970, c.39 (C.13:1E-5);

(2) obtained a certificate of public convenience and necessity from the Board of Public Utilities as required by section 7 of P.L.1970, c.40 (C.48:13A-6); and

(3) filed an initial tariff or lawfully negotiated contract for solid waste transfer operations and obtained approval thereof from the Board of Public Utilities, which tariff or contract shall include the formulas to be used to determine the charges, rates, or fees to be charged for the utilization of the transfer station, and the methodology or methodologies used to develop these formulas.

b. It shall remain the continuing responsibility of the owner or operator of every transfer station to file a revised tariff, or any proposed revisions to a lawfully negotiated contract for solid waste transfer operations, and obtain approval thereof from the Board of Public Utilities, whenever the owner or operator of a transfer station

seeks to adjust the charges, rates, or fees charged for the utilization of the transfer station.

c. No adjustment to the charges, rates, or fees charged for the utilization of any transfer station operated in this State shall take effect prior to the approval thereof by the Board of Public Utilities.

3. Section 6 of P.L.1970, c.40 (C.48:13A-5) is amended to read as follows:

C.48:13A-5 Award of franchises.

6. a. The Board of Public Utilities may, by order in writing, when it finds that the public interest requires, award a franchise to any person or persons engaged in solid waste disposal at rates and charges published in tariffs or contracts accepted or to be accepted for filing by the board; provided, however, that the proposed franchise for solid waste disposal conforms to the district solid waste management plan of the district or districts in which such service is to be located, as such plan shall have been approved by the Department of Environmental Protection.

b. Franchises awarded pursuant to this section shall be of sufficient area and duration to support the estimated technical and economic needs of the solid waste facility which is to serve the district or districts.

c. For the purposes of this section, "franchise" shall mean the exclusive right to receive, control and provide for the disposal of solid waste, except for recyclable material whenever markets for those materials are available, within a district or districts as awarded by the Board of Public Utilities.

d. Nothing in section 11 of P.L.1970, c.40 (C.48:13A-10) shall be interpreted to prevent the implementation of this section by the Board of Public Utilities.

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

C.13:1E-3 Definitions.

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

a. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall

include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a transfer station or other authorized solid waste facility.

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

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

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

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

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

h. "Solid waste facilities" mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et seq.) or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

i. "Public authority" means any solid waste management authority created pursuant to the "solid waste management authorities law," P.L.1968, c.249 (C.40:66A-32 et seq.); municipal or county utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); incinerator authority created pursuant to the "incinerator authorities law," P.L.1948, c.348 (C.40:66A-1 et seq.); county improvement authority created pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.), or any other public body corporate and politic created for solid waste

management purposes in any county or municipality, pursuant to the provisions of any law.

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

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

l. (Deleted by amendment, P.L.1990, c.113.)

m. (Deleted by amendment, P.L.1990, c.113.)

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

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

p. (Deleted by amendment, P.L.1990, c.113.)

q. "Sanitary landfill facility" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or storage for a period exceeding six months, except that it shall not include any waste facility approved for disposal of hazardous waste.

r. "Transfer station" means a solid waste facility at which solid waste is transferred from a solid waste collection vehicle to a licensed solid waste haulage vehicle, including a rail car, for transportation to an offsite sanitary landfill facility, resource recovery facility, or other destination for disposal, except that a "transfer station" shall not include any solid waste facility at which solid waste is received for onsite transfer, and processing or disposal utilizing facility-owned or operated equipment and vehicles operated therefor.

C.13:1E-28.2 Nonapplicability.

5. The provisions of section 2 of P.L.1987, c.449 (C.13:1E-28.1) shall not apply to a solid waste facility at which solid waste is received from outside sources for the purpose of onsite transfer utilizing equipment or vehicles belonging to the facility and operated therefor, and the transfer activities are incidental to the processing or disposal operations of the facility.

6. This act shall take effect immediately.

Approved November 16, 1990.

CHAPTER 114

AN ACT authorizing the New Jersey Public Broadcasting Authority to establish the Foundation for New Jersey Public Broadcasting.

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

C.48:23-13 Foundation for New Jersey Public Broadcasting established.

1. The New Jersey Public Broadcasting Authority is authorized to establish a nonprofit, educational and charitable organization to be known as the Foundation for New Jersey Public Broadcasting. The foundation shall be devoted to the sponsoring of activities and the raising of funds for the support and promotion of the authority and its several purposes. The foundation shall be incorporated, organized and operated in such manner as to be eligible under applicable federal law for tax-exempt status and for the receipt of tax-deductible contributions.

C.48:23-14 Board of directors.

2. The Foundation for New Jersey Public Broadcasting shall be governed by a board of directors. The number of directors and their terms and manner of selection shall be determined upon the incorporation of the foundation, provided that a majority of the directors shall be selected from among or by the members of the New Jersey Public Broadcasting Commission. No employee of the New Jersey Public Broadcasting Authority shall serve as a member of the board

of directors. No member of the board of directors shall engage in any business transaction or professional activity for profit with the New Jersey Public Broadcasting Authority.

C.48:23-15 Executive director, employees.

3. The board of directors of the Foundation for New Jersey Public Broadcasting shall be authorized, within the limits of its own funds, to employ an executive director and professional, technical and administrative personnel. Employees of the foundation shall not be construed to be employees of the State of New Jersey. The board shall also be authorized to contract for such professional and administrative services as it shall deem necessary.

C.48:23-16 Bylaws.

4. Upon the incorporation of the Foundation for New Jersey Public Broadcasting and the establishment of the first board of directors, the board shall adopt bylaws setting forth the structure, officers, powers and duties of the foundation.

C.48:23-17 Use of funds.

5. All funds received by the Foundation for New Jersey Public Broadcasting, other than those necessary to pay for the expenses of the foundation, shall be used exclusively for the support and promotion of the New Jersey Public Broadcasting Authority and its several purposes.

6. This act shall take effect immediately.

Approved November 19, 1990.

CHAPTER 115

AN ACT providing an exemption from taxation under the sales and use tax for certain sales, rentals, leases, parts and services for certain commercial vehicles, amending chapter 10 of Title 39 of the Revised Statutes and supplementing P.L.1966, c.30 (C.54:32B-1 et seq.).

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

C.54:32B-8.41 Commercial vehicles, certain service or repairs.

1. Receipts from installing tangible personal property in, maintaining, servicing or repairing trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, are exempt from the tax imposed under the "Sales and Use Tax Act."

C.54:32B-8.42 Commercial vehicles, certain rentals, etc.

2. Receipts from the renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a regular trade or business offering such renting, leasing, licensing or interchanging to the public, are exempt from the tax imposed under the "Sales and Use Tax Act," provided that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles.

C.54:32B-8.43 Commercial vehicles, certain sales, leases, repairs.

3. Receipts from: (a) sales, renting or leasing of commercial trucks, truck tractors, tractors, semitrailers, and vehicles used in combination therewith, as defined in R.S.39:1-1, which are registered in New Jersey and (1) have a gross vehicle weight rating in excess of 26,000 pounds, (2) are operated actively and exclusively for the carriage of interstate freight pursuant to a certificate or permit issued by the Interstate Commerce Commission, or (3) are registered pursuant to R.S.39:3-24 or R.S.39:3-25 and have a gross vehicle weight rating in excess of 18,000 pounds; and (b) repair and replacement parts for such vehicles, are exempt from the tax imposed under the "Sales and Use Tax Act." "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of the single or combination vehicle and, if the manufacturer has not specified a value for a towed vehicle, means the value specified for the towing vehicle plus the loaded weight of the towed unit.

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, and manufactured homes not subject to real property taxation pursuant to P.L.1983, c.400 (C.54:4-1.2 et seq.), excepting such vehicles as run only upon rails or tracks and manufactured homes subject to real property taxation.

“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,” a “nonconventional type motor vehicle” or a manufactured home subject to real property taxation.

“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 or manufactured 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 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.

“Gross vehicle weight rating” means the value specified by the manufacturer as the loaded weight of the single or combination vehicle and, if the manufacturer has not specified a value for a towed vehicle, means the value specified for the towing vehicle plus the loaded weight of the towed unit.

5. R.S.39:10-6 is amended to read as follows:

Ownership, registration certificates.

39:10-6. Every person shall have for each motor vehicle in his possession in this State: (a) certificate of ownership therefor in conformity with this chapter, and (b) the registration certificate for the motor vehicle, if it is registered by the director and a registration certificate has been issued therefor. He shall produce either the certificate of ownership or registration certificate, at the discretion of the director, upon demand for production thereof by the director. If he fails to do so, the director may seize and take possession of the motor vehicle and hold and dispose of it in accordance with R.S.39:10-21.

If a motor vehicle is registered in or bears the registration plates of another state or country and is being used or operated in this State, the person in possession of it or using or operating it in this State must be entitled to ownership or possession in accordance with the laws of the state or country where it is registered or the registration plates of which it bears, and shall produce to the director documents showing title to, or right of possession in, the motor vehicle in that person or in the person who has authorized him to use and operate it, or registration certificate or other evidence of registration, besides plates, issued by the state or country or department thereof to that person, or to the person who has authorized him to use and operate the motor vehicle, evidencing the registration of the motor vehicle in that state or country.

When a motor vehicle is in the possession of a garage keeper, motor vehicle dealer, both new and used, or motor vehicle service station in this State, the production of a writing signed by the person delivering possession of the motor vehicle to the garage keeper, dealer or service station, stating that the person is the owner or entitled to the possession of the motor vehicle and has title papers or the registration certificate therefor, shall be deemed a compliance with this section insofar as the garage keeper, dealer and service station are concerned.

6. R.S.39:10-8 is amended to read as follows:

Certificate of origin of new motor vehicle; security interests.

39:10-8. When a new motor vehicle is delivered in this State by the manufacturer to his agent or a dealer, or a person purchasing directly from the manufacturer, the manufacturer shall execute and deliver to his agent or a dealer, or a person purchasing directly from the manufacturer, a certificate of origin in the form prescribed by the director of motor vehicles, and no person shall bring into this State any new motor vehicle unless he has in his possession the certificate of origin as prescribed by the director. The certificate of origin shall contain the manufacturer's vehicle identification number and the motor number when used of the motor vehicle sold, name of the manufacturer, the manufacturer's shipping weight, a general description of the body, if any, the type and model and the gross vehicle weight rating.

When a new motor vehicle is sold in this State, the manufacturer, his agent or a dealer shall execute and deliver to the purchaser an assignment of the certificate of origin, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. If, in connection with such sale, a security interest is taken or retained by the seller to secure all or a part of the purchase price of the motor vehicle, or is taken by a person who by making an advance or incurring an obligation gives value to enable the purchaser to acquire rights in the motor vehicle, the name and the business or residence address of the secured party or his assignee shall be noted on the manufacturer's certificate of origin. Nothing in this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

7. This act shall take effect immediately and sections 1, 2 and 3 shall be retroactive to July 1, 1990.

Approved November 19, 1990.

CHAPTER 116

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the notices to persons desiring Military Service and Civilian Absentee Ballots were not published in accordance with the provisions of section 7 of the "Absentee Voting Law (1953)," P.L.1953, c.211 (C.19:57-7); and notwithstanding that such notices were not published in accordance with the provisions of N.J.S.18A:14-25; provided however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 27, 1990.

CHAPTER 117

AN ACT concerning recycling grants and amending P.L.1981, c.278.

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

1. Section 5 of P.L.1981, c.278 (C.13:1E-96) is amended to read as follows:

C.13:1E-96 State Recycling Fund; allocation of moneys.

5. a. The State Recycling Fund (hereinafter referred to as the "fund") is established as a nonlapsing, revolving fund. The fund shall be administered by the Department of Environmental Protection, and shall be credited with all tax revenue collected by the division pursuant to section 4 of P.L.1981, c.278 (C.13:1E-95). Interest received on moneys in the fund and sums received as repayment of principal and interest on outstanding loans made from the fund shall be credited to the fund. The Department of Environmental Protection, in the administration of the fund, is authorized to assign to the New Jersey Economic Development Authority the responsibility for making credit evaluations of applicants for loans, for servicing loans on behalf of the department, and, the provisions of any other law to the contrary notwithstanding, for making recommendations as to the approval or denial of loans pursuant to this section. The department is further authorized to pay or reimburse the authority in the amounts as the department agrees are appropriate for all services rendered by the authority in connection with any assignment of responsibility under the terms of this section out of moneys held in the fund for loans and the loan guarantee program.

b. Moneys in the fund shall be allocated and used for the following purposes and no others:

(1) Not less than 40% of the estimated annual balance of the fund shall be used for the annual expenses of a program for recycling grants to municipalities or counties in those instances where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis. The amount of these grants shall be calculated on the basis of the total number of tons of recyclable materials annually recycled from residential, commercial and institutional sources within that municipality, or group of municipalities in the case of a county recycling program, except that no such grant shall exceed \$10.00 per ton of materials recycled. The department may allocate a portion of these grant moneys as bonus grants to municipalities and counties in those instances where a municipality or county, at its own expense, provides for the collection of recyclable materials in its recycling program. The department shall announce each year the total amount of moneys available in the bonus grant fund.

A municipality may distribute a portion of its grant moneys to nonprofit groups that are located within that municipality and which have contributed to the receipt of the recycling grant, except that this

distribution shall not exceed the value of approved documented tonnage contributed by a nonprofit group.

A municipality may designate any nonprofit group as a recycling agent. A recycling agent shall receive that part of the municipality's recycling grant under this subsection that represents the percentage of the grant received by the municipality due to the documented tonnage contributed by that recycling agent. Moneys received by a recycling agent shall be expended only for its recycling program. Any moneys not used for recycling shall be returned by the recycling agent to the municipality.

To be eligible for a grant pursuant to this subsection, a municipality or county in the case of a county recycling program shall demonstrate that the materials recycled by the municipal or county recycling program were not diverted from a commercial recycling program already in existence on the effective date of the ordinance or resolution establishing the municipal or county recycling program.

No recycling grant to any municipality shall be used for constructing or operating any facility for the baling of wastepaper or for the shearing, baling or shredding of ferrous or nonferrous materials;

(2) Not less than 35% of the estimated annual balance of the fund shall be used to provide low interest loans or loan guarantees to recycling businesses and industries, and to provide moneys for research into collection, market stimulation and reuse techniques applicable to recycling or the disposition of recyclable materials, or to contract for market studies, and to establish a sufficient reserve for a loan guarantee program for recycling businesses and industries;

(3) Not more than 7% of the estimated annual balance of the fund shall be used for State recycling program planning and program funding, including the administrative expenses thereof;

(4) Not more than 8% of the estimated annual balance of the fund shall be used for county recycling program planning and program funding, including the administrative expenses thereof; and

(5) Not less than 10% of the estimated annual balance of the fund shall be used for a public information and education program concerning recycling activities.

2. This act shall take effect immediately.

Approved November 27, 1990.

CHAPTER 118

AN ACT directing the New Jersey Real Estate Commission to renew the real estate broker's or salesperson's license of certain persons under certain circumstances.

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

1. Any person who met the requirements under R.S.45:15-9 for renewal of a broker's or salesperson's license on June 29, 1979, may apply to the New Jersey Real Estate Commission for renewal of the license on or before the 30th day following the effective date of this act and shall obtain the license unless the commission finds that the applicant lacks honesty, trustworthiness, integrity or other attributes of good moral character.

2. This act shall take effect immediately.

Approved November 27, 1990.

CHAPTER 119

AN ACT concerning tuition credit available to certain veterans of the Armed Forces of the United States, amending P.L.1975, c.356 and repealing sections 10 and 13 of that act.

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

1. Section 1 of P.L.1975, c.356 (C.18A:71-64) is amended to read as follows:

C.18A:71-64 Definitions.

1. As used in this act:

a. "Eligible veteran" means any veteran of the Armed Forces of the United States residing in New Jersey who is or was eligible for Veteran's Educational Assistance pursuant to federal law and who (1) was domiciled in New Jersey at the time of his induction into the armed forces, or (2) has been domiciled in New Jersey for a period

of not less than 12 consecutive months prior to the date of application, exclusive of any time spent on active duty.

b. "Approved educational institution" means (1) any academic, professional or vocational school operating within this State or (2) any graduate level school operating within the United States or (3) any academic, professional or vocational school operating outside of this State; provided, however, that any such institution shall have made a prior written agreement to accept the tuition credit and reimbursement provided for in sections 6 and 7 of this act; provided further, that no more than 20% of the eligible veterans under (1) and (3) of this subsection shall attend an approved educational institution operating outside of this State. To qualify as an "approved educational institution" under this act, any such institution must have been approved for Veteran's Educational Assistance pursuant to federal law.

c. "Approved course of study" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is accepted for Veteran's Educational Assistance pursuant to federal law.

d. "Board" means the Student Assistance Board established pursuant to P.L.1977, c.330 (C.18A:71-15.1).

2. Section 2 of P.L.1975, c.356 (C.18A:71-65) is amended to read as follows:

C.18A:71-65 Courses.

2. For the purposes of this act:

a. (1)an institutional trade or technical course offered at a nonaccredited school on a clock-hour basis involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at a nonaccredited school on a clock-hour basis in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than three hours of supervised study per week is allowed;

b. (1)an institutional trade or technical course offered at an accredited school on a clock-hour basis which leads to a standard trade or

technical degree and involves shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than two and one-half hours of supervised study is allowed;

c. an academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than 120 60-minute hours or their equivalent of study in any subject in one academic year; and

d. an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the board, that (a) full-time tuition is charged to all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof or (b) all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

3. Section 4 of P.L.1975, c.356 (C.18A:71-67) is amended to read as follows:

C.18A:71-67 Application for tuition credit; approval.

4. Any eligible veteran who desires tuition credit pursuant to this act, within eight years from the date of (a) his separation from active

duty or (b) the effective date of this act, whichever is later, shall submit an application to the board which shall be in a form and contain information as the board shall prescribe. The board shall approve the application unless he finds that the veteran is ineligible for or not entitled to tuition credit or that his course of study is not approved pursuant to this act, or that he has already been approved. The board shall notify the veteran and his selected educational institution of the approval of his application.

4. Section 5 of P.L.1975, c.356 (C.18A:71-68) is amended to read as follows:

C.18A:71-68 Tuition credit; schedule; redistribution of credit.

5. a. Each eligible veteran shall be entitled to tuition credit pursuant to this act in accordance with the following schedule:

(1) For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960 and May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period of eight semesters (or the equivalent thereof in part-time tuition credit); the maximum credit hereunder shall be for a period of eight semesters; or

(2) For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutions regularly operated on the quarter system, for each two months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period of 12 quarters; the maximum credit hereunder shall be for a period of 12 quarters; or

(3) For a period of one and one-half months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for 36 months of tuition credit (or the equivalent

thereof in part-time tuition credit). The maximum credit hereunder shall be for a period of 36 months.

b. If an eligible veteran shall change his program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, the remainder of his credit shall accordingly be redistributed by the board in such manner as to carry out the intent of this act.

5. Section 6 of P.L.1975, c.356 (C.18A:71-69) is amended to read as follows:

C.18A:71-69 Benefits.

6. Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

a. For educational institutions regularly operated on the semester system, \$200.00 per semester.

b. For educational institutions regularly operated on the quarter system, \$100.00 per quarter.

c. For educational institutions not regularly operated on the semester or quarter system, \$400.00 per full school year prorated on an equal basis as the board shall determine.

d. For veterans pursuing a program of part-time education, the tuition credit shall be in such amounts as the board shall determine. These veterans shall be eligible to receive awards during summer terms, provided that the total award during the period from September 1 to August 31 of any academic year does not exceed the amount of assistance a full-time student at the same institution would receive.

6. Section 7 of P.L.1975, c.356 (C.18A:71-70) is amended to read as follows:

C.18A:71-70 Reimbursement for tuition credit.

7. Reimbursement for tuition credit shall be made by the State Treasurer to the approved educational institution upon certification by the institution that the veteran is enrolled for the current period and upon certification by the board that the veteran is both eligible and entitled to tuition credit hereunder subject to the provisions of section 12 of this act. Reimbursement for tuition credit shall be made out of funds accumulated from the State Lottery.

7. Section 8 of P.L.1975, c.356 (C.18A:71-71) is amended to read as follows:

C.18A:71-71 Rules and regulations.

8. The board shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it deems necessary to effectuate the purposes of this act.

8. Section 12 of P.L.1975, c.356 (C.18A:71-75) is amended to read as follows:

C.18A:71-75 Insufficient appropriation; apportionment.

12. In the event that the amount appropriated in any fiscal year is insufficient to carry out in full the provisions of this act, the board shall apportion such amount among the eligible veterans applying for tuition credit pursuant to the act in proportion to the amount each such veteran would be allocated if the full amount were appropriated.

Repealer.

9. Section 10 of P.L.1975, c.356 (C.18A:71-73) and section 13 of P.L.1975, c.356 (C.18A:71-76) are repealed.

10. This act shall take effect immediately.

Approved November 30, 1990.

CHAPTER 120

AN ACT permitting local units to provide certain group insurance through joint insurance funds and amending P.L.1983, c.372.

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

1. Section 1 of P.L.1983, c.372 (C.40A:10-36) is amended to read as follows:

C.40A:10-36 Joint insurance fund; definitions.

1. a. The governing body of any local unit, including any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2), may by resolution or ordinance, as appropriate, agree to join together with any other local unit or units to establish a joint insurance fund for the purpose of insuring against liability, property damage, and workers' compensation as provided in Articles 3 and 4 of chapter 10 of Title 40A of the New Jersey Statutes, and providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, and may appropriate such moneys as are required therefor.

b. As used in this section:

(1) "life insurance" means life insurance as defined pursuant to N.J.S.17B:17-3;

(2) "health insurance" means health insurance as defined pursuant to N.J.S.17B:17-4 or service benefits as provided by health service corporations, hospital service corporations or medical service corporations authorized to do business in this State; and

(3) "dependent" means dependent as defined pursuant to N.J.S.40A:10-16.

2. This act shall take effect immediately, but shall remain inoperative for 180 days following enactment in order to allow sufficient time for the preparation of rules and regulations to implement its provisions.

Approved November 30, 1990.

CHAPTER 121

AN ACT to amend the "Fair Housing Act," approved July 2, 1985 (P.L.1985, c.222).

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

1. Section 13 of P.L.1985, c.222 (C.52:27D-313) is amended to read as follows:

C.52:27D-313 Petition for substantive certification.

13. a. A municipality which has filed a housing element may, at any time during a two-year period following the filing of the housing element, petition the council for a substantive certification of its element and ordinances or institute an action for declaratory judgment granting it six-year repose in the Superior Court. The municipality shall publish notice of its petition in a newspaper of general circulation within the municipality and county and shall make available to the public information on the element and ordinances in accordance with such procedures as the council shall establish. The council shall also establish a procedure for providing public notice of each petition which it receives.

b. Notwithstanding the provisions of subsection a. of this section, a municipality which filed a housing element prior to the effective date of this 1990 amendatory act, shall be permitted to petition for substantive certification at any time within two years following that filing, or within one year following the effective date of this 1990 amendatory act, whichever shall result in permitting the municipality the longer period of time within which to petition.

2. This act shall take effect immediately.

Approved November 30, 1990.

CHAPTER 122

AN ACT concerning certain death benefits and amending R.S.34:15-12, R.S.34:15-13, and R.S.34:15-21.

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

1. R.S.34:15-12 is amended to read as follows:

Schedule of payments.

34:15-12. Following is a schedule of compensation:

a. For injury producing temporary disability, 70% of the worker's weekly wages received at the time of the injury, subject to a maximum compensation of 75% of the average weekly wages earned

by all employees covered by the "unemployment compensation law" (R.S.43:21-1 et seq.) and a minimum of 20% of such average weekly wages a week. This compensation shall be paid during the period of such disability, not however, beyond 400 weeks. The amount of the maximum compensation shall be computed, determined, rounded out to the nearest dollar, and promulgated by the Commissioner of Labor on or before September 1 in each year based on said average weekly wages as of the calendar year preceding, and shall be effective as to injuries occurring in the calendar year following such promulgation. In any year in which the maximum benefit rate based upon said computation would not be increased or decreased beyond \$1.00 in amount, the rate promulgated theretofore shall continue.

b. For disability total in character and permanent in quality, 70% of the weekly wages received at the time of injury, subject to a maximum and a minimum compensation as stated in subsection a. of this section. This compensation shall be paid for a period of 450 weeks, at which time compensation payments shall cease unless the employee shall have submitted to such physical or educational rehabilitation as may have been ordered by the rehabilitation commission, and can show that because of such disability it is impossible for the employee to obtain wages or earnings equal to those earned at the time of the accident, in which case further weekly payments shall be made during the period of such disability, the amount thereof to be the previous weekly compensation payment diminished by that portion thereof that the wage, or earnings, the employee is then able to earn, bears to the wages received at the time of the accident. If the employee's wages or earnings equal or exceed wages received at the time of the accident, then the compensation rate shall be reduced to \$5.00. In calculating compensation for this extension beyond 450 weeks the above minimum provision shall not apply. This extension of compensation payments beyond 450 weeks shall be subject to such periodic reconsiderations and extensions as the case may require, and shall apply only to disability total in character and permanent in quality, and shall not apply to any accident occurring prior to July 4, 1923.

c. For disability partial in character and permanent in quality, weekly compensation shall be paid based upon 70% of the weekly wages received at the time of the injury, subject to a maximum compensation per week of 75% of the Statewide average weekly wages (SAWW) earned by all employees covered by the "unemployment compensation law" (R.S.43:21-1 et seq.) and paid in accordance with the following "Disability Wage and Compensation Schedule" and a minimum of \$35.00 per week. The amount of awards for up to and

including 180 weeks shall remain at the amounts listed in the "Disability Wage and Compensation Schedule" until January 1, 1982. On January 1, 1982, the dollar amounts listed for the first 180 weeks in the "Disability Wage and Compensation Schedule" shall be replaced by the following percentages of the Statewide average weekly wage:

\$47-20% of the Statewide average weekly wages, hereinafter referred to as "SAWW"	\$61-26% SAWW
\$49-21% SAWW	\$63-27% SAWW
\$51-22% SAWW	\$66-28% SAWW
\$54-23% SAWW	\$68-29% SAWW
\$56-24% SAWW	\$70-30% SAWW
\$59-25% SAWW	\$73-31% SAWW
	\$75-32% SAWW
	\$77-33% SAWW
	\$80-34% SAWW
	\$82-35% SAWW

In the event that the 20% limitation for attorney fees as set forth in R.S.34:15-64 is reduced to a maximum of 10% before January 1, 1982, the above schedule shall be effective within 60 days of such reduction in attorney fees. All amounts in the "Disability Wage and Compensation Schedule" shall be rounded out to the nearest dollar. When a claim petition alleges more than one disability, the number of weeks in the award shall be determined and entered separately for each such disability and the number of weeks for each disability shall not be cumulative when entering an award.

DISABILITY WAGE AND COMPENSATION SCHEDULE

Weeks of Allowable Compensation	Maximum Weekly Compensation Applicable
First 90 weeks.....	\$47
91 through 96 weeks	\$49
97 through 102 weeks	\$49 for the first 96 weeks then \$51 for each remaining week
103 through 108 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for each remaining week
109-114 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for each remaining week

Weeks of Allowable Compensation	Maximum Weekly Compensation Applicable
115-120 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for each remaining week
121-126 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for each remaining week
127-132 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for the next 6 weeks then \$63 for each remaining week
133-138 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for the next 6 weeks then \$63 for the next 6 weeks then \$66 for each remaining week
139-144 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for the next 6 weeks then \$63 for the next 6 weeks then \$66 for the next 6 weeks then \$68 for each remaining week
145-150 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks

Weeks of Allowable Compensation	Maximum Weekly Compensation Applicable
	then \$61 for the next 6 weeks
	then \$63 for the next 6 weeks
	then \$66 for the next 6 weeks
	then \$68 for the next 6 weeks
	then \$70 for each remaining week
151-156 weeks.....	\$49 for the first 96 weeks
	then \$51 for the next 6 weeks
	then \$54 for the next 6 weeks
	then \$56 for the next 6 weeks
	then \$59 for the next 6 weeks
	then \$61 for the next 6 weeks
	then \$63 for the next 6 weeks
	then \$66 for the next 6 weeks
	then \$68 for the next 6 weeks
	then \$70 for the next 6 weeks
	then \$73 for each remaining week
157-162 weeks.....	\$49 for the first 96 weeks
	then \$51 for the next 6 weeks
	then \$54 for the next 6 weeks
	then \$56 for the next 6 weeks
	then \$59 for the next 6 weeks
	then \$61 for the next 6 weeks
	then \$63 for the next 6 weeks
	then \$66 for the next 6 weeks
	then \$68 for the next 6 weeks
	then \$70 for the next 6 weeks
	then \$73 for the next 6 weeks
	then \$75 for each remaining week
163-168 weeks.....	\$49 for the first 96 weeks
	then \$51 for the next 6 weeks
	then \$54 for the next 6 weeks
	then \$56 for the next 6 weeks
	then \$59 for the next 6 weeks
	then \$61 for the next 6 weeks
	then \$63 for the next 6 weeks
	then \$66 for the next 6 weeks
	then \$68 for the next 6 weeks
	then \$70 for the next 6 weeks
	then \$73 for the next 6 weeks
	then \$75 for the next 6 weeks
	then \$77 for each remaining week

Weeks of Allowable Compensation	Maximum Weekly Compensation Applicable
169-174 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for the next 6 weeks then \$63 for the next 6 weeks then \$66 for the next 6 weeks then \$68 for the next 6 weeks then \$70 for the next 6 weeks then \$73 for the next 6 weeks then \$75 for the next 6 weeks then \$77 for the next 6 weeks then \$80 for each remaining week
175-180 weeks	\$49 for the first 96 weeks then \$51 for the next 6 weeks then \$54 for the next 6 weeks then \$56 for the next 6 weeks then \$59 for the next 6 weeks then \$61 for the next 6 weeks then \$63 for the next 6 weeks then \$66 for the next 6 weeks then \$68 for the next 6 weeks then \$70 for the next 6 weeks then \$73 for the next 6 weeks then \$75 for the next 6 weeks then \$77 for the next 6 weeks then \$80 for the next 6 weeks then \$82 for each remaining week
181-210 weeks	35% of the Statewide average weekly wages, hereinafter referred to as "SAWW"
211-240 weeks	40% of SAWW
241-270 weeks	45% of SAWW
271-300 weeks	50% of SAWW
301-330 weeks	55% of SAWW
331-360 weeks	60% of SAWW
361-390 weeks	65% of SAWW
391-420 weeks	70% of SAWW
421-600 weeks	75% of SAWW

Said compensation shall be expressly subject to the provisions of R.S.34:15-37, and shall be paid to the employee for the period named in the following schedule (paragraphs 1 to 23 inclusive):

Lost Member	Number of Weeks' Compensation
1. Thumb	75
2. First finger (commonly called index finger)	50
3. Second finger	40
4. Third finger	30
5. Fourth finger (commonly called little finger) ..	20
6. Great toe	40
7. Toe, other than a great toe	15
8. Hand, or thumb and first and second fingers (on one hand) or four fingers (on one hand)	245
9. Arm	330
10. Foot	230
11. Leg	315

12. The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of 1/2 of such thumb or finger, and the compensation shall be for 1/2 of the periods of time above specified. The loss of any portion of the thumb or any finger between the terminal joint and the end thereof shall be compensated for a like proportion of the period of time prescribed for the loss of the first phalange of such member.

13. The loss of the first phalange and any portion of the second shall be considered as the loss of the entire finger or thumb, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

14. The loss of the first phalange of any toe shall be considered to be equal to the loss of 1/2 of such toe, and compensation shall be for 1/2 of the period of time above specified.

15. The loss of the first phalange and any portion of the second shall be considered as the loss of the entire toe.

16. For the loss of vision of an eye, 200 weeks.

17. For the enucleation of an eye, 25 weeks, in addition to such compensation, if any, as may be allowable under paragraph 16 of this subsection.

18. For the loss of a natural tooth, four weeks for each tooth lost.

19. For the total loss of hearing in one ear, 60 weeks. For the total loss of hearing in both ears by one accident, 200 weeks.

20. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof as the result of any one accident, shall constitute total and permanent disability to be compensated according to the provisions of subsection b. of this section.

21. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand and amputation at the elbow shall be considered equivalent to the loss of the arm. Amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot, and amputation at the knee shall be considered equivalent to the loss of the leg. An additional amount of 30% of the amputation award shall be added to that award to compute the total award made in amputations of body members, provided, however, that this additional amount shall not be subject to legal fees.

22. In all lesser or other cases involving permanent loss, or where the usefulness of a member of any physical function is permanently impaired, the duration of compensation shall bear such relation to the specific periods of time stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. In cases in which the disability is determined as a percentage of total and permanent disability, the duration of the compensation shall be a corresponding portion of 600 weeks. Should the employer and employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, either party may appeal to the Division of Workers' Compensation for a settlement of the controversy.

23. Where there is a traumatic hernia, compensation will be allowed if notice thereof is given by the claimant to the employer within 48 hours after the occurrence of the hernia but any Sunday, Saturday or holiday shall be excluded from this 48-hour period.

d. If previous loss of function to the body, head, a member or an organ is established by competent evidence, and subsequently an injury or occupational disease arising out of and in the course of an employment occurs to that part of the body, head, member or organ, where there was a previous loss of function, then the employer or the employer's insurance carrier at the time of the subsequent injury or occupational disease shall not be liable for any such loss and credit shall be given the employer or the employer's insurance carrier for the previous loss of function and the burden of proof in such matters shall rest on the employer.

e. In case of the death of the person from any cause other than the accident or occupational disease, during the period of payments for permanent injury, the remaining payments shall be paid to such

of the deceased person's dependents as are included in the provisions of R.S.34:15-13 or, if no dependents, the remaining amount due, but not exceeding \$3,500.00, shall be paid in a lump sum to the proper person for burial and funeral expenses; but no compensation shall be due any other person than the injured employee on account of compensation being paid in excess of 450 weeks on account of disability total in character and permanent in quality as provided by subsection b. of this section.

2. R.S.34:15-13 is amended to read as follows:

Death benefits, burial expenses; computation and distribution.

34:15-13. Except as hereinafter provided, in case of death, compensation shall be computed, but not distributed, on the following basis:

- a. For one dependent, 50% of wages.
- b. For two dependents, 55% of wages.
- c. For three dependents, 60% of wages.
- d. For four dependents, 65% of wages.
- e. For five or more dependents, 70% of wages.

f. The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or the occurrence of occupational disease, or at the time of death, namely: husband, wife, parent, stepparents, grandparents, children, stepchildren, grandchildren, child in esse, posthumous child, illegitimate children, brothers, sisters, half brothers, half sisters, niece, nephew. Legally adopted children shall, in every particular, be considered as natural children. Dependency shall be conclusively presumed as to the decedent's spouse and to the natural children under 18 years of age of a decedent who were actually a part of the decedent's household at the time of the decedent's death. Every provision of this article applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments the right of such dependent to compensation under this section shall cease, but should the surviving spouse of a deceased employee remarry during such period and before the total compensation is paid, the spouse shall be entitled to receive the remainder of the compensation which would have been due the spouse had the spouse not remarried, or \$2,500, whichever is the lesser. The foregoing schedule applies only to persons wholly dependent, and in the case of persons only partially dependent, except in the case of the surviving spouse and children who were actually a part of the decedent's household at the time of death, the compensation shall be such

proportion of the scheduled percentage as the amounts actually contributed to them by the deceased for their support constituted of his total wages and the provision as to a minimum of 20% of the average weekly wage as set forth in subsection a. of R.S.34:15-12 shall not apply to such compensation. In determining the number of dependents, where the deceased employee was a minor, the number of persons dependent upon the deceased employee shall be determined in the same way as if the deceased employee were an adult, notwithstanding any rule of law as to the person entitled to a minor's wages.

g. Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the Division of Workers' Compensation, which shall, when applied to for that purpose, determine, upon the facts being presented to it, the proportion to be paid to or on behalf of each dependent according to the relative-dependency. Payment on behalf of infants shall be made to the surviving parent, if any, or to the statutory or testamentary guardian.

h. If death results from the accident or occupational disease, whether there be dependents or not, expenses of the last sickness of the deceased employee shall be paid in accordance with the provisions for medical and hospital service as set forth in R.S.34:15-15. In addition, the cost of burial and of a funeral, not to exceed \$3,500 shall be paid to the dependent or other person having paid the costs of burial and the funeral. In the event that the dependent or other person has paid less than \$3,500 for the costs of burial and the funeral, the dependent or other person shall be reimbursed in the amount paid and, if the costs of burial and the funeral exceed the amount so paid, the difference between the said amount and \$3,500 or so much thereof as may be necessary to pay the cost of burial and the funeral, shall be paid to the undertaker or embalmer or the dependent or other person having paid the costs of burial and the funeral. In the event that no part of the costs of burial and the funeral have been paid, the amount of such cost of burial and the funeral, not to exceed \$3,500, shall be paid to the undertaker or embalmer or the dependent or other person who is to pay the costs of burial and the funeral.

i. In computing compensation to those named in this section, except husband, wife, parents and stepparents, only those under 18 or over 40 years of age shall be included and then only for that period in which they are under 18 or over 40; provided, however, that payments to such physically or mentally deficient persons as are for such reason dependent shall be made during the full compensation period of 450 weeks.

j. The maximum compensation in case of death shall be subject to the maximum compensation as stated in subsection a. of R.S.34:15-12 and a minimum of 20% of average weekly wages per week as set forth in subsection a. of R.S.34:15-12, except in the case of partial dependency as provided in this section. This compensation shall be paid, in the case of a surviving spouse, during the entire period of survivorship or until such surviving spouse shall remarry except that any earnings from employment by the surviving spouse after 450 weeks of compensation have been paid shall be deducted from the compensation thereafter payable to the spouse and, in the case of other dependents, during 450 weeks and if at the expiration of 450 weeks there shall be one or more dependents under 18 years of age, compensation shall be continued for such dependents until they reach 18 years of age at the schedule provided under subsections a. to e. of this section.

3. R.S.34:15-21 is amended to read as follows:

Payments in case of death; to whom made; bond.

34:15-21. Payments in case of death; to whom made; bond. In case of death, compensation payments may be made directly to dependents of full age and on behalf of infants to the surviving parent, if any, or to the statutory or testamentary guardian of any such infant. The Division of Workers' Compensation, on application or when a petition has been filed, may order such payments to be made to the administrator or executor of the decedent, or to such person as would be appointed administrator of the estate of the decedent, and may, if compensation is to be paid weekly, require, in the discretion of the division, the filing with the division of a bond, with satisfactory surety, to the dependents, in an amount determined by the division, for the proper application of the compensation payments. If a commutation of the award is ordered and it is impracticable to make distribution of the commuted sum among the persons entitled thereto, then the division, on making the commutation, shall require a bond, with such sureties and in such amount as will, in the judgment of the division, fully secure the persons severally entitled to portions of the commuted sum.

4. This act shall take effect on the 90th day following enactment, and shall apply to all compensable deaths occurring on or after the effective date.

Approved November 30, 1990.

CHAPTER 123

AN ACT concerning certain exemptions from the tax on real property.

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

1. The governing body of each municipality may, by ordinance, upon a showing of good cause as to why a timely claim was not filed, forgive or return as the case may be, all taxes and any interest due thereon, levied against any property which would have been exempt pursuant to R.S.54:4-3.6, but which did not qualify for the exemption as an organization organized exclusively for religious purposes after the filing deadline for the claim for the exemption in the pretax year. No interest shall be paid by the municipality on any refund made pursuant to this section.

2. This act shall take effect immediately and shall expire 90 days next following enactment.

Approved December 10, 1990.

CHAPTER 124

AN ACT concerning the membership of the Vietnam Veterans' Memorial Committee.

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

1. The present membership of the Vietnam Veterans' Memorial Committee as reconstituted pursuant to P.L.1989, c.148 is expanded to consist of 10 additional public members who are residents of this State and who shall be appointed by the Governor. Any vacancy occurring among the members appointed pursuant to this act shall be filled in the same manner as the original appointments are made.

2. This act shall take effect immediately and shall expire on the day that the Vietnam Veterans' Memorial is officially dedicated.

Approved December 11, 1990.

CHAPTER 125

AN ACT concerning homemaker-home health aides and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).

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

C.45:11-24.2 Oral competency test for certification as homemaker-home health aide.

1. The board shall provide that a person may satisfy the examination requirement for certification as a homemaker-home health aide by passing an oral competency evaluation in English or Spanish.

2. This act shall take effect immediately.

Approved December 17, 1990.

CHAPTER 126

AN ACT appropriating \$151,002,000 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public universities and independent institutions of higher education.

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

1. There is appropriated to the Department of Higher Education from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of \$106,002,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. This sum shall be allocated to the following institutions of higher education which shall provide funds to support the project as provided below:

Project	Institution Funds	P.L.1988, c.78 Bond Funds
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT RUTGERS, THE STATE UNIVERSITY		
Reconstruction of the Law School at the Camden Campus of Rutgers, The State University	\$0	\$2,000,000
Renovation and Construction of the Center for Molecular and Behavioral Neuro-Sciences as part of Smith Hall at Rutgers, The State University	\$12,267,000	\$4,133,000
Utility Upgrade at Rutgers, The State University	\$228,000	\$2,999,000
Construction of the Graduate School of Management at Rutgers, The State University	\$1,990,000	\$2,910,000
Construction of a Psychology Facility at Rutgers, The State University	\$2,000,000	\$4,000,000
Expansion of the New Brunswick Library at Rutgers, The State University	\$5,260,000	\$10,716,000
Construction of the Nelson Biology Building at Rutgers, The State University	\$3,001,000	\$9,000,000
Addition to the Art Library at Rutgers, The State University	\$1,508,000	\$3,016,000
Construction of a Marine Science Facility at Rutgers, The State University	\$2,725,000	\$5,300,000
Addition to the Camden Library at Rutgers, The State University	\$0	\$7,400,000

Project	Institution Funds	P.L.1988, c.78 Bond Funds
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT THE AGRICULTURAL EXPERIMENT STATION OF RUTGERS, THE STATE UNIVERSITY		

Construction of the Agricultural/Biotechnology at Plant/Life Science Complex at the Agricultural Experiment Station at Rutgers, The State University	\$0	\$6,800,000

Construction of the Greenhouses at the Cook College Campus of the Agricultural Experiment Station, Rutgers, The State University	\$367,000	\$3,200,000

CONSTRUCTION OF HIGHER EDUCATION BUILDINGS
AT THE UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

Construction of the Environmental and Occupational Health Science Institute to be located on the Piscataway Campus of the University of Medicine and Dentistry (a joint project of the University of Medicine and Dentistry of New Jersey and Rutgers, The State University)	\$6,000,000	\$5,000,000

Construction of an addition to the Education and Research Building at the University of Medicine and Dentistry of New Jersey—School of Osteopathic Medicine, Stratford	\$0	\$3,500,000

Construction of a clinical academic building at the University of Medicine and Dentistry of New Jersey—Robert Wood Johnson Medical School, New Brunswick	\$40,392,522	\$5,000,000

Project	Institution Funds	P.L.1988, c.78 Bond Funds
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT THE NEW JERSEY INSTITUTE OF TECHNOLOGY		
Construction of a library and Industrial Administration building at New Jersey Institute of Technology	\$0	\$13,300,000
Addition to the Electrical Engineering building at New Jersey Institute of Technology	\$0	\$4,200,000
Renovations to the Student Support Services Center at New Jersey Institute of Technology	\$200,000	\$600,000
Addition to the School of Architecture building at New Jersey Institute of Technology	\$0	\$1,900,000
BOARD OF HIGHER EDUCATION STATEWIDE AND REGIONAL PROJECTS		
Construction of facilities with the CHEN (Council of Higher Education in Newark)	\$0	\$4,500,000
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT PRIVATE INSTITUTIONS OF HIGHER EDUCATION		
Construction of the School of Business Administration at Monmouth College	\$4,900,000	\$1,600,000
Convert Westminster Hall to academic space at Bloomfield College	\$620,000	\$600,000
Advanced Manufacturing Institute at Stevens Institute of Technology	\$2,814,000	\$1,300,000

Project	Institution Funds	P.L.1988, c.78 Bond Funds
Addition to the Science Building at Rider College	\$3,400,000	\$2,000,000
New wing and renovation of library at Caldwell College	\$1,005,000	\$750,000
Administration of the bond act		\$278,000.

2. a. There is created in the Department of Higher Education a Higher Education Facility Renovation and Rehabilitation Fund to be the depository of moneys appropriated thereto. Any interest earned on the moneys in the fund shall accrue to the fund and be available only for the purposes thereof. Moneys in the fund shall be used only for the renovation and rehabilitation of existing higher education buildings at State colleges, Rutgers, The State University, the New Jersey Institute of Technology and the University of Medicine and Dentistry of New Jersey. No moneys in the fund shall be expended without appropriation thereof by the Legislature which shall include specific allocations for each project to be funded.

b. There is appropriated to the Higher Education Facility Renovation and Rehabilitation Fund, \$45,000,000 from the "Jobs, Education and Competitiveness Fund" created pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, as provided for in subsection i. of section 5 of P.L.1988, c.78.

c. There is appropriated from the Higher Education Facility Renovation and Rehabilitation Fund, the following sums for the renovation and rehabilitation of facilities at the following institutions:

Glassboro State College	\$4,800,000
Jersey City State College	\$2,500,000
Kean College of New Jersey	\$3,500,000
Montclair State College	\$3,500,000
New Jersey Institute of Technology	\$2,400,000
The William Paterson College of New Jersey	\$4,800,000
Ramapo College of New Jersey	\$3,200,000
Rutgers, The State University	\$9,700,000
Richard Stockton State College	\$1,600,000

Trenton State College	\$3,800,000
University of Medicine and Dentistry of New Jersey	\$5,200,000.

3. The expenditures of the sums appropriated by this act are subject to the provisions and conditions of P.L.1988, c.78.

4. The New Jersey Department of Higher Education shall apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds among items of appropriation within section 1 of this act, provided that pursuant to section 5 of P.L.1988, c.78 any appropriation for Board of Higher Education Statewide and regional projects shall not be transferred to projects of construction of higher education buildings at the private institutions of higher education. Upon the approval of an application by the director and the Joint Budget Oversight Committee, or its successor, in writing, the director shall make the transfer as provided by law.

5. In addition to any other reporting requirement imposed pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the State Treasurer shall, through the Administrator of the General Services Administration in the Department of the Treasury, prepare and submit to the Joint Budget Oversight Committee, or its successor, periodic progress reports, based upon project site inspections and other inquiries, describing the status of projects at public and private institutions of higher education financed in whole or in part with moneys appropriated in this act. Each progress report shall indicate the total project cost, the funding sources allocated to the project, the status of construction or development of the project, an estimated project completion date and whether there are any potential scheduling or financial difficulties or circumstances warranting special attention or review by the Joint Budget Oversight Committee. The first such report shall be submitted not later than September 1, 1991 and each subsequent report shall be submitted at nine month intervals thereafter. The final report pursuant to this section shall be submitted within 30 days following the completion of all projects financed with moneys appropriated in this act, notwithstanding that such report is submitted less than nine months after the submission of the immediately preceding report.

6. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 127

AN ACT appropriating \$22,322,000 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's State Colleges and County Colleges.

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

1. There is appropriated to the Department of Higher Education from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of \$17,322,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping of classrooms, academic buildings, libraries, computer facilities and other higher education buildings. This sum shall be allocated among the following public institutions of higher education which shall provide funds in support of the project as provided below:

Project	Public Institution Funds	P.L.1988, C.78 Bond Funds
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT STATE COLLEGES		
Construction of a joint Camden City Campus for Camden County College and Glassboro State College to be located in the City of Camden	\$750,000	\$1,500,000
Addition and renovation to Armstrong Hall at Trenton State College	\$295,000	\$2,670,000
Renovation, restoration and addition to Kendall Hall at Trenton State College	\$0	\$2,640,000
Construction of the Music Building at Trenton State College	\$0	\$6,990,000

Project	Public Institution Funds	P.L.1988, C.78 Bond Funds
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT COUNTY COLLEGES		
Construction of the Center for Community Education and Recreation at Salem Community College	\$11,000	\$1,500,000
Expansion of James Kearney Campus of Mercer County Community College	\$0	\$2,000,000
Administration of the bond act		\$22,000.

2. There is appropriated to the Department of Higher Education from the "Jobs, Education and Competitiveness Fund" created pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of \$5,000,000, pursuant to subsection h. of section 5 of that act, for the construction of child day care facilities at the following institutions of higher education:

Rutgers, The State University	\$455,000
Atlantic Community College.....	\$139,000
Bergen Community College	\$302,500
Brookdale Community College	\$349,000
Burlington Community College	\$216,500
Camden Community College	\$289,500
Cumberland Community College	\$ 72,500
Essex Community College	\$203,000
Gloucester Community College	\$115,000
Hudson Community College	\$ 97,500
Mercer Community College	\$262,500
Middlesex Community College	\$314,500
Morris Community College.....	\$218,500
Ocean Community College	\$166,500
Passaic Community College.....	\$109,500
Raritan Community College.....	\$155,500
Union Community College	\$276,000
Warren Community College.....	\$ 32,500
New Jersey Institute of Technology	\$120,000
Glassboro State College.....	\$132,500

Jersey City State College	\$165,000
Kean College of New Jersey	\$240,000
Montclair State College	\$181,500
Ramapo College of New Jersey	\$ 88,000
Richard Stockton State College	\$ 82,000
Trenton State College	\$ 92,000
The William Paterson College of New Jersey	\$124,000.

3. The expenditures of the sums appropriated by this act are subject to the provisions and conditions of P.L.1988, c.78.

4. The New Jersey Department of Higher Education shall apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds among items of appropriation within this act pursuant to section 5 of P.L.1988, c.78. Upon the approval of an application by the director and the Joint Budget Oversight Committee, or its successor, in writing, the director shall make the transfer as provided by law.

5. In addition to any other reporting requirement imposed pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the State Treasurer shall, through the Administrator of the General Services Administration in the Department of the Treasury, prepare and submit to the Joint Budget Oversight Committee, or its successor, periodic progress reports, based upon project site inspections and other inquiries, describing the status of projects at the public institutions of higher education financed in whole or in part with moneys appropriated in this act. Each progress report shall indicate the total project cost, the funding sources allocated to the project, the status of construction or development of the project, an estimated project completion date and whether there are any potential scheduling or financial difficulties or circumstances warranting special attention or review by the Joint Budget Oversight Committee. The first such report shall be submitted not later than September 1, 1991 and each subsequent report shall be submitted at nine month intervals thereafter. The final report pursuant to this section shall be submitted within 30 days following the completion of all projects financed with moneys appropriated in this act, notwithstanding that such report is submitted less than nine months after the submission of the immediately preceding report.

6. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 128

AN ACT appropriating \$35,150,000 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the purpose of establishing and constructing research facilities for advanced technology centers.

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

1. There is appropriated to the New Jersey Commission on Science and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of \$35,150,000 for the purpose of establishing and constructing advanced technology centers. This sum shall be allocated as follows:

- a. Planning, design, construction and equipment for the Center for Agricultural Molecular Biology, to be located at Cook College of Rutgers, The State University\$16,955,000
- b. Planning and design for the field testing and extension satellite to the Center for Agricultural Molecular Biology, to be located at the Agricultural Experiment Station of Rutgers, The State University at Centerton, in Salem and Gloucester counties\$150,000
- c. Planning, design, construction and equipment for the Center for Photonics and Opto-Electronic Materials, to be located at Princeton University\$9,975,000
- d. Equipment funding for the Center for Surface Engineered Materials of the Consortium for Surface Processing, consisting of Rutgers, The State University, the New Jersey Institute of Technology, Princeton University, Stevens Institute of Technology, and the David Sarnoff Research Center, to be located at member institutions\$8,000,000
- e. Expenses for architectural and engineering services to the New Jersey Commission on Science and Technology \$70,000.

2. The expenditures of the sums appropriated by this act are subject to the provisions and conditions of P.L.1988, c.78.

3. The New Jersey Commission on Science and Technology shall apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds among items of appropriation within this act pursuant to section 5 of

P.L.1988, c.78. Upon the approval of an application by the director and by the Joint Budget Oversight Committee, or its successor, in writing, the director shall make the transfer as provided by law.

4. In addition to any other reporting requirement imposed pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the State Treasurer shall, through the Administrator of the General Services Administration in the Department of the Treasury, prepare and submit to the Joint Budget Oversight Committee, or its successor, periodic progress reports, based upon project site inspections and other inquiries, describing the status of advanced technology center projects at public and private institutions of higher education financed in whole or in part with moneys appropriated in this act. Each progress report shall indicate the total project cost, the funding sources allocated to the project, the status of construction or development of the project, an estimated project completion date and whether there are any potential scheduling or financial difficulties or circumstances warranting special attention or review by the Joint Budget Oversight Committee. The first such report shall be submitted not later than September 1, 1991 and each subsequent report shall be submitted at nine month intervals thereafter. The final report pursuant to this section shall be submitted within 30 days following the completion of all projects financed with moneys appropriated in this act, notwithstanding that such report is submitted less than nine months after the submission of the immediately preceding report.

5. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 129

AN ACT adding the Commissioner of Education to the membership of the Public Employees' Occupational Safety and Health Advisory Board and amending P.L.1983, c.516.

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

1. Section 4 of P.L.1983, c.516 (C.34:6A-28) is amended to read as follows:

C.34:6A-28 Advisory board.

4. There is created a Public Employees' Occupational Safety and Health Advisory Board to assist the commissioner in establishing standards for the occupational safety and health of public employees. The board shall make itself available to receive information regarding matters of concern to public employees in the areas of occupational safety and health. The advisory board, under the chairmanship of the commissioner, shall consist of the Commissioner of Education, the Commissioner of Health, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, the State Treasurer, or their designees, and 18 members to be appointed by the Governor, as follows: one member representing the fire service, one member representing municipalities, one member representing municipal employees, one member representing county government, one member representing employees of county government, one member representing State employees, one member representing public health care facilities, one member representing employees of public health care facilities, one member representing correctional institutions, one member representing employees of correctional institutions, one member representing law enforcement employees, one member representing local school boards, one member representing local school board employees, one member representing Rutgers, The State University, one member representing employees in institutions of higher education, and three members representing the public. The members selected by the Governor shall be selected on the basis of their experience and competence in the field of occupational safety and health. No more than nine members appointed by the Governor shall be from the same political party. Each member shall serve for a term of three years and until his successor is appointed and qualified. A vacancy shall be filled by appointment by the Governor to the unexpired term. The members of the advisory board shall serve without compensation but shall be entitled to reimbursement for their actual traveling expenses and other expenses incurred in the performance of their duties.

2. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 130

AN ACT concerning municipal planning board membership and amending P.L.1975, c.291.

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

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

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

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

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

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

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

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

The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member

boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

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

financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

c. In any municipality in which the term of the municipal governing body commences on January 1, the governing body may, by ordinance, provide that the term of appointment of any class of member of the planning board appointed pursuant to this section shall commence on January 1. In any municipality in which the term of the municipal governing body commences on July 1, the governing body may, by ordinance, provide that the term of appointment of any class of member appointed pursuant to this section commence on July 1.

2. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 131

AN ACT concerning title insurance fees and amending P.L.1975, c.106.

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

1. Section 1 of P.L.1975, c.106 (C.17:46B-1) is amended to read as follows:

C.17:46B-1 Certain words defined.

1. Certain words defined. As used in this act:

a. "Title insurance" means insuring, guaranteeing or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in or the unmarketability of the title to said property, guaranteeing, warranting, or otherwise insuring by a title insurance company the correctness of searches relating to the title to real property, or doing any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of this act.

b. The "business of title insurance" shall be deemed to be (1) the making as insurer, guarantor or surety, or proposing to make as insurer, guarantor or surety, of any contract or policy of title insurance; (2) the transacting or proposing to transact, any phase of the title insurance, including abstracting, examination of title, solicitation, negotiation preliminary to execution of a contract of title insurance, and execution of a contract of title insurance, insuring and transacting matters subsequent to the execution of the contract and arising out of it, including reinsurance; or (3) the doing, or proposing to do, any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of this act.

c. "Title insurance company" means any domestic company organized under the provisions of this act for the purpose of insuring titles to real estate, any title insurance company organized under the laws of another state or foreign government and licensed to insure titles to real estate within this State pursuant to section 25 of this act, and any domestic or foreign company having the power and authorized to insure title to real estate within this State as of the effective date of this act and which meets the requirements of this act.

d. "Applicants for insurance" shall be deemed to include all those, whether or not a prospective insured, who from time to time apply to a title insurance company, or to its agent, for title insurance, and who at the time of such application are not agents for a title insurance company.

e. "Premium" for title insurance means that portion of the fee charged by a title insurance company, agent of a title insurance company or approved attorney of a title insurance company, or any of them, to an insured or to an applicant for insurance, for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy.

f. "Fee" for title insurance means and includes the premium for the assumption of the insurance risk, charges for abstracting or searching, examination, determining insurability, and every other charge, whether denominated premium or otherwise, made by any title insurance company or title insurance agent.

g. "Commissioner" means the Commissioner of Insurance of the State of New Jersey.

h. "Approved attorney" means an attorney at law admitted to practice in the State of New Jersey, who is not an employee of a title insurance company or of a title insurance agent, upon whose examination of title and report thereon a title insurance company may issue a policy of title insurance.

i. "Title insurance agent" means a person, firm, partnership, association, corporation, cooperative or joint-stock company authorized in writing by a title insurance company to solicit insurance risks and collect fees in its behalf and who in the regular course of business as such agent shall perform all of the following functions: examine title to real estate, determine insurability in accordance with underwriting rules and standards prescribed by such title insurance company, and issue a title report, binder, or commitment to insure, and policy based upon the examination performed by such agent and determination of insurability as aforesaid. Provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company authorized to do a title insurance business within this State.

j. "Single insurance risk" means the insured amount of any policy or contract of title insurance issued by a title insurance company unless two or more policies or contracts are simultaneously issued on different estates in identical real property, in which event, it means the sum of the insured amounts of all such policies or contracts. However, any such policy or contract that insures a mortgage interest that is excepted in a fee or leasehold policy or contract, and which does not exceed the insured amount of such fee or leasehold policy or contract, shall be excluded in computing the amount of a single insurance risk.

k. "Net retained liability" means the total liability retained by a title insurance company under any policy or contract of insurance, or under a single insurance risk as defined in or computed in accordance with subsection j. of this section, after the purchase of reinsurance.

l. "Foreign title insurance company" means a title insurance company organized under the laws of any other state of the United States.

m. "Alien title insurance company" means any title insurance company incorporated or organized under the laws of any foreign nation or of any province or territory thereof, not included under the definition of "foreign title insurance company."

n. "Personal or controlled insurance" means a policy of title insurance where the source or origination of the application for insurance or where the insured or one of the insureds under such policy is, or the loss thereunder is payable to:

(1) The title insurance company issuing such policy, or (a) any person or corporation directly or indirectly owning or controlling

a majority of the voting stock or controlling interest in such title insurance company, or (b) any corporation which is directly or indirectly controlled by a person or corporation which also controls the title insurance company as described in paragraph (1)(a) of this subsection, or (c) any corporation making consolidated returns for United States income tax purposes with such title insurance company or any corporation described in paragraphs (1)(a) and (1)(b) of this subsection; or

(2) The title insurance agent issuing such policy, or

(a) If such title insurance agent is a natural person:

(i) his spouse, his employer or his employer's spouse; or

(ii) any person related to him or the persons mentioned in subparagraph (i) of paragraph (2)(a) of this subsection within the second degree by blood or marriage; or

(iii) if his employer is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation; or

(iv) if his employer is a partnership or association, any person owning an interest in such partnership or association.

(b) If such title insurance agent is a corporation,

(i) any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation; or

(ii) any corporation which is directly or indirectly controlled by a person who also controls the title insurance agent as described in subparagraph (i) of paragraph (2)(b) of this subsection; or

(iii) any corporation making consolidated returns for United States income tax purposes with any corporation described in subparagraph (i) or (ii) of paragraph (2)(b) of this subsection.

o. "Source" as used in this act means and includes clients and customers of attorneys at law and real estate brokers, where such attorney or broker acts as a title insurance agent in an individual, partnership or corporate capacity.

p. "Person" as used in this act means a firm, partnership, association, corporation, cooperative or joint-stock company as well as individuals, unless restricted by the context to an individual as distinguished from some other entity.

2. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 132

AN ACT concerning the purchase of credit for temporary service by certain members of the Police and Firemen's Retirement System of New Jersey and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.).

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

1. Notwithstanding any other law to the contrary, a member of the Police and Firemen's Retirement System of New Jersey who is an officer in the office of the county sheriff in a county of the second class with a population of more than 470,000 and less than 475,000 according to the 1980 federal decennial census may purchase credit for up to one year of temporary service which resulted, without interruption, in permanent employment by agreeing to make contributions covering the service. A member who applies to purchase credit for the service shall pay the full cost attributable to the increased benefits to be derived from the purchased credit in accordance with the actuarial method used to determine the cost at the time of the purchase. A member shall not be liable for any costs associated with the financing of pension adjustment benefits and health care benefits for retirees when purchasing credit. A member may purchase service credit under this act by making payments to the retirement system either in a lump sum or in regular monthly installments pursuant to any formula, rule or regulation which the Division of Pensions may establish.

If a member elects to purchase credit for temporary service and retires prior to completing payment therefor, the member shall receive a pro rata credit for the service purchased prior to the date of retirement, but if the member elects at the time of retirement, the member may make an additional lump sum payment at that time as will be necessary to provide full credit.

2. This act shall take effect immediately and shall expire one year thereafter.

Approved December 19, 1990.

CHAPTER 133

AN ACT to authorize the State of Ohio to become a member of the Middle Atlantic Interstate Forest Fire Protection Compact and amending P.L.1955, c.224.

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

1. Section 1 of P.L.1955, c.224 (C.32:24-1) is amended to read as follows:

C.32:24-1 Forest fire protection compact.

1. The Governor is hereby authorized and directed to execute a compact on behalf of this State with any one or more of the states of Delaware, Maryland, Ohio, Pennsylvania, Virginia and West Virginia, who may, by their legislative bodies, so authorize a compact, in form substantially as follows:

MIDDLE ATLANTIC INTERSTATE
FOREST FIRE PROTECTION COMPACT
ARTICLE I

The purpose of this compact is to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, and by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements.

ARTICLE II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

ARTICLE III

In each state the officer who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement co-operation between such states in forest fire prevention and control.

The compact administrators of the member states shall organize to co-ordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

The compact administrators shall formulate and, in accordance with need, from time to time revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put into effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees

and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost, or from loaning such equipment, or from donating such services to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact, the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article in accordance with the laws of the member states.

ARTICLE VI

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest fire fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest fire fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future co-operative relationship or arrangement between the United States Forest Service and a member state or states.

ARTICLE VII

The compact administrators may request the United States Forest Service to act as the primary research and co-ordinating agency of the Middle Atlantic Interstate Forest Fire Protection Compact in co-operation with the appropriate agencies in each state, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact admin-

istrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

ARTICLE VIII

The provisions of articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region; provided, that the Legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX

This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

2. Section 3 of P.L.1955, c.224 (C.32:24-3) is amended to read as follows:

C.32:24-3 Compact administrator.

3. The Commissioner of Environmental Protection, or someone designated by him, shall act as compact administrator for this State and represent this State in the Middle Atlantic Interstate Forest Fire Protection Compact.

3. This act shall take effect immediately.

Approved December 19, 1990.

CHAPTER 134

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, 1991 and regulating the disbursement thereof," approved June 27, 1990 (P.L.1990, c.43).

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 in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Economic Assistance

15-7550 Income Maintenance		\$1,044,291
Services Other Than Personal	(\$22,975)	
State Aid and Grants:		
Low income energy assistance—		
county administration	(81,454)	
Low income energy assistance	(939,862)	

2. This act shall take effect immediately.

Approved December 21, 1990.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating the week of May 13-19, 1990 as "Special Education Week" in the State of New Jersey.

WHEREAS, Approximately 165,000 children receive special education instruction in New Jersey's public and private schools; and

WHEREAS, Some 6,700 special needs children are enrolled in pre-school and early intervention programs in this State; and

WHEREAS, Thousands of special needs adults receive job counseling, housing assistance and continuing education instruction in New Jersey; and

WHEREAS, Thousands of parents, teachers, child study team members and school administrators give generously of their time and energy to support the learning needs of special education students; and

WHEREAS, The public school districts and the private schools of New Jersey make a major contribution to the public welfare by preparing thousands of exceptional persons to participate as citizens of this State and as members of society; and

WHEREAS, Local public school board members as well as the boards of directors and trustees of the private schools and agencies for the handicapped in the State serve as advocates of the rights of exceptional citizens; now, therefore,

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

1. The week of May 13-19, 1990 is proclaimed as "Special Education Week" in the State of New Jersey.

2. The citizens of this State are urged to recognize the contribution of public school board members, schools and agencies for the handicapped, educators, parents and the students themselves,

and to commend them for their dedication to ensuring quality education for the exceptional citizens of this State.

3. This joint resolution shall take effect immediately.

Approved May 16, 1990.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION declaring the second Saturday preceding the last Monday in May as New Jersey Shore Celebration Day and that it be annually observed with appropriate festivities.

WHEREAS, The New Jersey shore is a unique natural, recreational, and economic resource enjoyed not only by the citizens of the State but also by millions of visitors from all over the United States and the world, resulting in a multi-billion dollar tourism industry that is crucial to the economy of the State; and

WHEREAS, Because the productive coastal waters of New Jersey are teeming with life, the State enjoys a reputation for great seafood and benefits economically as well from the success of its recreational and commercial fisheries; and

WHEREAS, It is appropriate for the people of New Jersey to recognize the shore as a symbol of the State's identity, celebrate its beauty and contribution to the overall quality of life, promote the importance of seeking and maintaining a clean ocean and clean beaches for all to enjoy, and demonstrate appreciation for the magnificence and plenty of the sea and that these ends can be best achieved through a celebration to take place one week prior to the observed date of Memorial Day; now, therefore,

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

C.36:2-16 New Jersey Shore Celebration Day; established.

1. It is declared that the second Saturday preceding the last Monday in May, known as Memorial Day, shall be New Jersey

Shore Celebration Day, to be annually observed with appropriate festivities by the people.

C.36:2-17 Observance of New Jersey Shore Celebration Day; cooperation, coordination; encouraged.

2. The State government, the government of every county bordering on the New Jersey shore, and the government of every municipality located within a county bordering on the New Jersey shore are encouraged to coordinate their respective observances and cooperate to make New Jersey Shore Celebration Day an annual coastwide event.

3. Upon approval by the Governor, duly authenticated copies of this joint resolution shall be transmitted to the Commissioner of Commerce, Energy and Economic Development, the Director of the Division of Travel and Tourism in that department, the Commissioner of Environmental Protection, the governing body of every county bordering on the New Jersey shore, and the governing body of every municipality located within a county bordering on the New Jersey shore.

4. This joint resolution shall take effect immediately.

Approved May 24, 1990.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION declaring that June 19th shall be designated hereinafter as "Baseball Day" in the City of Hoboken, County of Hudson.

WHEREAS, Baseball, the most cherished of this country's sports and now played throughout the world, is a uniquely American game and remains an abiding institution of this nation, maintaining a hold upon the imagination of generations of players and fans alike that is both emotional and rational in nature and nostalgic in feeling, bringing enjoyment to spectators as well as participants who watch and play the game at a variety

of levels, diverse in their backgrounds, yet inexorably drawn together by a love for this, our "national pastime"; and

WHEREAS, The City of Hoboken, County of Hudson, holds a historic and significant place in the development of the game of baseball, for on June 19, 1846 on the Elysian Fields of that city, under rules developed by surveyor and amateur athlete Alexander Joy Cartwright, the first truly organized baseball game was played in which the New York Nine defeated the New York Knickerbockers by a score of 23-1, in a game that featured teams of nine men on a diamond-shaped playing field with a hardball, in accord with rules, players and field dimensions that govern the game to this day; and

WHEREAS, This historic role of the City of Hoboken has been overlooked through the passage of years, as well as through acts of historical revisionism by others, and that it is altogether fitting and proper for the Legislature to address these historic inaccuracies and reassert the importance of the City of Hoboken in the history of baseball, and to this end encourage a public celebration of the role that the City of Hoboken has played in the development of baseball, and that this celebration take place annually on June 19, as a reminder to the citizens of this State and nation of Hoboken's role as the birthplace of baseball; now, therefore,

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

1. The Government of the State of New Jersey, on behalf of the citizens of the City of Hoboken, for the purposes presented in the preamble hereto, declare June 19 of this year and each year hereafter to be "Baseball Day" in the City of Hoboken, to be annually observed with appropriate festivities by the people.
2. Upon approval by the Governor, duly authenticated copies of this joint resolution shall be transmitted to the Mayor and City Council of the City of Hoboken, County of Hudson.
3. This joint resolution shall take effect immediately.

Approved June 19, 1990.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION memorializing the Congress of the United States to take all appropriate action, to encourage private sector expansion of the market for post-consumer waste as a manufacturing feedstock, and to institute source separation and recycling programs in all entities of the federal government.

WHEREAS, The Congress of the United States recognized in the "Resource Conservation and Recovery Act of 1976," Pub. L. 94-580 (42 U.S.C. §6901 et seq.) that technological developments in the packaging of consumer products, and population growth and concentration in metropolitan areas, have required a coordinated intergovernmental response in developing methods and processes to reduce the amount of unsalvageable materials entering the waste stream and to encourage the recovery and recycling of as much of the salvageable waste stream as possible; and

WHEREAS, The State of New Jersey, as well as many others in the Northeast, having developed a solid and hazardous waste disposal system consistent with the criteria established in the "Resource Conservation and Recovery Act of 1976," has focused attention on the recycling of usable post-consumer waste in order to reduce the ever-increasing volume of the solid waste stream for which land based disposal techniques must be utilized; and

WHEREAS, Having enacted legislation which facilitates the planning and construction of energy recovery facilities, New Jersey has reexamined the various disincentives to other methods of recycling and virtually without exception has found that the most serious impediment to materials recycling is the dearth of profitable markets for these materials; and

WHEREAS, The lack of an adequate market for recyclable post consumer waste, negating the cost avoidance strategies associated with source separation, is not subject to simplistic local remedy, but rather requires a sophisticated intergovernmentally coordinated approach, recognizing international competition in raw material production, financial incentives to encourage utilization of recyclables as manufacturing feedstock, and interstate distribution; and

WHEREAS, The federal government could serve as a laboratory, as well as providing technical and financial assistance, by instituting a source separation and collection system for recyclable aluminum, glass, and paper at all federal facilities and by seeking to encourage the development of a market for those recyclables; and

WHEREAS, In light of the pressing need to reduce the amount of solid waste disposed of at land-based facilities and the recognition that a national priority requires a national commitment, it is altogether fitting and proper that the State of New Jersey petition for, and the Congress and President of the United States adopt, legislation which would encourage recycling of post-consumer waste, require all federal facilities to separate recyclable materials, encourage the development of a market therefor, and to study the advisability of providing certain tax incentives which would encourage utilization of recyclables as manufacturing feedstock; now, therefore,

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

1. The government of the State of New Jersey, on behalf of the citizens of this State, for the urgent public policy purposes presented in the preamble hereto, respectfully memorializes the Congress and the President of the United States to take all appropriate action to encourage private sector expansion of the market for post-consumer waste as a manufacturing feedstock, and to institute source separation and recycling programs in all entities of federal government.

2. Upon approval by the Governor, duly authenticated copies of this joint resolution shall be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of both Houses of Congress, and to every member of the Congress representing New Jersey.

3. This joint resolution shall take effect immediately.

Approved June 28, 1990.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION declaring the week beginning December 9, 1990 and the week beginning December 8, 1991, as "Human Rights Week" in this State.

WHEREAS, On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights; and

WHEREAS, That declaration is a significant milestone in the progress of humanity towards the goals of defining, establishing, and protecting the basic rights inherent in all human beings by virtue of their humanity; and

WHEREAS, The principles underlying the declaration have been more recently embodied in the Helsinki Agreement, entered into by 33 European nations, as well as the United States and Canada; and

WHEREAS, The Helsinki Agreement has initiated a new phase in the struggle to establish basic human rights on a secure and universal basis; and

WHEREAS, It is fitting that the continuing, world-wide effort to secure human rights should be accorded formal and appropriate public recognition and observance in this State; now, therefore,

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

1. The week beginning December 9, 1990 and the week beginning December 8, 1991, are declared as "Human Rights Week" in New Jersey.

2. All citizens and all public and private agencies and organizations in this State are urged to recognize "Human Rights Week" by appropriate observances.

3. This joint resolution shall take effect immediately.

Approved December 10, 1990.

**AMENDMENTS
ADOPTED IN 1990
TO THE 1947 CONSTITUTION**

(967)

Amendments Adopted in 1990 to the 1947 Constitution

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, Section VII, paragraph 2 of the Constitution to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for

prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions, State aid for education ; and

D. It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of, eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law.

Adopted November 6, 1990

Effective December 6, 1990

EXECUTIVE ORDERS

EXECUTIVE ORDER No. 225

WHEREAS, Executive Order No. 17, signed on October 5, 1982, created a New Jersey Advisory Council on Holocaust Education (Advisory Council) to assist and advise in the implementation of education programs on the Holocaust and genocide in the public schools; and

WHEREAS, Executive Order No. 17, as amended by Executive Orders Nos. 87 and 168, is to terminate on March 31, 1990; and

WHEREAS, The Advisory Council has provided valuable assistance that should continue to be available for public school districts that seek to enhance their curricula on the Holocaust and on genocide in world history;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Advisory Council on Holocaust Education shall continue in existence through and including September 1, 1990.
2. Except as expressly provided herein, Executive Orders Nos. 17, 87 and 168 shall remain in full force and effect.
3. This Order shall take effect immediately.

Issued January 10, 1990.

EXECUTIVE ORDER No. 226

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 202 of January 26, 1989 will expire on January 20, 1990; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Order No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; No. 8 (Kean) of May 20, 1982; No. 27 (Kean) of January 10, 1983; No. 43 (Kean) of July 15, 1983; No. 60 (Kean) of January 20, 1984; No. 78 (Kean) of July 20, 1984; No. 89 (Kean) of January 18, 1985; No. 127 (Kean) of January 17, 1986; No. 155 (Kean) of January 12, 1987; No. 184 (Kean) of January 4, 1988; and No. 202 (Kean) of January 26, 1989 shall remain in effect until January 20, 1991 notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 12, 1990.

EXECUTIVE ORDER No. 1

WHEREAS, In our representative form of government, it is essential that the conduct of public officials shall hold the respect and confidence of the people; and

WHEREAS, Those in government hold positions of public trust that require adherence to the highest standards of honesty, integrity and impartiality; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his official capacity in any matter where he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, It is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

WHEREAS, The disclosure of personal interest of public officials will serve to restore the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. Every public employee and public officer as such terms are defined in section 7 hereof shall file a sworn and duly notarized statement which is current as of five days prior to the date of filing. Each statement shall include the following information:

- a. The name and position of the public officer;
- b. Any occupation, trade, business or profession engaged in by the public officer, his or her spouse, and dependent children that is subject to licensing or regulation by a State agency;
- c. A list of all assets having a value of more than \$1,000, both tangible and intangible, in which a direct or indirect interest is held by the public employee or public officer, his or her spouse, and dependent children, valued as if the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset. Where stocks and bonds are involved, there shall be included the name of the company or government agency issuing them; except that whenever such interest exists through ownership in a mutual fund or holding company, the stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such a trust shall be listed only if the public employee or public officer has knowledge of what stocks and bonds are so held. Where more than 10 percent of the stock of a corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, including municipality and block and lot number, size, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant of such property or that has before it an application, complaint or proceeding directly affecting such property. Assets of a public employee and his or her spouse shall be listed according to the following categories:
 - (i) greater than \$1,000, but not more than \$5,000;
 - (ii) greater than \$5,000, but not more than \$25,000;
 - (iii) greater than \$25,000, but not more than \$50,000;
 - (iv) greater than \$50,000, but not more than \$100,000;

(v) greater than \$100,000, but not more than \$250,000;

(vi) greater than \$250,000.

The value of assets of (1) the dependent children of a public employee or (2) a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission on Ethical Standards;

d. A list of all liabilities of the public employee or public officer, his or her spouse, and dependent children, valued by category in the same manner as required by subsection c. above, except liabilities which are:

(1) Less than \$10,000 and owed to a relative as defined in section 7 hereof;

(2) Less than \$1,000 and owed to any other person;

(3) Loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and the outstanding balance did not exceed \$10,000 as of the close of the preceding calendar year; and

(4) Revolving charge accounts where the outstanding liability does not exceed \$10,000 as of the close of the preceding calendar year;

e. A list of all liabilities otherwise subject to disclosure pursuant to subsection d. above of the public employee or public officer, his or her spouse, and dependent children which have been forgiven by the creditor within 12 months of the statement date. For each such forgiven liability so listed, the name of the creditor to whom such liability was owed shall be stated;

f. A list of all sources of income of the public employee or public officer, his or her spouse, and dependent children including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honorariums, lecture fees and other miscellaneous sources of income including,

but not limited to, interest, dividends, royalties and rents. The statement shall disclose sources of income for the 12-month period immediately preceding the filing date of the statement. Amounts of income shall be disclosed by a public employee and his or her spouse for the calendar year immediately preceding the filing date, provided, that is, the filing occurs after July 1, of any year, the amount of income disclosed shall be accurate through 30 days preceding the filing date. The amounts of such income received shall be listed and valued by category in the same manner of assets as set forth in subsection c. (i) through (vi) above. The amount of income of (1) the dependent children of a public employee, or (2) of a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission on Ethical Standards. Not required to be reported as a source of income are:

(1) Cash gifts in an aggregated amount of less than \$100 received during the preceding 12 months from a person;

(2) Noncash gifts with an aggregated fair market value of less than \$200 received during the preceding 12 months from a person; and

(3) Gifts with an aggregated cash or fair market value of less than \$3,000 received during the preceding 12 months from a relative;

g. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public employee or public officer, his or her spouse, and dependent children with any firm, corporation, association, partnership or business that either does business with or is licensed, regulated or inspected by a State agency.

2. Each statement shall contain a certification by the public employee or public officer that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct and complete and that he or she has not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within 90 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein with

the Office of the Governor and two (2) copies bearing an original signature with the Executive Commission on Ethical Standards. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A.52:13D-12 et seq. and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A.47:1A-1 et seq.;

b. Each prospective public employee and public officer shall, before assuming the office to which he or she has been appointed, satisfy the filing requirements of this Order, unless the Attorney General grants to such officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be of more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter, provided, however, that public employees and public officers who file statements on or after January 16, 1990 but prior to May 14, 1990 need not file an updated statement on May 15, 1990 so long as the person who submitted such statement is a public employee or public officer of this State as defined in section 7 of this Order.

4. The Executive Commission on Ethical Standards shall keep the approved statements on file for so long as the person submitting such statement is a public employee or public officer of this State, and for five years thereafter.

5. The Executive Commission on Ethical Standards shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform the acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms and instructions to be utilized by public employees and public officers in complying with this Order.

6. The willful failure of a public employee or public officer to comply with this Order shall constitute cause for his or her removal from office by those having the power of removal.

7. For the purpose of this order:

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of State government, together with any offices added to such list by subsequent gubernatorial Executive Order:

(1) The Governor;

(2) The head of a principal department;

(3) The assistant or deputy heads of a principal department to include all assistant and deputy commissioners of such department;

(4) The head and assistant heads of a division of a principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;

(5) The executive or administrative head of (i) any board or commission which is organized as in but not of a principal department or (ii) any independent authority;

(6) The following members of the staff of the Office of the Governor:

(i) Chief of Staff;

(ii) Director, Office of Management and Planning;

(iii) Legislative Counsel;

(iv) Chief Policy Advisor;

(v) Director of Communications;

(vi) Press Secretary;

(vii) Counsel to the Governor;

(viii) Executive Assistant to the Governor and any deputy or principal administrative assistant to any of the foregoing;

b. "Public officer" shall mean the members of the following boards, commissions or independent authorities, together with any offices or bodies added to such list by subsequent gubernatorial Executive Order:

- (1) Atlantic City Convention Center Authority;
- (2) New Jersey Building Authority;
- (3) Capital City Redevelopment Corporation;
- (4) Casino Reinvestment Development Authority;
- (5) New Jersey Economic Development Authority;
- (6) New Jersey Expressway Authority;
- (7) New Jersey Highway Authority;
- (8) New Jersey Transportation Trust Fund Authority;
- (9) New Jersey Turnpike Authority;
- (10) North Jersey District Water Supply Commission;
- (11) Passaic Valley Sewerage Commission;
- (12) Passaic Valley Water Commission;
- (13) New Jersey Public Broadcasting Authority;
- (14) Rahway Valley Sewerage Authority;
- (15) South Jersey Port Corporation;
- (16) New Jersey Sports and Exposition Authority;
- (17) Casino Control Commission;
- (18) Pinelands Commission;
- (19) Hackensack Meadowlands Development Commission;

(ii) individuals appointed as a New Jersey member to the following interstate agencies:

- (1) Atlantic States Marine Fisheries Commission;
- (2) The Delaware River and Bay Authority;
- (3) Delaware River Basin Commission;
- (4) Delaware River Joint Toll Bridge Commission;
- (5) Delaware River Port Authority;
- (6) Delaware Valley Regional Planning Commission;
- (7) Education Commission of the States;
- (8) Interstate Sanitation Commission;
- (9) Northeast Interstate Low-Level Radioactive Waste Commission;
- (10) Palisades Interstate Park Commission;
- (11) Port Authority of New York and New Jersey;
- (12) Port Authority Trans Hudson Corporation;
- (13) South Jersey Port Corporation;
- (14) Waterfront Commission of New York Harbor;

(iii) together with any offices or bodies added to such list by subsequent gubernatorial Executive Order;

c. "Government instrumentality" shall mean the Legislative, Judicial and Executive Branches of State government, including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

d. "State agency" shall mean any of the principal departments in the Executive Branch of State government, and division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

e. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

8. Executive Order No. 2 of Governor Thomas H. Kean and any subsequent Executive Orders issued in conjunction therewith are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

9. This Order shall take effect immediately.

Issued January 18, 1990.

EXECUTIVE ORDER No. 2

WHEREAS, The State of New Jersey faces significant threats to its water, air and earth from pollution; and

WHEREAS, Conquering those threats and ensuring a high quality of life for all New Jerseyans would be furthered by the creation of a system of coordinated, coherent and effective criminal, civil and administrative enforcement, including swift and sure criminal and /or civil and/or administrative enforcement in matters involving either a chronic environmental offender or a situation which poses a serious threat to public health or to the environment (hereinafter "priority cases"); and

WHEREAS, A coordinated enforcement policy and effective criminal and/or civil and/or administrative prosecution of priority cases would best be achieved by creation of the position of Environmental Prosecutor with centralized responsibility to

achieve a coordinated enforcement policy and to oversee the prosecution of enforcement actions in priority cases;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The position of Environmental Prosecutor is hereby created in the Department of Law and Public Safety with the rank of Assistant Attorney General. The Environmental Prosecutor shall be appointed by and serve at the pleasure of the Governor, and shall serve under the supervision and direction of the Attorney General.

2. The Environmental Prosecutor shall have access to the support and resources of the Department of Law and Public Safety, including, without limitation, such clerical and support staff as may be necessary to discharge his or her responsibilities, access to the Environmental Prosecution Unit within the Division of Criminal Justice and access to the Environmental Section of the Division of Law.

3. The Environmental Prosecutor shall establish a coordinated enforcement policy and shall oversee the prosecution of enforcement actions in priority cases.

In furtherance of these responsibilities, the Environmental Prosecutor shall, under the supervision of the Attorney General as aforesaid, have the following powers and obligations:

(A) The Environmental Prosecutor shall have access to all information concerning environmental enforcement which is in the possession of all State agencies. Such information will include agency inspection reports and license information, individual case files, and intelligence information such as that compiled and maintained by the Divisions of State Police and Criminal Justice.

(B) The Environmental Prosecutor shall meet on a regular basis with representatives of all State departments and agencies with environmental enforcement responsibilities: (i) to identify individual matters as priority cases; (ii) to set specific goals and strategies for the most effective resolution of each such case, whether by criminal or civil or administrative enforcement action

or some combination thereof; and (iii) to formulate and evaluate proposals for legislative, administrative and/or judicial initiatives to strengthen environmental enforcement and to further a coordinated enforcement policy.

(C) The Environmental Prosecutor shall oversee the processing, progress and prosecution of individual priority cases. He or she shall work with the Directors of the Divisions of Law and Criminal Justice when such matters are receiving, or should receive, the attention of the Attorney General. He or she shall also work through the heads of other departments and agencies to oversee administrative enforcement activities in priority cases which do not involve direct Attorney General attention.

(D) In connection with environmental enforcement activities, the Environmental Prosecutor shall act as the liaison for the Executive Branch of government with agencies involved in environmental enforcement outside the Executive Branch including federal agencies and the judiciary. In this connection, an initiative currently being developed for the judiciary would, if adopted, create a chronic environmental offender program. Among other things, the program would involve the assignment of a judge to review pending cases in an effort to insure that egregious matters are moved and disposed of with dispatch. The Environmental Prosecutor would coordinate and link his or her activities with the overseer of any such judicial initiative.

4. All departments and agencies of State government with environmental enforcement responsibilities are hereby directed to cooperate with and to support fully the Environmental Prosecutor in the discharge of his or her responsibilities and obligations.

5. The Environmental Prosecutor shall report to the Governor and to the Attorney General after six (6) months of service, and at reasonable and appropriate intervals thereafter, as to the progress of his or her work and as to whether any further administrative and/or legislative action would be desirable to assist in the discharge of his or her duties.

6. This Order should take effect immediately.

Issued January 24, 1990.

EXECUTIVE ORDER No. 3

WHEREAS, The Water Quality Planning Act, N.J.S.A.58:11A-1 et seq., requires that the Governor adopt each areawide water quality management plan developed by the Department of Environmental Protection (DEP) or by planning agencies designated by the Governor; and

WHEREAS, The Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C.A. §1251 et seq., as amended by Pub. L. 92-500 (1972), and the regulations promulgated thereto by the United States Environmental Protection Agency (USEPA) require that the Governor of each state certify water quality management plans for submission to the USEPA and designate management agencies to carry out such plans; and

WHEREAS, To further the water quality management planning process, the Clean Water Act was amended in 1987 to require that the Governor of each state submit assessment reports and management programs for nonpoint sources of water pollution to the USEPA; and

WHEREAS, The DEP has been and will continue to be the lead State agency in administering and supervising Statewide efforts toward adopting comprehensive water quality management plans, including, but not limited to, the designation of the management agencies to implement such plans and the preparation of assessment reports and management programs for nonpoint sources of water pollution; and

WHEREAS, It is desirable for the Commissioner of Environmental Protection to be authorized to act on behalf of the Governor in the adoption and submission of water quality management planning documents as required by both federal and State laws;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of Environmental Protection is designated to act on behalf of the Governor in the proposal and adoption of

areawide water quality management plans and amendments thereto under the Water Quality Planning Act, N.J.S.A.58:11A-1 et seq.

2. The Commissioner is designated to act on behalf of the Governor in the certification of water quality management plans and amendments thereto and the designation of management agencies to carry out such plans as required under the Clean Water Act.

3. The Commissioner is designated to act on behalf of the Governor in the submission of assessment reports and management programs to the USEPA for nonpoint sources of water pollution as required under the Clean Water Act.

4. The Commissioner may delegate to the Director of the Division of Water Resources the authority received from the Governor pursuant to sections 1 and 2 of this Executive Order to propose and adopt areawide water quality management plans and amendments thereto, to designate management agencies and to certify the adoption of water quality management plans and amendments.

5. This Order shall take effect immediately and shall be retroactive to the extent necessary to ratify any actions taken by the department pertaining to the certification, proposal or adoption of water quality management plans and amendments thereto or the designation of management agencies to carry out such plans prior to the date of this Order.

Issued January 26, 1990.

EXECUTIVE ORDER No. 4

WHEREAS, State government is entrusted with the responsibility to provide services to the public in a manner that carefully conserves taxpayer dollars; and

WHEREAS, The cost of acquiring and maintaining the State's fleet of cars constitutes a significant public expense; and

WHEREAS, The assignment and use of State cars must be scrutinized to ensure that the size of the State's car fleet is tailored to meet the legitimate needs of State workers on public business in the most cost-efficient manner; and

WHEREAS, The misuse of State cars shall not be tolerated and must result in the imposition of timely disciplinary sanctions on those who have been determined to misuse these cars;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Department of the Treasury shall assume title, management, control and supervision over all State cars, whether owned or leased by the State.
2. The State Treasurer shall issue such guidelines and promulgate such rules or regulations as may be necessary to assure the proper assignment and use of State-owned and leased cars.
3. The Commissioner of Personnel shall issue such guidelines and promulgate such rules and regulations as may be necessary for the discipline of State employees who misuse State cars or fail to comply with any guideline, rule or regulation promulgated by the State Treasurer pursuant to section 2 of this Order.
4. This order shall take effect immediately and shall supersede any Executive Order to the extent inconsistent with this Order.

Issued January 31, 1990.

EXECUTIVE ORDER No. 5

WHEREAS, Executive Order No. 213 established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter "Study Commission") to investigate, research and report on the nature and scope of any discrimination in public works pro-

curement and construction contracts awarded by the State and recommend remedies for any discrimination; and

WHEREAS, Executive Order No. 213 requires the Study Commission to report its findings and recommendations concerning past and present discriminatory practices in public works procurement and construction contracts to the Governor by February 14, 1990; and

WHEREAS, The Study Commission would benefit from additional time to prepare a comprehensive report to the Governor;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Study Commission shall report its findings and recommendations concerning past and present discriminatory practices in public works procurement and construction contracts no later than one year from the effective date of this Order.

2. Except as provided in section 1 of this Executive Order, all other terms of Executive Orders Nos. 213 and 214 shall remain in force and effect.

3. This Order shall take effect immediately.

Issued February 9, 1990.

EXECUTIVE ORDER No. 6

WHEREAS, The Attorney General is generally charged by law to be the sole legal adviser, attorney or counsel for all officers, departments, boards, bodies, commissions and instrumentalities of State Government, except as specifically provided by statute, and to represent them in all proceedings or actions of any kind which may be brought for or against them in any court in this State and to interpret for them all constitutions, statutes, laws and legal documents, to inspect

and approve contracts and titles and otherwise control their legal activities, to act as their exclusive legal representative, and to attend generally to all legal matters in which the State or any officer, department, board, body, commission or instrumentality of the State Government is a party or in which its rights or interests are involved; and

WHEREAS, All officers, departments, boards, bodies, commissions and instrumentalities of State Government are expressly prohibited by law from employing any person to act as attorney, counsel, solicitor, legal assistant or other legal adviser for the purpose of giving legal advice or rendering legal services, except as specifically authorized by statute; and

WHEREAS, The Attorney General has the discretionary authority to assign an attorney to serve in any legal capacity for any officer, or in any department or instrumentality of the State Government whenever, in the judgment of the Attorney General, such an assignment will contribute to the efficiency and effective provision of legal services; and

WHEREAS, No special counsel shall be employed for the State or by any officer, department, board, body, commission, or instrumentality of the State Government, except by authority of the Attorney General, and then only with the approval of the Governor; and

WHEREAS, These requirements are intended to provide competent, objective legal advice and representation to all of State Government subject to the supervision and coordination of the Attorney General, and to ensure the attainment of a consistent and uniform legal position in furtherance of implementing the policies of the Governor; and

WHEREAS, Despite the requirements, numerous attorneys have been employed outside the Department of Law and Public Safety, many of whom may provide legal advice and representation which, by law, is required to be provided by the Attorney General; and

WHEREAS, I have determined that it is in the public interest to reaffirm, unequivocally, the role of the Attorney General as

the chief legal adviser for the State of New Jersey and to require strict adherence to the requirements outlined above;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. At no time shall any person employed by any officer, department, board, body, commission or instrumentality of State Government ("State entity"), including "in but not of" agencies, act as, or cause any person to believe he or she is acting as, an attorney, counsel, solicitor, legal assistant or other legal adviser to any State entity unless that person is an assistant or deputy attorney general or other attorney authorized to do so by the Attorney General; nor shall any such person, other than an assistant or deputy attorney general or other attorney authorized to do so by the Attorney General, utilize or be denominated by any title such as "attorney," "counsel," "solicitor," "legal assistant" or "legal adviser."

2. In addition, without in any way limiting the provisions of section 1 hereof, the following shall apply:

a. The Attorney General shall have the sole authority to provide legal advice of any nature whatsoever to any State entity;

b. The Attorney General shall have the sole authority to provide advice as to the legality of all regulations or legislation, or amendments hereto;

c. The Attorney General shall be solely responsible for and shall have exclusive control over the conduct of all judicial and administrative litigation involving any State entity.

3. Consistent with the requirements of law and the intent and spirit of this Executive Order, attorneys may be employed by State entities, but they may not perform any function assigned to the Attorney General by law or by this Executive Order. Such attorneys may do the following:

a. Provide guidance as to the nature and substance of the various statutes and regulations governing the responsibilities of the

employing State entity, but only as said statutes and regulations are interpreted by the Attorney General;

b. Participate in negotiations on behalf of the employing entity, but only to the extent that any nonlawyer employee may so participate and not in a manner which could cause any other person to believe that he or she is acting as an attorney for such entity;

c. Appear for the employing entity in any proceeding in which an attorney is not required, but not in a manner which would cause any other person to believe that he or she is acting as an attorney for such entity, provided, however, that such attorneys may represent a State entity in a matter before the Office of Administrative Law but only with the prior written consent of the Attorney General;

d. Draft proposed regulations and proposed legislation, and amendments thereto, in accordance with the policy objectives of the employing entity, subject to the provision of paragraph 2b. above, and reduce to writing interim and final agency orders, subject to the review of the Attorney General;

e. Provide such litigation support as may requested by the Attorney General, subject to the supervision of the Attorney General.

4. On and after the effective date of this Executive Order, no State entity shall create or fill any position or employ any person for the purpose of performing any duty assigned to the Attorney General by law or by this Executive Order.

5. The Attorney General shall promptly undertake an assessment of those persons and/or positions outside the Department of Law and Public Safety who are or have been performing duties assigned to the Attorney General by law or by this Executive Order, and shall take whatever remedial action the Attorney General deems necessary or desirable, including, without limitation, steps (1) to designate such persons and/or positions for transfer to the Department of Law and Public Safety or (2), with regard to those persons and/or positions not designated for transfer, to require the employing State entity to restrict their duties to comply with the terms of this Executive Order. Such actions need not all be made simultaneously. Within a reasonable period of time from the date of each such transfer designation,

the persons and/or positions so designated shall be transferred, along with the concomitant resources, clerical and support staff and the funding associated therewith, to the Department of Law and Public Safety, where they shall serve in such capacity and perform such duties as may be designated by the Attorney General.

6. At any time in the future, whenever the Attorney General determines that any person and/or position employed by any State entity is performing duties assigned to the Attorney General by law or by this Executive Order, the Attorney General shall take such action as is necessary to ensure compliance with this Executive Order.

7. The Commissioner of Personnel and the Director of the Division of Budget and Accounting in the Department of the Treasury are directed to effectuate the prompt transfer of positions, resources and funding required by this Executive Order as identified by the Attorney General.

8. The purpose of this Executive Order is the consolidation within the Department of Law and Public Safety of all attorneys giving legal advice and representation to State entities and the resources necessary to support them. An attorney and/or position shall be subject to transfer under this Executive Order if a portion of the duties performed are among those assigned to the Attorney General by law or by this Executive Order. Any person or position performing the duties of a paralegal or legal assistant, and appropriate support personnel, shall be subject to the provisions of this Executive Order, as appropriate, and shall be subject to transfer in accordance with the procedures set forth herein, if so determined by the Attorney General.

9. All State entities are hereby directed to cooperate with and to support fully the Attorney General in the discharge of the responsibilities and obligations conferred by law and this Executive Order, including the duty to respond to requests for documents or information requested by the Attorney General.

10. The provisions of this Executive Order shall not apply to attorneys employed by the Legislative or Judicial Branches of State Government, the Office of the Governor or any State entity which has the specific statutory authority to employ separate legal advisers, but only to the extent so permitted.

11. Within 12 months from the date of this Executive Order, the Attorney General shall report to the Governor on the status of the implementation of this Executive Order and whether any further action is needed to assist in the implementation thereof.

12. This Order shall take effect immediately.

Issued March 14, 1990.

EXECUTIVE ORDER No. 7

WHEREAS, The expenditures of State government have increased and the services provided by State government have expanded dramatically in recent years; and

WHEREAS, It is vital to the economic health and prosperity of the State of New Jersey that public services be provided in a sound, efficient and economical manner and that the people of this State be assured of the wise expenditure of their tax dollars; and

WHEREAS, The economic climate in New Jersey is such that State government may be facing a period of severe fiscal constraint in the immediate future;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Governor's Management Review Commission. The Commission shall have seven members which shall include representatives of government, business, labor, nonprofit organizations and academia. The Commission may select and retain such agents, assistants and consultants as necessary, and may utilize the services of executives and experts and other contributions from business and industry as it deems necessary to carry out its functions.

2. The Commission shall study and analyze the various departments, commissions, authorities and other functions of State government to ascertain the means by and manner in which the services of the State of New Jersey may be afforded to its citizens in the most efficient, expeditious and economical manner.

3. a. The Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, or other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

b. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

4. The Commission shall render to the Governor interim reports as it may deem appropriate or as the Governor may request and, upon completion of its work, the Commission shall render a full report of its findings and recommendations.

5. This Order shall take effect immediately.

Issued April 2, 1990.

EXECUTIVE ORDER No. 8

WHEREAS, The amount of solid waste that will need to be disposed of can be reduced through such environmentally safe and economically sound methods as source reduction and reuse techniques, recycling and composting; and

WHEREAS, The solid Waste Management Act, N.J.S.A.13:1E-1 et seq. ("Act"), mandates maximum practicable use of source reduction and reuse techniques, recycling and composting; and

WHEREAS, Proper solid waste disposal and recycling programs contribute to solving energy, environmental and economic problems; and

WHEREAS, The lack of coordinated Statewide planning and management has led to insufficient disposal capacity within the State and forced several counties to send their solid waste to out-of-State disposal facilities at great cost and questionable reliability; and

WHEREAS, Source reduction, reuse, recycling and composting efforts reduce demand for solid waste disposal facilities and, conversely, waste-to energy resource recovery facilities discourage the maximum use of other recycling activities; and

WHEREAS, Planning and construction of waste-to-energy resource recovery facilities require substantial capital expenditures and a guaranteed flow of processible and combustible waste; and

WHEREAS, Source reduction, reuse, recycling and composting must be increased before proceeding with further development of waste-to-energy resource recovery facilities; and

WHEREAS, Each county and the Hackensack Meadowlands District currently constitute a solid waste management district ("District") authorized to act independently or in combination with other Districts to plan for the disposal of solid waste; and

WHEREAS, Cooperative arrangements among Districts could limit the number of solid waste facilities and result in benefits to the citizens of the State; and

WHEREAS, 12 waste-to-energy resource recovery facilities are currently in the planning, engineering, design or environmental review stages and have not received final approval of solid waste facility engineering designs or begun construction or operation; and

WHEREAS, A sensible plan for dealing with the State's solid waste problem can be achieved by maximizing the use of source

reduction and reuse techniques, recycling, composting and other environmentally sound methods for dealing with solid waste, by reassessing options for landfilling, and by reassessing those waste-to-energy facilities that are currently being developed or are operating in this State;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. An Emergency Solid Waste Assessment Task Force ("Task Force") is hereby established, which shall consist of 15 members to be appointed by the Governor as follows:

- a. The Commissioner of Environmental Protection who shall serve as the Chairperson;
- b. The President of the Board of Public Utilities or his designee;
- c. The Commissioner of Community Affairs or his designee;
- d. The Attorney General or his designee;
- e. The State Treasurer or his designee;
- f. One representative from the Governor's Office;
- g. Two representatives of local or county governments;
- h. Four Representatives of environmental groups;
- i. One representative with experience in waste-to-energy resource recovery; and
- j. Two representatives with experience in recycling.

2. The Task Force shall:

- a. Estimate the quantity and characteristics of the waste stream for each District;

b. Identify and evaluate specific methods for reducing the amount of solid waste produced and for increasing reuse, recycling and composting of solid waste; determine what percentage of the solid waste stream can be eliminated by source reduction and reuse techniques, recycling or composting and when such percentages can be achieved;

c. Review current and projected solid waste disposal needs of the Districts for the next 20 years and evaluate existing landfill capacity;

d. Evaluate the environmental, health, safety and financial impacts of source reduction, reuse, recycling, composting, landfills and waste-to-energy resource recovery facilities; determine whether regionalized facilities would result in net benefits to the citizens of the State, and evaluate the impact on individual Districts;

e. Prepare a preliminary report indicating the amount of solid waste expected to be produced in New Jersey over the next 20 years, the amount that can be eliminated through source reduction, the amount that can be reused, recycled or composted, and the amount that must be disposed of by landfilling and waste-to-energy and other resource recovery methods; and

f. Take public comment, including hearings, on the preliminary report.

3. Within 120 days of the date of this Order, the Task Force shall submit recommendations to the Governor on the following:

a. A program to minimize the generation of solid waste and maximize reuse, recycling and composting. This program should specifically identify the percentages of waste which can be removed from the solid waste stream by reuse, recycling and composting and propose a schedule for those reductions in the waste stream;

b. Alternatives for the disposal of solid waste that cannot be removed from the waste stream through source reduction and reuse techniques, recycling or composting;

c. The benefits of and a process for regionalizing solid waste disposal facilities where appropriate;

d. The need for revision of environmental or other standards for resource recovery or other solid waste disposal facilities; and

e. Legislative and regulatory changes which are necessary to achieve the Task Force's recommendations.

4. During the Task Force's deliberations over the next 120 days, the following shall apply:

a. The Department of Environmental Protection shall not issue any final approval of any solid waste management plan that sites, increases the capacity of or approves financing for waste-to-energy resource recovery facilities;

b. The Department of Environmental Protection shall not issue any approval of Preliminary or Final Environmental and Health Impact Statements for any waste-to-energy resource recovery site or facility;

c. The Department of Environmental Protection shall not issue tentative or final approval of any solid waste facility engineering design now pending or hereafter submitted for any waste-to-energy resource recovery facility. Alterations, modifications or amendments to existing permits or approvals previously issued by the Department shall be affected by this Order;

d. The Department of Environmental Protection, the Board of Public Utilities and the Division of Local Government Services within the Department of Community Affairs shall not, pursuant to N.J.S.A.13:1E-136 et seq., issue any approval or conditional approval of any previously submitted proposed contract for the design, financing, construction, operation or maintenance of a waste-to-energy resource recovery facility; and

e. No State agency, commission or organization shall approve the issuance of debt or extend financing to any person or entity for use in planning, designing, acquiring, constructing, operating or maintaining a waste-to-energy resource recovery facility.

5. The Task Force is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office,

division or agency of the State is hereby required, to the extent not inconsistent with law, to cooperate with the Task force and furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General shall act as legal counsel to the Task Force.

6. This Order shall take effect immediately.

Issued April 6, 1990.

EXECUTIVE ORDER No. 9

WHEREAS, Executive Order No. 1 established specific financial disclosure requirements for certain State officers and employees; and

WHEREAS, Executive Order No. 1 contemplated that the Order would be reviewed after implementation and amended or supplemented if necessary; and

WHEREAS, The Office of the Attorney General and the staff of the Executive Commission on Ethical Standards have completed an initial review of the implementation and content of Executive Order No. 1 and have made recommendations for alterations to the scope of particulars of Executive Order No. 1;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The definition of "Public employee" in section 7(a) of Executive Order No. 1 is hereby amended to include the following:

- a) Members of the State Board of Agriculture;
- b) Members of the State Board of Education;
- c) Members of the State Board of Higher Education;

- d) Members of the State Parole Board; and
- e) Presidents of the State colleges and universities.

2. The definition of "Public officer" in section 7(b) of Executive Order No. 1 is hereby amended to include the members of the following boards, independent authorities, and public corporations:

- a) Council on Affordable Housing;
- b) Agriculture Development Committee;
- c) Health Care Facilities Financing Authority;
- d) Election Law Enforcement Commission;
- e) Hazardous Waste Facilities Siting Commission;
- f) Health Care Administration Board;
- g) Hospital Rate Setting Commission;
- h) Low-Level Radioactive Waste Disposal Facility Siting Board;
- i) Merit System Board;
- j) New Jersey Council on the Arts;
- k) New Jersey Housing and Mortgage Financing Agency;
- l) New Jersey Commission on Science and Technology;
- m) New Jersey Racing Commission;
- n) New Jersey Transit Corporation;
- o) New Jersey Urban Enterprise Zone Authority;
- p) Public Employment Relations Commission;
- q) South Jersey Food Distribution Authority;

- r) State Lottery Commission;
- s) State Planning Commission;
- t) Tidelands Resource Council;
- u) Urban Development Corporation;
- v) Wastewater Treatment Trust; and
- w) Water Supply Authority.

3. The definition of "Public officer" in section 7(b) is hereby amended to exclude the members of the following boards, commissions, independent authorities, and public corporations:

- a) Rahway Valley Sewerage Authority; and
- b) Education Commission of the States.

4. Section 1(f) of Executive Order No. 1 is hereby amended so that Financial Disclosure Statements filed by public officers shall disclose sources of income for the 12-month period immediately preceding the filing date of the Statement. Public employees filing Financial Disclosure Statements before July 1 of any year shall provide the amount and source of income from January 1 of the preceding calendar year to date. Public employees filing Financial Disclosure Statements after July of any year shall provide the amount and source of income for the 12-month period immediately preceding the filing date.

5. This Order shall take effect immediately; however, those public employees and officers who are required to file Financial Disclosure Statements by virtue of sections 1 and 2 of this Order shall comply with this requirement within 60 days of this Order.

Issued April 18, 1990.

EXECUTIVE ORDER No. 10

WHEREAS, An effective transportation system is critical to the well-being of the citizens of New Jersey; and

WHEREAS, Investment in the State's transportation system has proven to be vital in fostering a stable and healthy economy; and

WHEREAS, Major decisions concerning the operation of and capital investment in our transportation system must be made in the context of a unified State transportation network; and

WHEREAS, The transportation system must be designed to support economic growth, relieve congestion, improve air quality, revitalize urban areas and provide coordination among the various modes of transportation; and

WHEREAS, The Commissioner of Transportation is statutorily empowered to coordinate all transportation planning and program development in the State; and

WHEREAS, The coordination of transportation planning and program development in the State by the Commissioner of Transportation should occur in conjunction with the various agencies and authorities whose mission is to provide transportation services to New Jersey's citizenry; and

WHEREAS, All transportation agencies must have clear business plans that clearly state their missions, goals and objectives, financial projections, capital programming criteria, and performance indicators;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and Direct:

1. a. There is hereby established the New Jersey Transportation Executive Council which shall advise the Commissioner of Transportation on transportation policies, priorities and progress. The Council through its Chairperson shall make recommendations to the Governor on overall transportation policy, capital and operating investments and related fiscal matters.

b. The Commissioner of Transportation shall serve as the Council's Chairperson and shall also represent New Jersey Transit Corporation on the Council. The Council shall also include the Chairpersons of the New Jersey Turnpike Authority, the New Jersey Highway Authority, the New Jersey Expressway Authority, the Delaware River Port Authority, the Port Authority of New York and New Jersey, the Delaware River and Bay Authority, the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission, the Atlantic County Transportation Authority, the Cape May County Bridge Commission and the Burlington County Bridge Commission, the Commissioners of Commerce and Economic Development and Environmental Protection, the State Treasurer, the Governor's Director of Policy, the Director of the Governor's Authorities Unit and the Governor's Counsel for Legislation and Policy.

c. The Council shall be aided in its deliberations by a Technical Advisory Group which shall have the Assistant Transportation Commissioner for Policy and Planning as its Chairperson and shall include the Executive Director of New Jersey Transit, the Director of New Jersey Transit, Hudson River Waterfront Transportation Office, and the Executive Directors of the New Jersey Turnpike Authority, the New Jersey Highway Authority, the New Jersey Expressway Authority, the Port Authority of New York and New Jersey, the Delaware River Port Authority, the Delaware River and Bay Authority, the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission, the Atlantic County Transportation Authority, the Cape May County Bridge Commission and the Burlington County Bridge Commission.

d. The Chairperson of the Council may establish such committees as he deems necessary to carry out the functions of the Council and shall name the members of the committees in his discretion.

2. The Commissioner of Transportation shall ensure that the State's Transportation plan and annual updated capital investment plan produced by the Department of Transportation reflect a coordinated, Statewide strategic plan for all modes of transportation in the State and all of the services provided by the State, and its agencies and authorities.

3. a. Each of the following agencies and authorities shall be required to complete a strategic business plan under the direction of and according to a timetable specified by the Commissioner of Transportation:

1. The Department of Transportation;
2. The New Jersey Turnpike Authority;
3. The New Jersey Highway Authority;
4. The New Jersey Expressway Authority;
5. The New Jersey Transit Corporation;
6. The Cape May County Bridge Commission;
7. The Burlington County Bridge Commission; and
8. The Atlantic County Transportation Authority.

b. In addition, each of the following agencies and authorities shall be requested to complete a strategic business plan under the direction of and according to a timetable specified by the Commissioner of Transportation:

1. The Port Authority of New York and New Jersey;
2. The Delaware River Port Authority;
3. The Delaware River and Bay Authority;
4. The Palisades Interstate Park Commission; and
5. The Delaware River Joint Toll Bridge Commission.

c. The Commissioner of Transportation shall define the requirements for each strategic business plan.

d. Each strategic business plan shall be submitted to the Commissioner of Transportation, who shall review each plan and return any plan or portion thereof for revision if he determines the plan to be incomplete or unsatisfactory.

e. The Commissioner shall require an annual update of each strategic plan.

4. The Commissioner of Transportation shall periodically report to the Governor on the activities and recommendations of the Transportation Executive Council and on the results of the strategic planning process established in sections 2 and 3 above.

5. The Commissioner of Transportation is authorized to call upon any department, office, division or agency of this State to supply him with data, and any other information, personnel or assistance he deems necessary to discharge his duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commissioner of Transportation and to furnish him with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.

6. Executive Orders Nos. 25, 218 and 220 (Governor Kean) are hereby rescinded.

7. This Order shall take effect immediately and shall supersede any prior Executive Orders with which it is inconsistent.

Issued June 6, 1990.

EXECUTIVE ORDER No. 11

WHEREAS, Executive Order No. 5 signed by Governor Thomas H. Kean declared a State of Emergency in certain communities in New Jersey in response to a limited water supply, which emergency has now ceased; and

WHEREAS, Executive Order No. 12 created the Commission on Science and Technology, which Commission has subsequently been made permanent by statute at N.J.S.A.52:9X-1 et seq.; and

WHEREAS, Executive Order No. 14 created an Advisory Committee on Cancer, which Committee has completed its work; and

WHEREAS, Executive Order No. 20 created the Port Authority Development Advisory Committee, which Committee has completed its work; and

WHEREAS, Executive Order No. 28 created the Certified Public Manager Program in the Department of Civil Service (now the Department of Personnel), which program has been established by the Department of personnel by regulation under the authority of the Civil Service Reform Act, N.J.S.A.11A:6-25; and

WHEREAS, Executive Order No. 36 created an Advisory Committee on Capital Expenditures for Health Care Facilities and Executive Order No. 61 extended the Committee, which Committee has completed its work; and

WHEREAS, Executive Order No. 37 created a Committee on the Disabled and Executive Order No. 41 increased its membership, which Committee is duplicative of a new advisory council created by the Commissioner of Labor by administrative order; and

WHEREAS, Executive Order No. 46 created the Inter-Agency Procurement Committee and Executive Order No. 54 increased its membership, which Committee has completed its work that has been implemented through regulations published at N.J.A.C.12A:10-1.13; and

WHEREAS, Executive Order No. 63 created the Advisory Committee on Hispanic Affairs, which Committee has issued its initial report and has subsequently been made permanent by statute; and

WHEREAS, Executive Order No. 73 created the Pinelands Agricultural Study Commission, which Commission has issued its report and completed its function; and

WHEREAS, Executive Order No. 76 created a Solid Waste Emergency Task Force in response to a work stoppage by certain solid waste contractors, which work stoppage is over; and

WHEREAS, Executive Order No. 88 declared a State of Emergency in various county penal and correctional facilities, and directed the Commissioner of Corrections to designate places of confinement, which Executive Order has been codified by statute at N.J.S.A.30:4-85.1; and

WHEREAS, Executive Order No. 90 created the State Commission on Child Support, which Commission has issued its report and completed its functions; and

WHEREAS, Executive Order No. 95 created the Agricultural Financing Task Force and Executive Order No. 120 extended the Task Force, which Task Force has issued its report and completed its functions; and

WHEREAS, Executive Order No. 96 required the Division of Criminal Justice to turn over its file on the criminal investigation of an attorney to the Office of the Attorney Ethics, which file has been turned over; and

WHEREAS, Executive Order No. 111 required the Division of Criminal Justice to turn over a file to the Department of Civil Service (now the Department of Personnel) so that the latter could conduct an investigation and disciplinary hearings, which file has been turned over; and

WHEREAS, Executive Order No. 112 created the Law Enforcement Training Academy Study Commission, which Commission has completed its work; and

WHEREAS, Executive Order No. 128 ordered the removal of all Tylenol capsules and Tylenol-containing capsules from store shelves due to safety concerns regarding the sale of such capsules, which concerns no longer exist; and

WHEREAS, Executive Order No. 132 created the Intergovernmental Task Force on Motor Vehicles, which Task Force has completed its work; and

WHEREAS, Executive Order No. 145 created a mechanism to monitor and define the permissible use of special service employees, which Executive Order has been implemented through N.J.A.C.4A:3-3.8; and

WHEREAS, Executive Order No. 150 created a commission to study and make recommendations to improve the shad fishing rights of New Jersey commercial fishermen in the lower Delaware River and Bay, which Commission has completed its work; and

WHEREAS, Executive Order No. 154 created the Private Sector Advisory Panel on Motor Vehicles, which Advisory Panel has completed its work; and

WHEREAS, Executive Order No. 166 created the Task Force on Market-Based Pricing, which Task Force has issued its report and completed its functions; and

WHEREAS, Executive Order No. 167 created the Urban Affairs Cabinet Council, which Council has completed its work; and

WHEREAS, Executive Order No. 177 created a Task Force on the Laws Governing the University of Medicine and Dentistry of New Jersey and Executive Order No. 183 extended the Task Force, which Task Force has issued its report and completed its functions; and

WHEREAS, Executive Order No. 187 created the Task Force on Unemployment Insurance Financing, which Task Force has issued its report and completed its functions; and

WHEREAS, Executive Order No. 188 created the New Jersey Commission on Employment and Training and amended Executive Order No. 22 concerning the Job Training Coordinating Council, which Commission has subsequently been created by statute at N.J.S.A.52:18A-129 et seq.; and

WHEREAS, Executive Order No. 198 created the Performance Reward Committee to review and approve increases in salaries for members of the Executive Branch Senior Executive Service, which has been implemented through salary regulations adopted under the authority of the annual Appropriations Act; and

WHEREAS, Executive Order No. 201 required the Urban Enterprise Zone Authority to review applications on behalf of the State of New Jersey for federal urban enterprise zone consideration, which Authority has issued its report and completed its functions; and

WHEREAS, Executive Order No. 212 declares a State of Emergency due to a trash fire under portions on Routes 22 and 78 and adjacent to Route 1, which emergency has now ceased;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

Executive Orders Nos. 5, 12, 14, 20, 28, 36, 37, 41, 46, 54, 61, 63, 73, 76, 88, 90, 95, 96, 111, 112, 120, 128, 132, 145, 150, 154, 166, 167, 177, 183, 187, 188, 198, 201, and 212 of Governor Thomas Kean are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

Issued June 14, 1990.

EXECUTIVE ORDER No. 12

WHEREAS, New Jersey State Government is committed to improving its methods of administration and promoting efficiency and economy on its operations; and

WHEREAS, The Governor's Management Review Commission in cooperation with the New Jersey Department of Personnel has undertaken a comprehensive operational review of the State's employee training and education efforts; and

WHEREAS, The Governor's Management Review Commission's Subcommittee on Statewide Training Issues was formed and charged with the responsibility to conduct a comprehensive review of the State's training efforts and to recommend changes that would reduce costs while improving the quality, quantity and delivery of training; and

WHEREAS, The study concluded that training could be more effectively and equitably planned, managed and delivered to the State's employees through the consolidation of State training activities under a Human Resource Development Institute established in the Department of Personnel; and

WHEREAS, The Commissioner of Personnel is authorized by law to develop programs to improve the efficiency and effectiveness of the public service including, but not limited to, employee training, development, assistance and incentives; and

WHEREAS, The coordination of training and education programs for all State agencies through the establishment of a Human Resource Development Institute within the Department of Personnel will result in the most efficient use of the State's resources;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established within the Department of Personnel a Human Resource Development Institute. The Human Resource Development Institute shall be responsible for the overall administration, coordination and conduct of all agency generic and specific type training and education programs for all State employees, including the management of media and audiovisual operations, quality control, facilities and administrative support for such programs.
2. The Human Resource Development Institute is authorized to consolidate under its auspices the operational responsibilities of existing employee training and education programs and the media and audiovisual operations currently housed within all State agencies. The technical law enforcement training and education of the State Police and Corrections Officers shall remain a function of their respective agencies, except that the Human Resource Development Institute shall exercise oversight responsibilities and establish guidelines and standards for the quantity and quality of such employee training, consultant usage and support services.
3. The Commissioner of Personnel is authorized to direct the orderly transfer of personnel, facilities and equipment of employee training and education programs and media and audiovisual operations from throughout the Executive Branch of State Government to the Human Resource Development Institute.
4. The Human Resource Development Institute may furnish training and education services to counties, municipalities, commissions, boards and other public entities upon request.

5. The Commissioner of Personnel shall organize the work of the Human Resource Development Institute in such units as he determines to be necessary for the efficient operation of the Institute and the effective training and education of State employees. In addition to the functions, powers and duties set forth herein, the Human Resource Development Institute shall exercise such other education and training functions as authorized by the Commissioner of Personnel.

6. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to make available to him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Issued August 21, 1990.

EXECUTIVE ORDER No. 13

WHEREAS, The continued economic growth and revitalization of Atlantic City and its surrounding area are of critical importance to all of the citizens of the State of New Jersey; and

WHEREAS, The development of Atlantic City from a gaming center into a worldwide resort and convention center is fundamental to its continued economic growth and revitalization; and

WHEREAS, This further development of Atlantic City will require that major decisions be made concerning the construction of housing, public facilities and other infrastructure, transportation, the environmental impact of further development and the means of funding such further development, which decisions must carefully assess the City's, region's and State's needs; and

WHEREAS, There exist many municipal, regional and State entities that have an impact on Atlantic City and its environs and that can and must participate in the decision-making and implementation process; and

WHEREAS, The major decisions concerning the growth and revitalization of Atlantic City and the region must be made in the context of a unified and coordinated effort; and

WHEREAS, The establishment of a Coordinating Council with a broad-based representation will ensure that the development occurs in a thoughtful and cohesive manner;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey-Atlantic City Coordinating Council. The Council shall provide the leadership necessary to develop Atlantic City into a resort, tourism and convention center while simultaneously providing for residents' housing needs and preserving existing neighborhoods. The Council shall ensure the coordination and cooperation between and among the State, regional and municipal agencies engaged in development activities in and around Atlantic City.

2. The Council shall be headed by the Commissioner of Commerce, Energy and Economic Development and the Mayor of Atlantic City who shall serve as its co-chairpersons. The membership of the Council shall also include the chairpersons of the Casino Reinvestment Development Authority, the Casino Control Commission, the Atlantic County Improvement Authority, the Atlantic County Transportation Authority, the Atlantic County Convention Hall Authority and the Small, Women, and Minority Business Authority, the Commissioners of Transportation and Environmental Protection, the County Executive of Atlantic County and the Director of the Governor's Authorities Unit.

3. The co-chairpersons of the Council may appoint business representatives and any other appropriate local representatives to be members of the Council.

4. The Council shall identify development priorities for Atlantic City and Atlantic County. It shall review the City-wide study conducted by the Casino Reinvestment Development Authority, the plans of the Atlantic County Improvement Authority for a convention hall and housing development and the plans of the Atlantic City Housing

Authority, the Corridor Development Team and Atlantic County Transportation Authority. The process shall also include discussions with the business community to identify its concerns, priorities and suggested solutions to investment and development issues.

5. Particular emphasis shall be placed on the following development projects:

- a. Atlantic City International Airport;
- b. Transportation improvements;
- c. Continued housing development in the Northeast Inlet;
- d. Preservation of existing neighborhoods;
- e. Revitalization of Atlantic Avenue and the development of other commercial areas; and
- f. Construction of a convention center at the foot of the Atlantic City Expressway.

6. The co-chairpersons of the Council shall communicate with private developers, investors and banks to encourage appropriate investment and development in Atlantic City and the surrounding areas.

7. The Commissioner of Commerce, Energy and Economic Development shall inquire of any State department to identify sources of financial assistance applicable to Atlantic City development projects with the purpose of committing those funds toward priority projects.

8. To the extent not inconsistent with law, each department, office, division or agency of this State is hereby directed to cooperate with the Council, and upon request of the Council to furnish such information and assistance as is necessary to accomplish the purposes of this Order.

9. This Order shall take effect immediately and shall supersede any prior Executive Order with which it is inconsistent.

Issued August 23, 1990.

EXECUTIVE ORDER No. 14

WHEREAS, The New Jersey Advisory Council on Holocaust Education (Advisory Council) was created by Executive Order on October 5, 1982 to assist and advise in the implementation of education programs on the Holocaust and genocide in the public schools; and

WHEREAS, The Advisory Council is currently scheduled to terminate on September 1, 1990; and

WHEREAS, The Advisory Council has provided valuable assistance that should continue to be available for public school districts that seek to enhance their curricula on the Holocaust and on genocide in world history;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Advisory Council on Holocaust Education shall continue in existence through and including September 1, 1991.

2. The Council shall provide a report to the Governor by June 30, 1991 describing its recent activities and any additional future projects that it recommends be undertaken with regard to Holocaust education.

3. Except as expressly provided herein, Executive Orders Nos. 17, 87, 168 and 225 (Kean) shall remain in full force and effect.

4. This Order shall take effect immediately.

Issued August 31, 1990.

EXECUTIVE ORDER No. 15

WHEREAS, The President of the United States issued an Executive Order on August 22, 1990, authorizing the Secretary of Defense to call up select members of the Reserve and

National Guard to active duty during the Middle East crisis and authorizing the Secretary of Transportation to similarly call up members of the Coast Guard Reserve;

WHEREAS, Reserve and National Guard members who are activated during this crisis serve a vital national interest for which they deserve the full support of the citizens of this State;

WHEREAS, The State of New Jersey recognizes that a strong, ready Reserve and National Guard are essential to the defense of this country and vital to this State in time of emergency or natural disaster;

WHEREAS, The State of New Jersey encourages its employees to serve in the Reserve and National Guard and recognizes the personal and economic sacrifices of its employees who are called to active duty during the Middle East crisis;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. New Jersey State employees who are called to active duty during the Middle East crisis shall be entitled upon termination of active duty to return to State employment with full seniority and benefits consistent with State and federal military reemployment and seniority rights.
2. During active duty for a total of up to 180 days, these State employees shall be entitled to receive a salary equal to the differential between the employee's State salary and the employee's military pay.
3. These State employees shall be entitled to State employee health benefits, life insurance and pension coverage during active duty service for which they receive differential salary as prescribed in the Order as if they were on paid leave of absence.
4. The Commissioner of Personnel shall implement this Executive Order and each department, office, division or agency of this State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to

make available to him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued September 13, 1990.

EXECUTIVE ORDER No. 16

WHEREAS, The Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter "Study Commission") was created by Executive Order to investigate, research and report on the nature and scope of any discrimination in public works procurement and construction contracts awarded by the State and to recommend remedies for any discrimination; and

WHEREAS, The final report of the Study Commission is now due on February 9, 1991 by virtue of Executive Order No. 5; and

WHEREAS, The Study Commission is continuing to investigate and research discrimination in public works procurement and construction contracts awarded by the State, but does not anticipate that it will be able to complete its final report by February 9, 1991; and

WHEREAS, The mission of the Study Commission would also be aided by the inclusion of a representative of New Jersey Transit on the Study Commission and by the streamlining of the procedures governing its operations prior to the adoption of a final report;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Study Commission shall report its findings and recommendations concerning past and present discriminatory practices in public works procurement and construction contracts no later than August 14, 1991.

2. The membership of the Study Commission shall be increased to include the Executive Director of New Jersey Transit or her designee.

3. Except for the purpose of adopting a final report to the Governor, one-third of the members of the Study Commission shall constitute a quorum at any meeting of the Study Commission.

4. Except for the purpose of adopting a final report, actions may be taken and motions and resolutions adopted by the Study Commission at any meeting thereof by the affirmative vote of the majority of the quorum or of seven members of the Study Commission, whichever is greater.

5. Except for the purpose of adopting a final report, the Study Commission may solicit the vote of the full membership by written ballot on such matters, under such circumstances and in such manner as the Chair deems appropriate.

6. Except as provided in sections 1 through 5 of this Executive Order, all other terms of Executive Order No. 5 shall remain in force and effect.

7. This Order shall take effect immediately.

Issued September 28, 1990.

EXECUTIVE ORDER No. 17

WHEREAS, Barbara Boggs Sigmund has selflessly served the citizens of Mercer County as the first woman on the County Board of Freeholders and has similarly served the people of Princeton Borough on its Council and as its Mayor; and

WHEREAS, She has been an active, prominent participant in the political arena of the State of New Jersey; and

WHEREAS, She has faced great personal adversity with abundant grace, good humor, dignity and immeasurable courage and has inspired others through her determination; and

WHEREAS, Her public dedication and accomplishment have never detracted from her devotion to her family; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark the passing of Barbara Boggs Sigmund, a valiant, committed public servant;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half mast at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Thursday, October 11, 1990, through and including Saturday, October 13, 1990 in recognition and mourning of the passing of a distinguished New Jersey citizen, Barbara Boggs Sigmund.

2. This Order shall take effect immediately.

Issued October 10, 1990.

EXECUTIVE ORDER No. 18

WHEREAS, The New Jersey State Government is committed to providing a safe and healthy working environment for its employees and to improving methods of administration to promote efficiency and economy in its operations; and

WHEREAS, The State of New Jersey provides sick leave injury benefits to employees for injury or illness directly caused by and arising from State employment; and

WHEREAS, The total annual cost of providing State employee sick leave injury benefits is approximately \$30 million, which includes costs for lost work days, overtime usage, temporary workers, medical expenses and program administration; and

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WHEREAS, The Governor's Management Review Commission, in cooperation with the Department of Personnel, has undertaken a comprehensive operational review of the State employee sick leave injury program; and

WHEREAS, This review has disclosed a need for greater supervisory and managerial accountability, a Statewide information system to monitor sick leave injury usage, loss control efforts and employee health, safety and accident prevention programs; and

WHEREAS, This review has also shown that improvements in the sick leave injury program can result in Statewide significant reductions in sick leave injury usage and costs; and

WHEREAS, The Commissioner of Personnel has instituted a pilot program to review the current Statewide sick leave injury program to develop methods for reducing costs and expediting benefits where appropriate;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of Personnel shall establish a new pilot program which shall incorporate all of the areas under review in the current sick leave injury pilot program and shall also include:

a. A review of the State employee workers' compensation and temporary disability insurance programs and appropriate consolidation in these areas; and

b. A structural and operational analysis to determine the administrative functions of the State sick leave injury program and the appropriate agency to which responsibility for the program should be assigned.

2. The Commissioner of Personnel shall establish a Task Force, which he or a designee shall chair, to be comprised of the State Treasurer or a designee, the Commissioners of Transportation, Labor, Human Services and Corrections, or their designees, and other individuals deemed appropriate by the Commissioner of

Personnel. The Task Force shall review and evaluate the current sick leave injury program and make recommendations regarding its future to the Commissioner of Personnel.

3. After reviewing Task Force recommendations, the Commissioner of Personnel shall prepare and implement:

a. A Statewide policy for a comprehensive disability management program focusing on insuring the general health and safety of the State's work force;

b. A data base for employee sick leave injury and disability leave usage;

c. Standard reporting, operating and auditing procedures for employee sick leave injury and disability leaves and workers' compensation;

d. Control processes to reduce overtime and productivity losses;

e. Health, safety, training and accident prevention programs; and

f. Coordination of standard medical review procedures for handling claims and sharing of medical facilities among agencies.

4. The Commissioner of Personnel shall implement this Executive Order and each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to make available to him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued October 17, 1990.

EXECUTIVE ORDER No. 19

WHEREAS, The State of New Jersey is committed to an economical and effective State government and recognizes that the employment of competent senior managers who are accountable for their performance is indispensable to the achievement of this goal; and

WHEREAS, The Senior Executive Service (SES) was established by the 1986 Civil Service Reform Act to attract, retain and develop professional senior level managers with demonstrated skills and expertise for leadership positions in New Jersey State Government; and

WHEREAS, The Governor's Management Review Commission and the Commissioner of Personnel have reviewed the operation of the current SES program and recommend a centralized, Statewide system rather than the current departmentally-focused process; and

WHEREAS, There is a need to develop appropriate criteria for SES positions as well as a performance-based compensation system and to establish a talent bank, procedures for mobility assignments and succession planning for SES employees;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Senior Executive Service system of high level managers shall be implemented on a Statewide basis and administered by the Commissioner of Personnel.
2. The compensation program for SES managers shall be designed to insure high performance standards, documented achievement and fair and consistent salaries, and shall be administered from a central salary account by the Department of Personnel.
3. The Commissioner of Personnel shall establish executive development programs to ensure that the SES appointees are well-trained, competent managers.

4. The Commissioner of Personnel shall develop and implement an SES plan which shall include:

- a. criteria for identifying SES positions and making appointments;
- b. a review of current SES positions and redesignation of positions where appropriate;
- c. a compensation and benefits program based on performance standards and achievement;
- d. an executive development program for SES members;
- e. the optimal use of mobility assignments and the development of succession plans; and
- f. a Human Resource Information System including a talent bank to be used for, among other things, SES selection, mobility assignments and succession planning.

5. The Commissioner of Personnel shall prepare an implementation plan and schedule for achieving the directions contained in this Order within 60 days of this Order.

6. The Commissioner of Personnel shall implement this Executive Order and each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to make available to him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Issued October 17, 1990.

EXECUTIVE ORDER No. 20

WHEREAS, The Delaware Bay is generally divided in the middle by the boundary between the State of New Jersey and the State of Delaware; and

WHEREAS, The State of New Jersey and the State of Delaware have attempted to independently manage the harvest of weakfish in the Delaware Bay through divergent laws and regulations; and

WHEREAS, Despite these efforts, the number of weakfish that use the Delaware Bay as their principal spawning area declined dramatically in 1989 and there are indications that this decline will continue in the future; and

WHEREAS, Threats to the weakfish population and the environmental integrity of the Delaware Bay are a bi-state concern which, if not addressed, could result in a negative impact upon the recreational and commercial fishing industry, as well as affect the overall economies of the State of New Jersey and the State of Delaware; and

WHEREAS, Weakfish have been a significant recreational and commercial fish in the Delaware Bay during the last two decades; and

WHEREAS, The management and protection of the Delaware Bay and its natural resources are of great concern to the governments of both States; and

WHEREAS, The State of Delaware has enacted House Joint Resolution No. 29, approved by the Governor of the State of Delaware on July 26, 1990, which Resolution requested that the State of New Jersey enter into a joint commission to investigate the causes of the decline of the weakfish population and to stem the tide of that decline; and

WHEREAS, It is imperative that action must be taken before the beginning of the 1991 spawning season to ensure the conservation of the weakfish;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a joint study commission with the State of Delaware, which commission shall be known as the

Delaware Bay Weakfish Action Commission with a membership of 22 members. The 11 members appointed from the State of New Jersey shall consist of:

- a. The Commissioner of Environmental Protection or her designee;
 - b. Two members of the Senate, to be appointed by the Governor, each a member of a different political party; two members of the General Assembly to be appointed by the Governor, each a member of a different political party;
 - c. Six public members to be appointed by the Governor, two members shall be licensed commercial fishermen who net weakfish in the Delaware Bay, two shall be recreational fishermen who use hook and line to harvest weakfish in the Delaware Bay, and two members shall be boating captains who utilize the Delaware Bay.
2. In addition to the 11 voting members, two nonvoting members shall be appointed by the Governor, and both nonvoting members shall be employed by an institute of higher education with technical experience in the field of marine studies.
 3. The Commission shall convene as soon as practicable after the appointment of its members, to select a co-chairperson who shall serve jointly with the co-chairperson selected by the members of the Commission appointed by the State of Delaware.
 4. It shall be the duty of the Commission to investigate the status and management of the weakfish that inhabit the Delaware Bay, as well as the cause of the decline of the weakfish population in the Delaware Bay, and to inquire into ways in which the decline of this weakfish population may be corrected.
 5. The Department of Environmental Protection and the Marine Fisheries Council shall provide the members of the Commission appointed from this State with whatever staff assistance that the Commission may require in order to properly perform its duties.
 6. The Commission shall issue a preliminary report of its findings, conclusions and recommendations to the Governors and the Legislatures of both States by January 15, 1991. The Commission shall issue a final report of its findings, conclusions and recommen-

dations along with any proposed legislation which it may desire to the Governors and the Legislatures of the respective states by March 1, 1991. Recommendations submitted in the final report must be approved by at least 12 voting members of the Commission.

7. Meetings of the Commission shall be held alternately in each state.

8. This Order shall take effect immediately and shall supersede any prior Executive Order with which it may be inconsistent.

Issued October 18, 1990.

EXECUTIVE ORDER No. 21

I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 23, 1990, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 23, 1990.

Issued November 19, 1990.

EXECUTIVE ORDER No. 22

WHEREAS, Providing our children with a quality education is important to the future of our State; and

WHEREAS, The Supreme Court, in its decision known as Abbott v. Burke on June 5, 1990, mandated the State to correct the

educational disparities which exist in the delivery of educational services and programs and provide an equitable distribution of State school aid to all school districts in New Jersey; and

WHEREAS, on July 3, 1990, the Quality Education Act of 1990 was signed into law as P.L.1990, c.52, to address, among other things, the disparities cited in the Abbott v. Burke decision; and

WHEREAS, The public interest of citizens of the State of New Jersey requires that the State undertake a thorough review and assessment of the progress of educational reform and improvement in New Jersey, including the Quality Education Act of 1990, and conduct a thorough review, assessment and analysis of current educational practices, programs and structure to determine what changes, if any, are required in order to ensure the delivery of a thorough and efficient education to the children of New Jersey;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Governor's Commission on Quality Education in New Jersey.
2. The Commission shall consist of no more than 30 members. The Governor shall appoint two (2) members of the Commission and designate them as co-chairpersons of the Commission. The co-chairpersons shall select and appoint the remaining members of the Commission in consultation with the Commissioner of Education. The public members to be appointed shall be representatives of a broad cross-section of the citizens of the State of New Jersey, including, but not limited to, education, labor, business and community leaders. The co-chairpersons and public members shall serve at the pleasure of the Governor or until the life of the Commission expires by this Order.
3. A Commission vacancy shall be filled by the Governor for the remainder of the unexpired term.
4. It shall be the charge and duty of the Governor's Commission on Quality Education to:

(a) identify the world class educational requirements that will address the needs of New Jersey's children, communities and businesses in the year 2000 and beyond;

(b) prepare a report(s) to the Governor that will outline specific, realistic recommendations that address the goals and objectives of a quality education for all the young people in New Jersey;

(c) conduct a thorough study and review of the Quality Education Act; and

(d) provide the opportunity for public input and discussion to identify the key issues surrounding the implementation of the Quality Education Act;

(e) provide the Governor with recommendations, based on that input, for modifications to and complements for the Quality Education Act consistent with the Supreme Court's decision in Abbott v. Burke on June 5, 1990 (119 N.J. 287 (1990)); and

(f) make recommendations for the creation of a permanent forum for continued public input, discussion and recommendations of policy options to the Governor, Legislature, the State Board of Education and Commissioner of Education for quality education in New Jersey.

5. The Commission is authorized to call upon any department, office, division, or agency of the State to supply such data, program reports and other information as it deems necessary and appropriate to discharge its responsibilities under this Order. Each department, office, division, or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purpose of this Order and the Commission.

6. The Commission may meet and hold hearings at the place it designates for these purposes, and shall issue interim reports, findings and recommendations as it shall determine to the Governor. The Commission shall issue its final report to the Governor on or before December 31, 1992.

7. The reports of the Commission shall be made available to all interested parties.

8. This Order shall take effect immediately, and shall expire on December 31, 1992.

Issued December 27, 1990.

EXECUTIVE ORDER No. 23

WHEREAS, The storm which occurred on December 27 to December 28, 1990 created severe weather conditions, including snow, freezing rain and icing, which resulted in hazardous road conditions and which threatened life and property; and

WHEREAS, Those weather conditions posed a threat and constituted a disaster from a natural cause which threatened and endangered the health, safety or resources of the residents of more than one municipality and county of this State; and which was in some parts of the State, and in other parts of the State might have become, too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A.App.A:9-30 et seq.) and Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers; and

WHEREAS, Acting Governor John A. Lynch, after consultation with and upon the recommendation of State Emergency Management Personnel, verbally declared that a Limited State of Emergency existed in the State on December 28, 1990; and

WHEREAS, In response to the State of Emergency, Acting Governor John A. Lynch authorized the Adjutant General of the

Department of Military and Veterans' Affairs and the New Jersey National Guard to take appropriate emergency action, if necessary, in accordance with the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and the Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) as supplemented and amended, and in accordance with the Laws of 1942, Chapter 251 (N.J.S.A.App.A:9-30 et. seq.) as supplemented and amended, authorized the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, that he, in his discretion, deemed necessary for the protection of the health, safety and welfare of the public; and

WHEREAS, The exigencies which required the declaration of the Limited State of Emergency on December 28, 1990 did not permit the preparation, in advance, of a written Executive Order declaring a Limited State of Emergency;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. The verbal declaration by Acting Governor John A. Lynch of a Limited State of Emergency on December 28, 1990, is hereby ratified, and
2. The severity of the weather conditions which necessitated the declaration of a State of Emergency having ceased by 12:00 midnight on December 28, 1990, the State of Emergency is hereby terminated effective 12:00 midnight on December 28, 1990.

I wish to express my gratitude to the people of New Jersey for the manner in which they cooperated during this Limited State of Emergency, and to law enforcement and emergency response personnel for their untiring efforts.

Issued January 9, 1991.

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- Joint Committee on the Public Schools, membership; increased, amends C.52:9R-1, Ch.34.
- Property, sale to nonprofit private schools for the handicapped without competitive bidding; permitted, C.18A:20-9.2, Ch.35.
- "Quality Education Act of 1990," C.18A:7D-1 et al., amends C.18A:6-62 et al., repeals C.18A:6-33.13 et al., Ch.52.
- "Special Education Week;" designated, J.R.1.
- Special services school boards, organization; time extended, amends C.18A:46-37, Ch.38.

SENIOR CITIZENS

- Pets, senior citizen housing; certain; permitted, C.2A:42-103 et seq., Ch.55.
- "Senior Citizens and Disabled Protected Tenancy Act," provisions, certain; expanded, amends C.2A:18-61.24 et al., Ch.110.

SOLID WASTE

- Facilities, illegal, certain, enforcement powers of Department of Environmental Protection; increased, C.13:1E-9.5, amends C.13:1E-9, Ch.70.
- Municipal recycling tonnage grants, receipt by nonprofit organizations; permitted, amends C.13:1E-96, Ch.117.
- Transfer stations, Board of Public Utilities, relationship; clarified, C.48:13A-6.2 et al., amends C.48:13A-3 et al., Ch.113.

STATE GOVERNMENT

- Commissioner of Education, service at the pleasure of the Governor, amends N.J.S.18A:4-21, Ch.13.
- Foundation for New Jersey Public Broadcasting, establishment by New Jersey Public Broadcasting Authority; permitted, C.48:23-13 et seq., Ch.114.
- "Hispanic Women's Demonstration Resource Centers Act," C.52:27D-43.25 et seq., Ch.83.
- "Surplus Revenue Fund;" established, C.52:9H-14 to 52:9H-23, Ch.44.
- "State Appropriations Limitation Act," C.52:9H-24 et seq., Ch.94.

TAXATION

- Business expenses, certain, deduction for violators of environmental laws, ordinances, resolutions; eliminated, amends N.J.S.54A:5-1 et al., Ch.79.
- Excise tax on alcoholic beverages; increased, tax on wholesale sales; repealed, revenues; allocated, C.54:43-1.1, amends R.S.54:43-1 et al., repeals C.54:32C-3.1 et al., Ch.41.
- Fee on hazardous substances; increased, dedicated, C.58:10-23.11d1 et seq., repeals C.58:10-23.11d, Ch.78.
- Gross income tax, revised, amends N.J.S.54A:2-1 et al., Ch.61.
- "Homestead Property Tax Rebate Act of 1990," C.54:4-8.57 et seq., amends C.54A:9-8.1 et al., repeals C.54:4-3.80 et al., Ch.61.
- "Local Tax Authorization Act," expiration date, extended; population limit for qualifying municipality, lowered; amends C.40:48C-19 et al., repeals C.40:48C-1.1, Ch.9.
- "Petroleum Products Gross Receipts Tax Act," C.54:15B-1 et seq., Ch.42.
- Purchase of property by religious organization, exemption from taxes by municipality; permitted, Ch.123.
- Revaluation, real property; cities, certain; permissive, temporary, Ch.10.
- Sales and use tax:
- Exemptions, certain; reinstated, C.54:32B-8.41 et seq., amends R.S.39:10-2 et al., Ch.115.
 - Rate; increased, property and services; added, C.54:32B-2.1, amends C.54:32B-2 et al., repeals C.54:32B-8.23 et al., Ch.40.
- "Tobacco Products Wholesale Sales and Use Tax Act," C.54:40B-1 et seq., amends C.54:40A-8 et al., repeals C.54:40A-8.2, Ch.39.

TRANSPORTATION

- New Jersey Transportation Trust Fund, State expenses, certain, payment, Ch.15.

VALIDATING ACTS

- Publications, certain, procedural defects, Ch.101.
- School district bonds, Chs.4,11,116.
- Voorhees Fire District No.3, bond issue, Ch.107.

WATER SUPPLY

- "Water Pollution Control Act," stricter enforcement; C.58:10A-10.1 et al., amends C.58:10A-3 et al., Ch.28.
- Watershed property moratorium; extended, amends P.L.1988, c.163, s.1., Ch.19.

WEAPONS

Assault firearms, regulation, use, licensing; C.2C:58-12 to 2C:58-14, amends N.J.S.2C:39-1 et al., Ch.32.

WOMEN

“Hispanic Women’s Demonstration Resource Centers Act,” C.52:27D-43.25 et seq., Ch.83.

WORKERS’ COMPENSATION

Death benefits, certain; increased, amends R.S.34:15-12 et al., Ch.122.
Second Injury Fund, transfer of funds for administration of Division of Workers’ Compensation; permitted, amends R.S.34:15-94, Ch.46.

